

Public Document Pack



Tuesday, 11 October 2022

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COUNCIL

You are summoned to a meeting of the Council which will be held in the Council Chamber, Woodgreen, Witney OX28 1NB on **Wednesday, 19 October 2022 at 2.00 pm.**



Giles Hughes
Chief Executive

To: Members of the Council

Councillors: Julian Cooper (Chair), Andrew Coles (Vice-Chair), Andrew Prosser, Mike Cahill, Joy Aitman, Alaa Al-Yousuf, Luci Ashbourne, Andrew Beaney, Jill Bull, Nathalie Chapple, Owen Collins, Suzi Coul, Jane Doughty, Harry Eaglestone, Duncan Enright, Ted Fenton, Andy Graham, Jeff Haine, Gill Hill, David Jackson, Richard Langridge, Liz Leffman, Nick Leverton, Norman MacRae MBE, Michele Mead, Elizabeth Poskitt, Carl Rylett, Geoff Saul, Harry St John, Ben Woodruff, Mathew Parkinson, Colin Dingwall, Andy Goodwin, Mark Johnson, Lysette Nicholls, Dean Temple, Alex Wilson, Lidia Arciszewska, Hugo Ashton, Michael Brooker, David Cooper, Natalie King, Dan Levy, Charlie Maynard, Rosie Pearson, Rizvana Poole, Alaric Smith and Ruth Smith

Recording of Proceedings – The law allows the public proceedings of Council, Cabinet, and Committee Meetings to be recorded, which includes filming as well as audio-recording. Photography is also permitted. By participating in this meeting, you are consenting to be filmed.

As a matter of courtesy, if you intend to record any part of the proceedings please let the Democratic Services officers know prior to the start of the meeting.

AGENDA

1. **Minutes of Previous Meeting (Pages 5 - 10)**
To approve the minutes of the meeting held on 20 July 2022.
2. **Apologies for Absence**
To receive any apologies for absence
3. **Declarations of Interest**
To receive any declarations from Members of the Committee on any items to be considered at the meeting
4. **Receipt of Announcements**
 - (a) Tribute to her late Majesty Queen Elizabeth II
 - (b) Presentation of past Chairman Badge to Councillor McBride
 - (c) To receive any announcements from The Chairman, Leader, Members of the Cabinet or the Head of Paid Service.
5. **Appointments to Future Oxfordshire Scrutiny Panel**

Purpose:
Council is invited to approve the appointment of three non-executive members to the Future Oxfordshire Scrutiny Panel.

Recommendation:
Following discussions with Group Leaders, nominations have been received for Councillors Julian Cooper, Richard Langridge and Charlie Maynard. Council is invited to approve these appointments.
6. **Participation of the Public**
Anyone who lives in the district or who pays council tax or business rates to the Council is eligible to read a statement or express an opinion at this meeting. You can register to speak by sending your written submission of no more than 750 words to democratic.services@westoxon.gov.uk by no later than 10.00am on the working day before the meeting.
7. **Members' Questions**
The following question has been submitted by a Member of Council in accordance with the Council Procedure Rules (Constitution Part 5, rule 10). Oral responses will be provided at the meeting. Following receipt of the answer to their question a Member is entitled to ask one supplementary question at the meeting.

Question 1. Councillor MacRae for Councillor Enright (Cabinet Member for Economy). As a largely rural area with infrequent transport links, the residents of our District are, in many ways reliant on taxis to enable them to carry out activities such as shopping and visits to medical facilities. The energy situation we are experiencing has resulted in a massive increase in fuel prices and therefore a very marked increase in taxi operating costs, thus potentially putting some operators at risk of going out of business. Does the Leader agree that this Council should seek ways to support the licensed taxi trade and thereby support local residents and can he explain what this Council this Council is doing to support our licensed taxi drivers to mitigate against the near doubling of fuel

prices in the past year?

Question 2. Councillor MacRae for Councillor Arciszewska (Cabinet Member for the Environment). How many times have there been reports of multiple (i.e. involving several or all households in a street) missed bin collections in the last six months?

Question 3. Councillor MacRae and Councillor Fenton for Councillor Arciszewska (Cabinet Member for the Environment). How many of the District's Sewage Treatment Works are due for upgrade within the next two years?

Question 4. Councillor Al-Yousuf for Councillor Graham (Leader) and Councillor Rylett (Cabinet Member for Planning and Sustainable Development). Do you agree that this Council is in a planning crisis because it cannot demonstrate a 5 year housing land supply and therefore needs an emergency response?

8. **Recommendations from Cabinet and the Council Committees**

There are no recommendations to this meeting of Council.

9. **Motion - Proposed by Councillor Pearson (Pages 11 - 12)**

The following Motion to support the Climate and Ecology Bill been submitted by Councillor Pearson and seconded by Councillor Goodwin.

'WODC resolves to:

1. Support the Climate and Ecology Bill;
2. Write to Robert Courts, MP letting him know that the motion has been passed, and urging him to sign up to support the Bill.
3. Write to Zero Hour, the organisers of the cross-party campaign for the Bill, expressing its support (joinus@ceebill.uk).

10. **Report of the Constitution Working Party (Pages 13 - 68)**

Purpose:

To consider proposals from the Constitution Working Group for amendments to the West Oxfordshire District Council to adopt new Council Procedure Rules, Officer Employment Procedure Rules and a Protocol on the Conferment of Honorary Titles

Recommendations:

Council is recommended to:

1. establish a Working Group, to report to Council, to be known as the Constitution Working Group, with immediate effect until the Annual Council meeting in May 2023;
2. approve the terms of reference of the Constitution Working Group as set out in Annex A to this report;
3. appoint to the membership of the Constitution Working Group as set out in Annex B to this report and to note that the Group appoint Cllr Fenton as their Chair;
4. approve the Council Procedure Rules at Annex C to this report and formally

adopt them as part of the Council's Constitution from 20th October 2022;

5. approve the Officer Employment Procedure Rules at Annex D to this report and formally adopt them as part of the Council's Constitution from 20th October 2022;
6. approve the Protocol on Conferment of Honorary Titles at Annex E to this report and formally adopt it as part of the Council's Constitution from 20th October 2022;
7. delegate authority to the Monitoring Officer to make minor and consequential amendments to the Constitution.

(END)

WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the meeting of the Council

Held in the Council Chamber at 2.00 pm on **Wednesday, 20 July 2022**

PRESENT

Councillors: Councillor Julian Cooper (Chair), Andrew Coles (Vice-Chair), Joy Aitman, Alaa Al-Yousuf, Lidia Arciszewska, Andrew Beaney, Michael Brooker, Jill Bull, Mike Cahill, David Cooper, , Duncan Enright, Andy Goodwin, Mark Johnson, Ted Fenton, Andy Graham, Jeff Haine, Gill Hill, David Jackson, Liz Leffman, Lysette Nicholls, Natalie King, Norman MacRae MBE, Martin McBride, Mathew Parkinson, Rosie Pearson, Rizvana Poole, Elizabeth Poskitt, Andrew Prosser, Carl Rylett,, Geoff Saul, Alex Wilson, Alaric Smith and Ruth Smith.

Officers: Giles Hughes (Chief Executive), Frank Wilson (Group Finance Director - Publica), Elizabeth Griffiths (Chief Finance Officer, Deputy Chief Executive and Section 151 Officer), Susan Sale (Interim Monitoring Officer), Bill Oddy (Group Manager - Commercial Development), Zoe Campbell (Group Manager – Organisational Effectiveness), Andrew Brown (Business Manager Democratic Services) Michelle Ouzman (Strategic Support Officer) and Janet Eustace (Democratic Services Manager)

CL.13 Minutes of Previous Meetings

The minutes of the meeting held on Wednesday 27 April 2022 were approved and signed by the Chair as a correct record.

The minutes of the meeting held on Wednesday 18 May 2022 were approved and signed by the Chair as a correct record subject to item CL2 being amended to read that 'Councillor Coles wrote to the retiring Vice-Chairman Councillor Postan' and CL11 being amended to read that 'Counillor Beaney (not Cllr Parkinson) proposed the Non-grouped Independent' be added to Uplands Planning Sub Committee.

CL.14 Apologies for Absence

Apologies for absence were received from Councillors: Luci Ashbourne, Hugo Ashton, Owen Collins, Nathalie Chapple, Suzi Coul, Jane Doughty, Harry Eaglestone, Richard Langridge, Nick Leverton, Michele Mead, Charlie Maynard and Dean Temple.

CL.15 Declarations of Interest

There were no declarations of interest received.

CL.16 Receipt of Announcements

Chairman of the Council

The Chair introduced Zoe Campbell who had recently joined Publica as a Group Manager.

The Chair said that his Reception would be held at 6pm on 11 November at Blenheim Palace and expressed his thanks to the Duke of Marlborough. He announced that his Charity for the year would be the Royal British Legion.

The Chair would be hosting an event at Rousham Park on Sunday 7 May to mark the 50th anniversary of West Oxfordshire District Council and expressed his gratitude to Charles and Angela Cottrell-Dormer.

The Chair had invited Simon Hoare MP to give a lecture in March 2023 on the future of Northern Ireland. A reply was awaited.

The Chair announced it was with great sadness that he had to report the passing of Derek Millard. Derek served as a councillor from 1976 to 2008 and from 2012 until his retirement in 2014. Derek represented the ward of Combe and Stonesfield which changed to Stonesfield and Tackley in 2002. He served as Chair of the Housing and Planning Committees and was a Member of Planning and Uplands

(Sub) Committees. He also served as a Member on Conservation Area Advisory Committee. Derek was an active ward councillor and had a very effective working relationship with parish councils in his ward and with the very many residents he supported during his 34 years as a member of this council. The Chair said he had sent his sympathies to the family and that the funeral was to be held in August.

Cllr Woodruff announced the recent death of Brian Hicks, a former Officer of the Council. Mr Hicks had been a key figure in Ducklington serving as a Parish Councillor and on various other Committees. He would be much missed by his family and the wider community.

The Chair asked councillors and officers to observe a minute's silence in memory of Derek Millard and Brian Hicks.

The Leader of the Council

The Leader announced that the Toolkit produced by the Carbon Change Working Group had received national recognition and had been nominated for an award to be presented in London that evening. It was an excellent example of partnership working across Publica.

The first consultation event on the Council's Emerging Priorities would be held at Carterton on 5 September followed by a second event at Woodgreen on 15 September.

In a bid to become more accessible to residents, the Cabinet would be holding some of its future meetings in market towns throughout the district. More details would follow shortly.

Head of Paid Service announcements:

The Chief Executive noted the loss of water supply in the Burford area over the previous, very hot, weekend. He thanked Thames Water for their very prompt response and also officers of the Council who had provided support to the most vulnerable residents. Councillors were invited to attend an Emergency Planning briefing session to be held at 2 pm on 21 September which would explain the role of the Council in supporting the Emergency Services.

CL.17 Participation of the Public

There were no members of the public registered to speak.

CL.18 Members' Questions

The following questions were asked at the meeting, and below are the recorded answers:

Question 1 - for Councillor Lidia Arciszewska, Cabinet Member for Environment, from Councillor Norman MacRae:

“The ‘new’ Council have made no secret of their aim to ensure the Water Companies (Thames Water) stop untreated sewage discharge to our rivers. As there is nothing in legislation that allows a District Council to ‘enforce’ against a water company, by what means will they ensure the manifest pledge is honoured; at what cost to this Council and in what timescale?”

Answer:

Whilst it is true that recent government legislation places no obligation or clear targets on water companies to reduce raw sewage discharges to watercourses, we as elected representatives of the West Oxfordshire residents need to set the goals and find the solutions to address this dire problem.

This is a good opportunity to update you on the actions that we have asked Thames Water to implement, which are as follows:

1. Increasing sewage treatment capacity - by December 2025, to have increased the treatment capacities of each sewage treatment works (“STW”), which currently has insufficient treatment capacity, so that their capacity exceeds the forecast capacity requirements for December 2028. Clearly capacity should take account of future housing growth, rather than just increasing capacity to catch up.

In the cases of smaller sewage treatment works, Thames Water to review which of these should be closed with the effluent pumped to larger sewage treatment works. Additionally, Thames Water and the Environment Agency to commit to working together to assign treatment capacities to all STWs

above Port Meadow which currently have no specified capacities, completing this work by December 2022.

2. Quantifying and communicating the volume of sewage discharged – it is not sufficient only to know how long sewage is being released, we need to know how much sewage is discharged. By December 2022, Thames Water to have fitted volume flowmeters to all STWs with FFTs over 15 litres per second; and by December 2023 to have fitted volume flowmeters to all STWs above Port Meadow. These flowmeters should be linked to real-time open source monitoring which is accessible online, as well as via Twitter and Facebook.

We will work closely with Thames Water, the Environment Agency and other key local organisations such as Windrush Action Against Sewage Pollution and Evenlode Catchment Partnership to drive towards these goals.

In answer to the supplementary Question Councillor Arciszewska confirmed that interactive Water Days were planned and that these would include a wide range of stakeholders.

Question 2 - for Councillor Joy Aitman, Cabinet Member for Stronger Healthy Communities, from Councillor Norman MacRae:

"The Oxfordshire Playing Field Association have been instructed by this Council to consider what works are required to the play area at Kilkenny Lane Country Park to bring it to a safe and fully usable standard. What progress has there been on this plan; what are the anticipated costs and within what timespan?"

Answer:

The Council received the report from The Oxfordshire Playing Field Association on the 30th June. Officers are meeting in July to review the report and assess the recommendations, options and costings.

In answer to the supplementary question Councillor Aitman said she was not aware of a recent site meeting between Councillors and at the Monahan Way pitches but agreed to make enquiries and update Cllr MacRae.

Question 3 - for Councillor Carl Rylett, Cabinet Member Planning & Sustainable Development, from Councillor Jeff Haine:

"On housing targets and infrastructure, you have called for more realistic housing targets rather than the "sky-high" ones in the Local Plan and you have also called for infrastructure before development. How are you going to deliver on these?"

Answer:

The housing requirement set out in the currently adopted West Oxfordshire Local Plan 2031 is based on the District's then identified housing need as set out in the Oxfordshire Strategic Housing Market Assessment (SHMA) 2014. It also includes an agreed apportionment of unmet housing need from Oxford City.

The forthcoming review of the Local Plan provides an opportunity to consider the most appropriate housing requirement through to 2041 taking account of the most up to date evidence on housing need but also taking into account all other relevant considerations in accordance with national policy.

With regards to the delivery of infrastructure, it is anticipated that the Local Plan review will be accompanied by a new Infrastructure Delivery Plan (IDP) the contents of which will be reflected through an appropriate policy/policies within the new Local Plan itself thus helping to ensure timely delivery of supporting infrastructure in accordance with established place-making principles.

In answer to the supplementary question Councillor Rylett confirmed that land supply remains in excess of 5 years.

Question 4 - for Councillor Andrew Prosser, Cabinet Member for Climate Change, from Councillor Alaa Al-Yousuf:

“Climate Change Working Group: Does the Cabinet member for Climate Change intend to bring back the Climate Change Working Group and chair it?”

Answer:

“Plans are being formulated to significantly increase the reach, scale and urgency of climate action through greater partnership working with other councils, and through engagement in the wider community, including businesses, parish and town councils, community action groups, schools, and residents directly. These plans are being developed with a focus on some of the largest impact areas of building retrofit and energy generation, food and land management, and travel. Particular attention will be given to where there are co-benefits of carbon emissions reduction, climate resilience/adaptation, and ecology enhancement (refer to Biannual Report).

What we want to harness in taking forward future plans is a robust consultation process and working group approach that goes beyond the role of Scrutiny, and actively engages and captures the ideas and energy from local Councillors as well as the wider community in shaping future projects and initiatives. The details for how that happens, and what that forum might look like, is being considered by Cabinet in discussions and planning towards a new Council Plan and list of priorities. It is therefore too early to give a full and comprehensive response to this question, as work is in progress to agree the best way forward. It can however be addressed more fully at the next Full Council meeting, which I propose we do.”

In answer to the supplementary question Councillor Prosser confirmed that a report would be sent to the 29 September meeting of the Climate and Environment Scrutiny Committee.

Question 5 - for Councillor Andrew Prosser, Cabinet Member for Climate Change, from Councillor Alaa Al-Yousuf:

“How is our leisure centres operator, GLL, planning to deal with the energy crisis?”

Answer:

GLL recognise the serious and significant impact of the current fluctuation in Utility Prices and as a National Leisure Group who operate 135 facilities with public pools and multiple Local Authority Partners – the impact of this National Crisis is being felt by GLL across their whole business.

Officers have arranged to start meetings, in addition to the regular monitoring/meeting programme, to specifically monitor the Energy Price Crisis. Any proposals and service changes that are identified to help with the Short Term saving of energy will be put forward to the appropriate channels for consideration and approval – and will be supported as far as possible with extra customer communications where the impacts are likely to be felt by them. It is vital that energy reduction doesn’t lead to a reduction in customer use, but there will likely be impacts in both service delivery and financial cost to customers. During this period of Recovery from the pandemic, the increased costs couldn’t have come at a worse time for the Leisure industry and may lead to increased customer/resident dissatisfaction.

In answer to the supplementary question Councillor Aitman confirmed that Finance and Management Overview Scrutiny Committee would receive a report on this issue.

CL.19 Recommendations from Cabinet and Council Committees

Council was asked to consider the recommendations made by Cabinet and the Council’s Committees since the last ordinary Council meeting on 27 April.

Recommendation:

That Council resolves to:

- 1) allocate £2.15m of funding from the Capital Programme “Investment Strategy for Recovery” line item to facilitate the changes and deliver up to £186,000 of net annual revenue benefits with a return on capital of up to 10% after capital financing costs;
- 2) approve the carry forward of Capital Budget of £14,399,348 as detailed in Annex B of the report;
- 3) approve the transfers to and between Earmarked Reserves as detailed in the report.

Councillor Levy, the Cabinet member for Finance proposed to approve recommendations, this was seconded by the Deputy Leader of the Council, Councillor Enright, this was duly put to the vote and agreed.

Resolved that Councillors agreed to all of the above recommendations.

CL.20 Report of the Leader

The Council's Interim Monitoring Officer, Susan Sale, introduced a report to show the Leader of the Council will advise Council in writing of his Cabinet Members, his executive delegations, and the exercise of any executive functions by way of joint arrangements.

The Leader confirmed that a number of Champions had still to be appointed. He agreed to provide details of how the additional costs resulting from the increased number of Cabinet positions were being met.

Councillors were recommended to note the contents of this report, and to delegate authority to the Interim Monitoring Officer to update the Council's Constitution to reflect the content of this report.

Resolved that report was noted and approved to delegate authority to the Interim Monitoring Officer to update the Council's Constitution.

CL.21 Honorary Titles

Council considered a scheme for conferring honorary titles on former councillors who have, in the opinion of Council, rendered eminent service to the Council.

Several Councillors expressed reservations about using a points system and it was agreed that this needed to be reconsidered.

The Leader of the Council, Councillor Graham proposed to refer to the constitution Working Party, this was seconded by councillor Enright, was duly put to the vote and

Resolved that the Council refer to the Constitution working Party.

CL.22 Motion - Proposed by the Vice Chair of the Council, Councillor Andrew Coles

The following motion was submitted by Councillor Coles:

"In view of the extraordinary long-service of former members David Harvey and Derek Cotterill to this council and the contribution they made to West Oxfordshire, this council resolves to convene a special meeting of the council to confer the title of Honorary Aldermen on these two worthy recipients."

The Chair confirmed that Councillor Coles had withdrawn the motion in writing and it was not debated.

CL.23 Climate Action Biannual Report

Councillor Prosser, the Cabinet Member for Climate Change introduced the biannual report, on the climate action taken by West Oxfordshire District Council in response to the climate and ecological emergency during the last six months: February-July 2022.

Councillors welcomed the report and queried whether actions in West Oxfordshire might have a wider national or international implications. It was felt that partnership working had achieved a greater impact than would a council working on its own. The Council had made a good start with its vehicles and buildings but more needed to be done. Central Government should be lobbied to tighten requirements on developers to create carbon neutral housing. Councillor Prosser was disappointed that the Planning Inspector's examination of the Salt Cross Action Plan does not impose sustainable and energy efficient requirements but instead states only that they should be considered.

Councillor Prosser proposed that Councillors note the report, this was seconded by Councillor Arciszewska was duly put to the vote and noted by Councillors.

Resolved that the report be noted.

CL.24 Sealing of Documents

The Council received the schedule of documents sealed since the last meeting of the Council.


Councillor Fenton declared a non-registerable interest as a member of the congregation of St Mary's Church.

Resolved that the document be noted.

The Chair paid tribute to the Fire Brigade for its service over the last few days. Cllr Brooker confirmed that the Thames Valley Fire Service had received 700 calls the previous day and had been called to incidents throughout the Thames Valley.

The Meeting closed at 3.10 pm

CHAIR

 <p style="text-align: center;">WEST OXFORDSHIRE DISTRICT COUNCIL</p>	<p>WEST OXFORDSHIRE DISTRICT COUNCIL</p>
<p>Name and date of Committee</p>	<p>COUNCIL – 11 OCTOBER 2022</p>
<p>Report Number</p>	<p>AGENDA ITEM No 9</p>
<p>Subject</p>	<p>Motion to support the Climate and Ecology Bill</p>
<p>Wards affected</p>	<p>All</p>
<p>Accountable member</p>	<p>Proposed: Councillor Pearson. Seconded: Cllr Goodwin</p>
<p>Summary/Purpose</p>	<p>To debate the motion that West Oxfordshire District Council should WODC resolve to:</p> <ol style="list-style-type: none"> 1. Support the Climate and Ecology Bill; 2. Write to Robert Courts, MP letting him know that the motion has been passed, and urging him to sign up to support the Bill. 3. Write to Zero Hour, the organisers of the cross-party campaign for the Bill, expressing its support (joinus@ceebill.uk)."
<p>Annexes</p>	<p>Annex I Schedule of recommendations</p>
<p>Supporting statement</p>	<p>Humans have already caused irreversible climate change, the impacts of which are being felt in the UK and around the world. The global temperature has already increased by 1.2°C above pre-industrial levels, and the natural world has reached crisis point, with 28% of plants and animals threatened with extinction.</p> <p>Climate change Unless we drastically change course, the world is set to exceed the Paris Agreement’s 1.5°C limit. Pledges, such as the Paris Agreement and Glasgow Pact - and updated emissions targets - are not legally-binding. This gap between pledges and policy leaves the world on course for catastrophic warming of near 3°C.</p> <p>Following the “now or never” Intergovernmental Panel on Climate Change (IPCC) report in April 2022, the UN Secretary General António Guterres stated that “we are on a fast track to climate disaster. This is not fiction or exaggeration. It is what science tells us will result from our current energy policies”.</p> <p>In addition, the UK Government’s Net Zero Strategy stated that “if we fail to limit global warming to 1.5°C, we risk reaching climatic tipping points,</p>

we could lose control of our climate for good”. The 1.5°C goal is ‘on life support’ and only ambitious action from national and sub-national authorities, civil society, the private sector and local communities will help us realise it.


Biodiversity loss

The UK is [one of the most nature-depleted countries in the world](#). More than one in seven of our plants and animals faces extinction, and more than 40% are in decline. We therefore welcome the [Leaders' Pledge for Nature](#), signed by the UK Government, which states that, if we fail to halt and reverse biodiversity loss by 2030, we increase the risk of further pandemics, rising global temperatures and loss of species. The UK needs a legally-enforceable nature target so that, by 2030, nature is visibly and measurably on the path of recovery—in line with the [Global Goal for Nature](#).

WODC notes that:

There is a Bill that was introduced into the current UK Parliament in May 2022—the [Climate and Ecology Bill](#)—which, if it becomes law, would require the development of a strategy to ensure that the UK’s environmental response is in line with the latest science. The strategy would ensure that:

- the ecological crisis is tackled shoulder to shoulder with the climate crisis via a joined-up approach;
- the Paris Agreement aim is enshrined into law to ensure that the UK does its full and fair share to limit the global temperature rise to 1.5°C;
- we halt and reverse biodiversity loss by 2030 to ensure that the UK’s ecosystems are protected and restored;
- the UK takes responsibility for its greenhouse gas footprint, including international aviation and shipping—and by accounting for consumption emissions related to the goods and services that are imported and consumed in the UK;
- the UK takes responsibility for its ecological footprint in order to better protect the health and resilience of ecosystems—including along domestic and global supply chains; and
- an independent, temporary Climate and Nature Assembly is set-up—representative of the UK population—to engage with the UK Parliament and UK Government to help develop the strategy.

 <p>WEST OXFORDSHIRE DISTRICT COUNCIL</p>	<p>WEST OXFORDSHIRE DISTRICT COUNCIL</p>
<p>Name and date of Committee</p>	<p>COUNCIL 19th OCTOBER 2022</p>
<p>Report Number</p>	<p>Agenda Item 10</p>
<p>Subject</p>	<p>REPORT OF THE CONSTITUTION WORKING GROUP</p>
<p>Wards affected</p>	<p>ALL</p>
<p>Accountable member</p>	<p>Chair of Constitution Working Group: Cllr Ted Fenton</p>
<p>Accountable officer</p>	<p>Susan Sale, Interim Monitoring Officer Email: susan.sale@westoxon.gov.uk</p>
<p>Summary/Purpose</p>	<p>To consider proposals from the Constitution Working Group for amendments to the West Oxfordshire District Council to adopt new Council Procedure Rules, Officer Employment Procedure Rules and a Protocol on the Conferment of Honorary Titles.</p>
<p>Annexes</p>	<p>Annex A: Terms of Reference of Constitution Working Group Annex B: Membership of Constitution Working Group 22/23 Annex C: Council Procedure Rules Annex D: Officer Employment Procedure Rules Annex E: Protocol on Conferment of Honorary Titles</p>
<p>Recommendation/s</p>	<p>Council is recommended to:</p> <ol style="list-style-type: none"> 1. Agree to establish a Working Group, to report to Council, to be known as the Constitution Working Group, with immediate effect until the Annual Council meeting in May 2023; 2. To approve the terms of reference of the Constitution Working Group as set out in Annex A to this report; 3. To appoint to the membership of the Constitution Working Group as set out in Annex B to this report and to note that the Group appoint Cllr Fenton as their Chair; 4. Approve the Council Procedure Rules at Annex C to this report and formally adopt them as part of the Council's Constitution from 20th October 2022;

	<p>5. Approve the Officer Employment Procedure Rules at Annex D to this report and formally adopt them as part of the Council's Constitution from 20th October 2022;</p> <p>6. Approve the Protocol on Conferment of Honorary Titles at Annex E to this report and formally adopt it as part of the Council's Constitution from 20th October 2022;</p> <p>7. Delegate authority to the Monitoring Officer to make minor and consequential amendments to the Constitution.</p>
Corporate priorities	All
Key Decision	NO
Exempt	NO
Consultees/ Consultation	<p>Chief Executive</p> <p>Chief Financial Officer</p> <p>Democratic Services Business Manager</p> <p>Group Leaders</p> <p>Constitution Working Group</p>

1. BACKGROUND

The current Interim Monitoring Officer has been tasked with undertaking a review of the Constitution and ensuring that it is clear, complete, accurate, lawful and fit for purpose.

To that end, the Constitution Working Group established in 21/22 by Council for the municipal year, has reconvened, with refreshed membership, and Council's formal approval is sought for it to continue to act as a Working Group, reporting to Council, for the remainder of the 22/23 year.

The terms of reference of the Constitution Working Group for 22/23 have also been refreshed and can be found at Annex A to this report. Council's approval of the terms of reference is sought.

Council is also asked to appoint to the membership of the Constitution Working Group for 22/23 in accordance with those nominated by Group Leaders, in accordance with political balance, as set out in Annex B, and to note that the Group have appointed Cllr Fenton as their Chair.

The Constitution Working Group has been considering advice from the Monitoring Officer, and now recommends amendments to the Constitution to the Council.

2. MAIN POINTS

2.1 COUNCIL PROCEDURE RULES

The interim Monitoring Officer has proposed amendments to the Council Procedure Rules, to provide greater clarity around procedures, to ensure transparency, to promote public engagement and to ensure compliance with statutory requirements.

Recommended revised Council Procedure Rules can be found at Annex C to this report.

The proposed amendments can be summarised as follows:

- An index to the individual rules has been included;
- Clarity is provided around decision making in respect of constitutional changes ie that any motion to Council to change the constitution will be referred to the Constitution Working Group to consider and make recommendations to Council;
- Clarity is provided that all notices may be considered duly served by being sent by email to the Monitoring Officer via a generic email address and that names included in such emails constitute signatures;
- Clarity is provided around the business to be conducted by Annual Council to ensure compliance with statutory requirements;

- Provision is made for all 3 statutory officers to address Council either via announcements or by report, to reflect their statutory rights;
- Provision is made for Annual Council to receive a report from the Leader concerning Executive arrangements;
- Clarity is provided around the arrangements for the election of a Chair and appointment of a Vice Chair at Annual Council, providing for the current Chair to preside and for the opportunity for a vote of thanks for the outgoing Chair and Vice-Chair;
- Clarity is provided that it is Council who establishes non-Executive Committees, determines their size and makes appointments to them;
- Clarity is provided that it is a Parent Committee who appoints their Chair and Vice Chair, establishes its Sub-Committees, their size and makes appointments to them.
- Clarity is provided that it is the Sub-Committee that appoints their Chair and Vice-Chair;
- Clarity is provided that Sub-Committees must be politically balanced, unless the parent Committee chooses not to take up their seats, and offer their allocation to other Members;
- Clarity is provided that the Development Control Committee may choose not to appoint to their Sub-Committees in accordance with political balance, and that Groups may offer their seats on those Sub-Committees elsewhere to enable Members of Wards in the Area of the Sub-Committee to be appointed;
- Clarity is provided that Substitutes on Committees and Sub-Committees must be from the same political group, with the exception of the Development Control Sub-Committees;
- Provision is made that Substitutes on Development Control and Development Control Sub-Committees may be from any Member of the Council who has undertaken the requisite training, and that Substitutes on the Licensing Sub Committee and Standards Sub-Committee must be from the 'parent' Committee and have undertaken the requisite training;
- Clarity is provided that no member of the Executive may be substituted;
- Clarity is provided that where a Chair or Vice-Chair is substituted, the substitute does not automatically take that role;
- Clarity is provided in respect of the business of Ordinary Council meetings, to reflect statutory requirements;
- Urgent business is further defined;
- Clarity is given around who may call an Extraordinary Council meeting;
- Provision is made for the calling of Special Council meetings eg. For the conferment of Honorary Titles to be considered;
- Provision is made for the date, location and time of Council meetings to be agreed by the Council with provisions for flexibility where required and for Committee meetings to determine the start time of their meetings;

- Provision is made for the Leader to determine the location of Executive meetings, to enable them to vary locations across the District to promote public engagement in democracy;
- A procedure is provided for where a meeting fails to be quorate;
- Provision is made for meetings to last a maximum of 3 hours unless a vote is carried to extend the time period;
- Clarity is given as to the scope of questions that may be put by the public, together with grounds for refusal of such questions, time limits and provision for supplementary questions;
- Clarity is also provided as to the scope of questions that Members may put to Council, grounds for refusal, time limits, forms of response and provision for urgency;
- Clarity is provided around the submission of motions, the order in which they are considered and a limit on how many each political group may submit to each Council meeting. A limitation is imposed on the word count and grounds for rejection are provided;
- The circumstances where motions without notice are permitted has been extended;
- Clarity is provided to rules of debate, and the provisions for amending or withdrawing a motion;
- Consequences of various closure motions are included;
- Clarity is provided around voting and provision made for ballot voting to reflect the statutory provisions;
- Clarity is provided around the role of Officers at Council meetings;
- Provision is made for representatives on outside bodies to be able to report on those outside bodies to Council;
- The status of draft minutes and decisions is made clear;
- Provision is made for members to use electronic devices in Council meetings, for example to increase public engagement, provided no disturbance is caused;
- Clarity is provided around the Council's ability to delegate matters;
- Greater provision is made for Members to attend meetings where they are not a member and to have access to information in certain circumstances;
- Provision is made for the Council to consider a Vote of no Confidence in the Chair;
- Provision is made for both the appointment and removal of the Leader;
- Provision is made for both the election and removal of the Chair;
- Provision is made for the ability to film and record meetings with reference to a stand alone protocol, to be drafted, on the topic;
- Provision is made for suspension and amendment to the rules in certain circumstances to provide for flexibility where appropriate.

2.2 OFFICER EMPLOYMENT PROCEDURE RULES

Local Government legislation makes provisions around the appointment and dismissal of a Local Authority's Senior Officers, when operating under an Executive model, and it is prudent to have documented, adopted procedures encompassing the statutory requirements for clarity and transparency.

The Local Authorities (Standing Orders)(England) Regulations 2001 and the *Local Authorities (Standing Orders)(England)(Amendments) Regulations 2015* categorize senior officers into:

- The Head of Paid Service;
- Chief Officers ie those who are direct reports of or are directly accountable to the Chief Executive;
- Deputy Chief Officers ie those who are direct reports of or are directly accountable to Chief Officers.

Recommended Officer Employment Procedure Rules can be found at Annex D to this report. In summary, the procedure rules provide:

- In respect of the appointment of a Statutory Officer, the appointment shall be considered by the Council's Performance & Appointments Committee, who shall recommend any appointment to the Council, who has the power to appoint to such roles;
- The power to appoint to Non-Statutory Chief Officers or Deputy Chief Officers, lies with the Head of Paid Service or their nominated representative;
- When appointing a Non-Statutory Chief Officer or Deputy Chief Officer, a consultation process with the Executive must be undertaken prior to an appointment being made;
- The Performance & Appointments Committee shall be responsible for disciplinary action in respect of Statutory Officers, but should they consider dismissal, the views of an Independent Panel must be sought, and, if appropriate, a recommendation to dismiss shall be made to Council, who has the power to dismiss a Statutory Officer;
- The Head of Paid Service, or their nominated representative, shall have the power to deal with disciplinary action including dismissal against a Non-Statutory Chief Officer and a Deputy Chief Officer;
- A Non-Statutory Chief Officer or Deputy Chief Officer has a route of appeal against dismissal, to the Head of Paid Service or his nominated representative, whereas a Statutory Officer has no right of appeal against dismissal.

2.3 PROTOCOL ON THE CONFERMENT OF HONORARY TITLES

Section 249 of the Local Government Act 1972 provides that a Local Authority may, by a resolution of not less than two thirds of the members voting, confer the title on honorary alderman or woman on persons who have, in the opinion of the Council, rendered eminent services to the Council as past members.

On 20th July 2022 Council considered a report recommending that the Council adopted a points system to determine eligibility for honorary titles, and call a special meeting to consider bestowing the title on two former Councillors. Council considered the proposed points based scheme but had reservations. They therefore resolved to refer the matter to the Constitution Working Group for further consideration.

The Constitution Working Group have now considered the matter and recommend to Council adoption of the Protocol for Conferment of Honorary Titles, produced at Annex E to this report.

The protocol provides that the Chair of the Council, the Leader or any Group Leader, may bring a motion to Council seeking agreement to convening a special Council meeting to consider conferring the honorary title upon any former Member. The Protocol encourages consultation with all Members in advance, via their Group Leaders, and provides that such matters be considered at the Annual Council meeting. The only criteria for such conferment is that the Council must consider that eminent service has been provided by the former member, to West Oxfordshire District Council. Members may take into account length of service, roles held and any other notable contribution made and decisions will be made on the individual merits of each particular nomination.

Any former Member who has the title of Honorary Alderman conferred upon them by the Council is entitled to attend Council meetings, when the public are also able to attend, but do not have a right to speak, participate in a debate or vote on any item.

3. FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

4. LEGAL IMPLICATIONS

Legal Implications are addressed in the body of the report

5. RISK ASSESSMENT

- 5.1.** The changes proposed to the Constitution are proposed with a view of mitigating any current risk facing the Council by way of lack of transparency in process and procedures,

leading to reputational damage, and potential non-compliance with statutory requirements.

6. EQUALITIES IMPACT (IF REQUIRED)

- 6.1.** The Constitution is made available to all Members and the Public via the Council's website. Where accessibility difficulties are encountered, the Council can provide a copy of the Constitution in different formats.

7. CLIMATE CHANGE IMPLICATIONS (IF REQUIRED)

- 7.1.** Not applicable

8. ALTERNATIVE OPTIONS

- 8.1.** To not amend the Constitution.

9. BACKGROUND PAPERS

- 9.1.** West Oxfordshire District Council Constitution dated 18th May 2022, as amended.



TERMS OF REFERENCE

22/23 CONSTITUTION WORKING GROUP

1.0 CONSTITUTION

The Constitution Working Group is constituted by resolution of Council. It is a non Executive working group that reports to Council.

2.0 PURPOSE

The Constitution Working Group has been established to review the Constitution and ensure that it is complete, accurate, up to date, clear, lawful and fit for purpose. It will undertake this role by:

- 1.1 Receiving and considering requests from the Monitoring Officer, Members, the Council or Committees to review specific parts of the Constitution;
- 1.2 Reviewing areas in the Constitution to ensure that they are complete, accurate, up to date, clear, lawful and fit for purpose;
- 1.3 Receiving and considering recommendations on proposed amendments and improvements from the Monitoring Officer, Members, the Council or Committees;
- 1.4 Making recommendations on proposed amendments to the Constitution to the Council.

3.0 REMIT

Also, within the remit of the Constitution Working Group will be the responsibility for reviewing the arrangements in respect of recording of meetings and webcasting.

4.0 MEMBERSHIP

The Constitution Working Group shall comprise of 7 members, with seats being offered on the basis of political balance in accordance with the wishes of the political groups as indicated by political group leaders i.e. 3 Conservative Members, 2 Liberal Democrat Members and 2 Labour Members. Should a group leader not wish to appoint the entitlement of members to the working group, the seat may be offered to another member with the group leader's consent.

Other members will be invited to meetings as required on a case by case basis.

5.0 CHAIR OF CONSTITUTION WORKING GROUP

The Chair of the Constitution Working Group will be appointed at its first meeting on 12th August 2022.

6.0 VOTING

Voting at the Constitution Working Group will be by way of a simple majority of those present and voting, by way of a show of hands. Where the vote is equal, the Chair of the Working Group shall have a casting vote, provided they have cast their deliberative vote, and there is no constraint upon how a casting vote is cast.

7.0 QUORUM

The quorum of a meeting of the Constitution Working Group will be 3 members from the membership of the working group. Substitute members will be permitted on the Constitution Working Group, with members being substituted by a member from the same political group.

8.0 FREQUENCY

The Constitution Working Group will meet as and when required. At least 7 calendar days' notice of meetings will be provided. All meetings will be held in private. Meetings will generally take place either remotely via Webex or Google Meet, or will be Hybrid meetings, or in person meetings. Where practicable meetings will generally be held at 10am on Fridays.

9.0 MINUTES

Minutes of the Constitution Working Group will be agreed at the next suitable meeting of the Working Group, or where there is no such meeting within the next 6 months or at all, by the next available Council meeting provided it is not a special meeting.

10.0 OFFICER SUPPORT

The Constitution Working Group will be advised and supported by the Monitoring Officer, or in her absence, the Deputy Monitoring Officer and Business Manager for Democratic Services.



22/23 MEMBERSHIP OF CONSTITUTION WORKING GROUP

(To be appointed by Council on 19th October 2022)

Conservative:	Cllr Suzi Coul Cllr Ted Fenton Cllr Dean Temple
Liberal Democrat:	Cllr Julian Cooper Cllr Andy Goodwin
Labour:	Cllr Joy Aitman Cllr Owen Collins
Officers:	Susan Sale, Monitoring Officer Andrew Brown, Democratic Services Business Manager

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5A Council Procedure Rules

Council Procedure Rules

1. Introduction
2. Annual Meeting of Council
3. Ordinary Meetings of Council
4. Extraordinary Meetings of Council
5. Special Meetings of Council
6. Time and Location of Meetings
7. Notice of and Summons to Meetings
8. Chair of Meeting
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10. Duration of Meetings
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22. Status of Draft Records of Decisions and Minutes
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29. The Chair of the Council
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32. Suspension and Amendment to Council Procedure Rules
33. Application of Rules to Committees and Sub-Committees

RULE 1: Introduction

1.1 Interpretation

In these Council Procedure Rules the interpretation of words shall be in accordance with the definitions set out in the Glossary of Terms within the Constitution.

1.2 General

A copy of these Council Procedure Rules shall be made available by the Monitoring Officer to every Member upon acceptance of Office. This may include access to an electronic copy of the rules. A copy is also available on the Council's website.

Any proposal to permanently alter these Council Procedure Rules (other than minor or consequential amendments made by the Monitoring Officer, or in accordance with delegated authority of the Council) other than a motion to implement a recommendation of the Constitution Working Group, shall be in the form of a motion instructing the Constitution Working Group to report to Council upon such proposals. Any such motion, upon being seconded, shall be put to the vote without discussion. The Constitution Working Group shall report to the next Ordinary Council Meeting upon any matter referred to it under this Council Procedure Rule, unless the motion specifies an alternative time frame.

These Council Procedure Rules embody the requirements of the mandatory Standing Orders, as provided for by the Local Government Act 1972, Local Government and Housing Act 1989 and the Local Government Act 2000, together with secondary legislation, where appropriate. These Council Procedure Rules, therefore, constitute the Council's statutory procedural standing orders, and should be interpreted accordingly.

Where any step or action under these Council Procedure Rules is prescribed to be performed by a Designated Officer, that Officer may nominate or authorise another Officer in his/her place.

In implementing and effecting these Council Procedure Rules, the Council will comply with its statutory obligations relating to the use, recording and retention of any personal data that it receives.

1.3 Notices

Any Notice required under these Council Procedure Rules may be given to the Monitoring Officer by email to democratic.services@westoxon.gov.uk. The listing of names as signatures on such documents shall be deemed to be signatures.

1.4 Person Presiding

Any ruling of the Person Presiding at any meeting on any point of order, interpretation of these Council procedure Rules, matters arising during the debate or with regard to the admissibility of an explanation, or otherwise, including any logistical arrangements for any meetings, shall be final and not open to discussion. However, in reaching their decision, the person presiding must give due consideration to the advice of the Monitoring Officer, or their representative.

RULE 2: Annual Meeting of Council

2.1 Date

In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 calendar days of the usual retirement date of the outgoing Councillors. In any other year, the annual meeting will take place in March, April or May.

Subject to these requirements, the meeting will be held at such place, on such date, and at such time, as may be fixed by the Council, subject to Council Procedure Rule 6 below.

2.2 Business

The annual meeting will conduct the following business in the following order:

- (i) Elect a Councillor, other than an Executive Member, to be the Chair of Council;
- (ii) Appoint a Councillor, other than an Executive Member, to be the Vice-Chair of Council;
- (iii) ;Receive apologies for absences;
- (iv) Receive any declarations of interests;
- (v) Approve the minutes of the last meeting;
- (vi) Receive any announcements from the Chair, Head of Paid Service, Chief Finance Officer and/or Monitoring Officer;
- (vii) Give a vote of thanks to the retiring Chair and Vice-Chair;
- (viii) Elect the Leader of the Council, if the term of office of the current Leader has come to an end;
- (ix) Receive a report from the Leader on the appointment of the Deputy Leader, Executive Members, Joint Executive Arrangements and the Executive Scheme of Delegations;
- (x) In an election year, receive the return of the Returning Officer;
- (xi) Establish such Committees as the Council considers appropriate to deal with matters which are neither reserved to full Council nor are Executive functions, including at least one Overview and Scrutiny Committee and a Sub-Committee to consider Standards and Ethics;
- (xii) Appoint Councillors to Committees, including Substitute Members;
- (xiii) Adopt the Council's Constitution and agree the Scheme of Officer Delegations, other than those relating to Executive functions;
- (xiv) Approve a programme of Ordinary Meetings of the Council for the year, if not already agreed;
- (xv) Consider any business set out in the notice convening the meeting; and
- (xvi) Consider any matters deemed urgent by the Chair, after having taken advice from the Monitoring Officer or their representative, in that the matter to be determined has arisen since the publication of the agenda and failure to determine it at this meeting would cause significant adverse impact to the Council.

2.3 Selection of Councillors on Committees

2.3.1 Election of the Chair

At the annual meeting, the Council will elect a Chair of the Council and appoint a Vice-Chair. The current Chair will preside over the election of the successor, unless they are ineligible to do so, in which case the current Vice-Chair will do so. If both the Chair and Vice-Chair are ineligible to do so the Monitoring Officer will preside for the first agenda item to Elect the Chair.

2.3.2 Committees, allocation to seats to political groups and appointments

The Council at its annual meeting will also decide upon which Committees to establish for the municipal year and the size of those Committees. Having received a report from the Monitoring Officer, it will decide the allocation of seats to political groups in accordance with the political balance rules. It will then receive nominations of Councillors to serve on each Committee and appoint to those Committees, in accordance with the wishes of the political groups and subject to any other statutory requirements, except where appointment to those bodies has been delegated by the Council or is exercisable by the Leader or the Executive.

2.3.3 Co-opted Members

Where appropriate, the Council will also appoint non-voting co-opted members to Committees, including confirming the appointment of the statutory role of the Independent Person(s) for the municipal year.

2.3.4 Recommendations from Standards Sub Committee

In making appointments of Councillors to Committees, the Council will have regard to any recommendations from the Standards Sub Committee as to the appropriateness or otherwise of the appointment of any Councillor to a particular Committee.

2.3.5 Training

In considering nominations for appointments to the Development Control Committee, Licensing Committee and Audit & Governance Committee, in accordance with the Committees and Political Groups Regulations, Group Leaders shall take into account the requirements for training referred to in [Article 5 in Part 2 of the Constitution](#).

2.3.6 Sub Committees

Appointments to Sub-Committees are made by the 'parent' Committee, not the Council. Any appointments to Sub-Committees, may only be from membership of the 'parent' Committee.

2.3.7 Chairs and Vice-Chairs of Committees

Chairs and Vice-Chairs of Committees are appointed by those Committees. Chairs and Vice-Chairs of Sub-Committees are appointed by those Sub-Committees.

2.3.8 Substitute Members

As well as allocating seats on Committees, the Council will appoint substitute members to those Committees.

Subject to the listed exceptions, all Members of each political group not appointed to a particular Committee or Sub-Committee, shall be named as substitute Members for the Member or Members of that group who have been appointed to that Committee or Sub-Committee, subject to provision that substitute Members for Sub-Committees are restricted to Members of the 'parent' Committee (other than in respect of the Area Development Control Sub-Committees).

The exceptions are that:

- no member of the Executive may be appointed as a substitute Member in respect of an Overview and Scrutiny Committee;
- Substitutes on Committees subject to the political balance regulations may only be substituted for Members of the same political party except where a substitute is necessary for the Committee to operate effectively, and the political group does not have sufficient membership to appoint a substitute, or the substitute is not able to attend. In these circumstances the Monitoring Officer may, having regard to the rules of political proportionality, and in consultation with the Member who is unable to attend, invite any other Member who has been designated as a substitute for that Committee, to attend;
- For meetings of the Area Development Control Sub-Committees, the rules in relation to political balance apply. However, Members of the Development Control Committee, on making appointments to the Area Sub-Committees, may indicate that they don't wish to take up their allocation of seats in accordance with the political balance rules. If all members of the Development Control Committee indicate their acceptance, that Committee may agree to appoint to their Sub-Committees, those Members who represent a Ward or part of a Ward of the District which is situated within the area of the relevant Area Sub-Committee. Any Member of the Council, with the requisite training, is permitted to substitute for a Member on the Area Development Control Sub-Committee, in accordance with the wishes of the Member being substituted.
- No member may be appointed as a substitute member of the Development Control Committee or an Area Planning Sub-Committee who does not meet the requirements for training referred to in Article 5 in Part 2 of the Constitution
- No member may be appointed as a substitute member of the Licensing Committee or Sub-Committee who does not meet the requirements for training referred to in Article 5 in Part 2 of the Constitution;
- No member may be appointed as a substitute member of the Standards Sub-Committee who does not meet the requirements for training referred to in Article 5 in Part 2 of the Constitution.
- No Member of the Executive may be substituted.

Any Member of a Committee or Sub-Committee who is unable to attend a meeting of that Committee or Sub-Committee may give notice to Democratic Services that for the duration of that meeting they will be substituted by another Member. They should do so, in advance of the commencement of the meeting, by email to democratic.services@westoxon.gov.uk. The names of any substitute Members will be notified to the Committee or Sub-Committee by the Chair of the meeting under the item in the agenda dealing with apologies for absence. If the absence and appointment of substitute is notified to democratic services after the publication of the agenda, it is the responsibility of the Member to provide any relevant documents and information to the Member Substituting for them.

During a meeting substitute Members will have all the powers and duties of any ordinary Member of the Committee but will not be automatically exercise any special powers or duties exercisable by the Member they are replacing. For example, if they substitute for the Chair, they shall not automatically have the powers of the Chair, unless voted as Chair by that Committee).

Substitute Members may attend meetings in that capacity only:

- to take the place of the ordinary Member for whom they are the designated substitute Member;

- where the ordinary Member will be absent for the whole of the meeting; and
- after Democratic Services have been notified of the change.

2.4 Vacancies on Committees and Sub-Committees

Any vacancies which arise on Committees and Sub-Committees, for any reason, between annual meetings of the Council shall be appointed to by the Monitoring Officer in accordance with the wishes of the political group to which the vacant seat is allocated. All Members of the Council will be asked to ratify and note the appointment at the next ordinary Council meeting.

RULE 3: Ordinary Meetings

3.1 Date

Ordinary meetings of the Council will take place in accordance with a programme approved by the Council and will be held at such places, on such dates and at such times as may be fixed by the Council, in accordance with Council Procedure Rule 6

3.2 Business

Ordinary meetings will:

- (i) Elect a person, who is not a Member of the Executive, to preside if the Chair and Vice-Chair are not present;
- (ii) Receive apologies for absence;
- (iii) Receive any declarations of interests from Members
- (iv) Approve the minutes of the last meeting;
- (v) Deal with any business expressly required by statute to be carried out;
- (vi) Receive any announcements from the Chair, Leader, Members of the Executive, Head of Paid Service, Chief Financial Officer or Monitoring Officer
- (vii) Receive any announcements from the Monitoring Officers as to changes to appointment of Members on Committees, for the Council to ratify and note;
- (viii) Receive any questions from members of the public in accordance with Council Procedure Rule 11;
- (ix) Receive any Petitions and consider in accordance with the Council's Petition Scheme;
- (x) Deal with any business remaining from the last Council meeting.
- (xi) Receive reports, and consider any recommendations from the Council's Committees and the Executive to the Council;
- (xii) Receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (xiii) Receive and consider reports from Officers;
- (xiv) Receive questions from Members in accordance with Council Procedure Rule 12;
- (xv) Consider motions of which notice has been given in accordance with Rule 13 of these procedures;
- (xvi) Consider any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's budget and policy framework and reports of the Overview and Scrutiny Committees for debate; and
- (xvii) Consider any matters deemed urgent by the Chair, after having taken advice from the Monitoring Officer or their representative, in that the matter to be determined has arisen since the publication of the agenda and failure to determine it at this

meeting would cause significant adverse impact to the Council.

The order of business of a meeting of the Council may be varied by the Chair or by the meeting in accordance with Council Procedure Rule 8.

3.3 Council Budget Meeting

These Council Procedure Rules are supplemented by the Budget Procedure Rules at part 5J of the constitution. Where any conflict arises between the two sets of procedural rules, the Budget Procedure Rules will prevail for the annual Budget setting meeting.

RULE 4: Extraordinary Meetings of Council

4.1 Calling an Extraordinary Meeting

Those listed below may require the Chief Executive to summons Members to Council meetings in addition to Ordinary meetings:

- the Council by resolution;
- the Chair of the Council;
- the Leader of the Council;
- the Head of Paid Service;
- the Monitoring Officer;
- the Chief Financial Officer; and

Any 5 members of the Council, if they have signed a requisition presented to the Chair who has refused or failed to call a meeting within 7 calendar days of presentation of the requisition. Any such requisition will be deemed to have been presented to the Chair if emailed to the Monitoring Officer at democratic.services@westoxon.gov.uk.

4.2 Business

Extraordinary Meetings will:

- i) Elect a Councillor, who is not a Member of the Executive, to preside if both the Chair and Vice-Chair are not present;
- ii) Receive any apologies for absence
- iii) Receive any declarations of interests
- iv) In accordance with Council Procedure Rule 11 receive any questions from the registered electors;
- v) Consider the single item of business specified in the summons to the meeting (a single item may be made up of more than one part provided that they all relate to a single subject);
- vi) Consider any business that the Chair deems to be urgent, having taken advice from the Monitoring Officer or their representative, in that the matter to be determined has arisen since the publication of the agenda and failure to determine it at this meeting would cause significant adverse impact to the Council.

RULE 5: Special Meetings of Council

A Special Meeting of the Council is one that is required by statute or by the Council and shall only consider a single substantive item of business. The meeting shall be convened for

the specific statutory purpose which shall be contained in the summons. No other business may be transacted at that meeting.

5.1 Calling a Special Meeting

Those listed below may require the Chief Executive to summons Members to a Special Meeting of Council:

- The Council by resolution;
- The Chair; and
- The Monitoring Officer.

5.2 Business

Special Meetings will:

- i) Elect a Councillor, who is not a Member of the Executive, to preside if the Chair and Vice-Chair are not present;
- ii) Receive apologies for absence;
- iii) Receive any declarations of interests;
- iv) Receive questions from members of the public in accordance with Council Procedure Rule 11, relating to the specific single item of business on the agenda; and
- v) Consider the specific item of business for which the meeting has been convened.

RULE 6: Time and Location of Meetings

An annual calendar of meetings will be agreed by Council and will detail the dates of all meetings.

6.1 Council

Both the annual and ordinary meetings of Council will commence at 2pm and be held at the Council Chamber at Woodgreen, unless:

- The Council resolves otherwise; or
- For some practical reason this is not possible or appropriate, in which case the meeting will be held at another location, to be decided by the Chief Executive, after consulting the Chair and Leader of the Council.

If an emergency occurs, the Chief Executive may, after consulting with such of the Chair, the Leader of the Council and Leaders of the Political Groups as may be conveniently be contacted, vary any arrangement agreed by the Council for the holding of Council meetings.

No meeting of the Council shall, except in an emergency, be held on a Friday evening, Saturday, Sunday, Bank Holiday or day on which the Council shall have granted a general holiday for its employees.

The time and location of Extraordinary and Special Council meetings will be determined by the Chief Executive, in consultation with the Chair and Vice Chair, and will be notified to all Member on the summons to the meeting.

6.2 Committees

The timing of meetings will be agreed by the respective Council Committees and Sub-Committees at their first meeting of the civic year. Such Council Committee meetings will usually be held at Woodgreen.

The timing and location of Executive meetings will be determined by the Leader, in consultation with the Monitoring Officer, and will be notified on the summons to meetings.

RULE 7: Notice of and Summons to Meetings

The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules, by publishing the time and location of the meeting on the Council's website. Where the meeting is called by Members of the Council, the notice shall be signed by those Members and shall specify the purpose of the meeting.

At least five clear working days before the day of the meeting, the Chief Executive will send a summons or agenda, signed by or on behalf of him or her, to every Member of the Council, by electronic mail, by post or by leaving it at their usual place of residence. The summons or agenda will give the date, time and location of each meeting and specify the business to be transacted, and will be accompanied by relevant reports, or shall provide access to such reports electronically.

RULE 8: Chair of Meeting

The person presiding at the meeting may exercise any power or duty of the Chair. If it is necessary to choose a Member of the Council (who cannot be a Member of the Executive) to preside in the absence of the Chair and the Vice-Chair, the Monitoring Officer or their representative will preside and call for a motion that a Member of the Council take the Chair. If there is any debate on the motion then that Officer shall have all the powers of the Chair for the purposes of that debate.

The ruling of the Chair, having taken advice from the Monitoring Officer or their representative, as to the construction or application of any of these Rules, or as to any proceedings of the Council, shall not be challenged at any meeting of the Council. Where these rules apply to Committee and sub-Committee meetings, references to the Chair also include the Chair of Committees and sub-Committees.

The Chair of a Council or Committee meeting can ask the meeting to agree to a change in the order of business on an agenda, except for the first two items at an Annual Council meeting.

RULE 9: Quorum

The quorum of a meeting of the Council will be one quarter of the whole number of Members of the Council.

The quorum of any meeting of a Committee or sub-Committee shall be:

- not less than one quarter of the total membership of the Committee or sub-Committee; and
- subject to a minimum of three

If at any time during a meeting the number of members in attendance falls below the quorum, the person presiding will declare that there is not a quorum present, and the meeting will stand adjourned for 15 minutes. If, after 15 minutes, the person presiding

declares that there is still no quorum present, then the meeting will be adjourned and any remaining business considered at the next meeting.

The consideration of all business which is on the agenda of a meeting brought to an end in this way, and which has not been completed before the meeting is brought to an end, shall be postponed to the next meeting, whether Ordinary, Extraordinary or Special, insofar as is allowed by law.

RULE 10: Duration of Meetings

Where any meeting of the Council, a Committee or Sub-Committee, has lasted 3 hours, the person presiding will interrupt the meeting and any Member speaking shall stop speaking. The person presiding shall, without discussion, take a vote on whether or not the Members of the meeting wish it to continue.

Unless a majority of members present vote for the meeting to continue, then the person presiding shall, without further discussion, take a vote on the item under discussion and then the meeting shall stand adjourned. The remaining business will be considered at a time and date fixed by the Chair of the Council or Committee at that time, or, if they do not fix a time and date, at the next meeting of the Council or Committee.

If the majority of Members present vote to continue the meeting, then a further vote on whether or not to continue the meeting will take place on an hourly basis thereafter.

This Council Procedure Rule does not apply to meetings dealing with matters arising under the Licensing Act 2003 and the Gambling Act 2005, Committee meetings dealing with staff appointments or staff appeals and Standards Sub-Committee meetings dealing with code of conduct determinations.

RULE 11: Questions and Engagement By the Public

11.1 Questions on Notice by the Public

A member of the public, who is a registered elector in the District, may ask questions of the Chair of Council, any Member of the Executive or the Chair of any Committee, on any matter in relation to which the Council has powers or duties or which affects the District.

A member of the public is limited to asking one such question at any meeting of the Council, other than Annual Council. No more than one question can be asked on behalf of any organisation or body at any Council meeting.

Notice that the question is to be asked, together with a written copy of the question, must be provided to the Monitoring Officer, via email to democratic.services@westoxon.gov.uk, or by post, to be received no later than noon on the seventh working day before the day of the meeting.

No questions from the public will be allowed where the requisite notice has not been given.

11.2 Grounds for refusal of a Public Question

The Monitoring Officer may reject a question if, in their opinion, it:

- Does not relate to a matter for which the Council has responsibility or does not affect the District or his residents, communities or businesses;
- Is Defamatory, frivolous, vexatious or offensive;
- It refers to legal proceedings taken or anticipated by or against the Council;
- It is substantially the same as a question which has been put to a meeting of Council in the previous 6 months;
- It requires the disclosure of confidential or exempt information; or
- It would more appropriately be responded to by the Council under the Freedom of Information Act 2000 or the Data Protection Act 1998 as amended.

11.3 Asking the Question and Responding

Copies of all questions, save for those that have been rejected, will be circulated to all Members of the Council, and will be made available to the public attending the meetings via the Council's website.

The member of the public may attend in person to ask their question, as written, or in their absence, or where they prefer, the question may be read out by the Chair of the Council, or the Monitoring Officer or their representative.

Questions will be taken in the order in which they were received by Democratic Services, except that the Chair may group similar questions together.

The response will take the form of:

- A direct verbal answer;
- Where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- Where the reply cannot conveniently be given verbally, a written response within 3 clear working days.

The response will be recorded and incorporated into the minutes of the meeting.

11.4 Supplementary Questions

The member of the public may ask a supplementary question, which must arise directly from the question itself or the response provided to the question. The Member may provide a verbal response or provide a written response to the supplementary question within 3 clear working days.

No discussion will take place in respect of any question or supplementary question.

11.5 Time Limits

There is no time limit for an individual question, but there shall be a maximum total of 15 minutes allowed for questions from members of the public. If the 15 minutes expires during a question or supplementary question, the Chair may allow the question to be heard and responded to, and any supplementary question also to be put and responded to.

Where a question cannot be responded to during public question time due to a lack of time, it will be dealt with by way of a written response within 3 clear working days.

11.6 Referral to the Executive or a Committee

In addition, any Member of the Council may move that a matter raised by a question, be referred to either the Executive or a Committee. Once seconded, such a motion will be voted on without discussion.

This provision shall apply only at Council meetings.

11.7 Petitions

Petitions, other than statutory petitions, shall be managed in accordance with the Council's Petition Scheme set out in Part 6E of the Constitution.

RULE 12: Questions by Members

12.1 Questions on Notice by Members

12.1.1 Notice and Scope

Provided that the Member has given written notice to the Monitoring Officer, via email to democratic.services@westoxon.gov.uk, by no later than 12 noon on the seventh working day before the date of the meeting, at a Council meeting, a Member of the Council may ask:

- the Chair;
- a Member of the Executive;
- the Chair of any Committee;
- the Council's representative on any outside body

a question on any matter in relation to which the Council has powers or duties or which affects the District, (subject to Rule 12.2 below).

12.1.2 Urgency

Any Member of the Council may ask a question of the Chair or Leader of the Council where it relates to an urgent matter, which could not have been foreseen 7 working days before the meeting and cannot reasonably be left in abeyance until the next scheduled Council meeting, provided they have the consent of the Chair of the Council, and that notice and a written copy of the question have been provided to the Monitoring Officer, via email to democratic.services@westoxon.gov.uk, by no later than 10.00am of the day of the meeting.

12.1.3 Scope

The Monitoring Officer may reject any such question if it relates to:

- A decision of the Planning Committee on a specific Planning application;
- A decision of the Standards Sub-Committee on a Standards determination;
- A decision of a Licensing Committee on a specific application, review or similar matter;
- A decision on a staffing appointment or appeal relating to an Individual;
- A matter which is substantially the same as a question which has been put to a

meeting of the full Council by a Member of that Council within the previous 6 month period.

12.1.4 Asking and Responding to the Question

Every question put and answered shall be without discussion.

The question may be asked verbally by the Member at the Council meeting. If the Member is not present, or prefers, with the consent of the Chair, the question may be put by the Member's Group Leader, or the Monitoring Officer or their representative.

The person to whom a question has been put may ask another Member to respond.

The response may take the form of:

- A direct verbal answer;
- Where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- Where the reply cannot conveniently be given verbally, a written answer within 3 clear working days which shall be circulated to all Member of the Council or Committee

12.1.5 Supplementary Question

A Member asking a question under this Council Procedure Rule may ask one supplementary question, without notice, of the Member to whom the first question was put, or of the Member who provided the response. The supplementary question must arise directly out of the original question or the response to it. The Member may provide a verbal response or provide a written response to the supplementary question within 3 clear working days.

12.1.6 Referral to the Executive or a Committee

In addition, any Member may move that a matter raised by a question be referred to the Executive or a Committee. Once seconded, such a motion will be voted on without discussion.

12.1.7 Time Limits

Questions will be taken in the order in which notice was given, save that the Chair may group similar questions together.

A Member may only ask one question under this procedure rule at any one Council meeting.

There is no time limit for each individual question but 15 minutes shall be allowed in total for Member questions. If the 15 minutes expires during a question or supplementary question, the Chair may allow the question to be heard and responded to, and any supplementary question also to be put and responded to.

Where a question cannot be responded to during member question time due to a lack of time, it will be dealt with by way of a written response within 3 clear working days.

12.1.8 Record

Questions asked on notice at Council under this procedure rule will be recorded in the minutes, and published on the Council's website, as will any response provided.

This provision shall apply only at Council meetings.

12.2 Questions by Members Without Notice

A Member may ask a question, at a meeting of Council, without notice as follows:

- (i) A Member of the Council may ask the Leader or the Chair of a Committee any question on an item on the agenda when that item is being considered. Such questions should be raised prior to the item being moved or seconded;
- (ii) A Member of the Council may ask the Chair, Leader, Member of the Executive or the Head of Paid Service, Chief Financial Officer or Monitoring Officer, a question arising from an announcement made at the meeting;

RULE 13: Motions on Notice

13.1 Notice

Except for motions which can be moved without notice under Council Procedure Rule 14, written notice of every motion, signed by the Member or Members of the Council giving notice, must be delivered to the Monitoring Officer, via email to democratic.services@westoxon.gov.uk, no later than noon on the seventh working day before the date of the meeting. An electronic signature will suffice. The Member or Members should ensure they obtain an acknowledgement of its receipt.

Motions will be dated and numbered and entered sequentially in a book which shall be open to public inspection.

13.2 Motion set out on agenda

Accepted motions of which notice has been given will be listed on the agenda, unless the Member or Members giving notice state, in writing, via email to the Monitoring Officer at democratic.services@westoxon.gov.uk, by 10am on the date of the meeting, that they propose to move it to a later meeting or withdraw it. All accepted motions shall be published on the Council's website.

Motions will be taken in the order in which they were received, subject to the requirement to rotate motions from each political group. Any motion from the largest political group will be taken first, followed by each other political group in order of size, followed by any motion from a member not part of a political group.

The maximum number of accepted notices to be presented at a Council meeting shall be as follows: 2 each from the 3 largest political groups; 1 each from any other political group; and 1 from any Member not belonging to a political group.

13.3 Scope

Motions must be about matters for which the Council has powers or duties or which affect the District.

Any motion must be limited to 500 words.

A motion may be rejected by the Monitoring Officer, if in their opinion, the motion:

- Is not relevant either to some matter in relation to which the Council has powers or duties or it does not affect the District; or
- Is defamatory, frivolous, unlawful, vexatious or offensive; or
- Refers to legal proceedings taken or anticipated by or against the Council; or
- Is substantially the same as a motion which has been received and accepted in the previous 6 months; or
- Requires to disclosure of confidential or exempt information; or
- Is improper, out of order, or not relevant.

Where a motion is rejected by the Monitoring Officer, they shall return the Motion to the Member of the Council who gave notice of it, stating that it will not be inserted on the agenda, and providing reasons for that decision.

Where the Council is in the process of consulting with the public on a proposal, or responding to a formal consultation process, no notice of motion expressing support or objecting to the proposals shall be accepted.

13.4 Time limit

There will be a total maximum time period for Motions on Notice of 60 minutes but no time limit for dealing with each motion.

13.5 Motion not proposed at Meeting

If a motion set out in the agenda is not proposed either by a Member who gave notice of it or by some other Member acting on their behalf it shall, unless postponed by consent, shown by a majority vote of those present, of the Council, be treated as withdrawn and shall not be further moved without fresh notice. In accordance with Council procedure Rule 13.3 above this cannot be until a period of 6 months has expired.

13.6 Action on the Motion

If the subject matter of any motion of which notice has been given falls within the remit of any Committee of the Council, or of the Executive, when it has been proposed and seconded it shall stand referred without discussion to that Committee or the Executive.

If the matter requires a decision of the Executive, the decision of the Executive shall be available to all Members via the minutes of the Executive meeting. If the matter stands referred to a Committee, the Council may decide whether it shall be decided by that Committee or whether action is to be taken by the Council on report of that Committee to a future Council meeting.

Notwithstanding the above, if the subject matter is to be determined by the Council and is not an Executive matter, the Chair may, if they consider it convenient and conducive to the conduct of business, allow it to be dealt with at the Council meeting at which it is brought forward.

13.7 Attendance at Meeting considering Motion

If a Motion is referred to a Committee of which the proposer, or the seconder in the absence of the proposer, is not a Member, or to the Executive, the proposer shall be

entitled to attend that meeting and to explain the Motion. The Member may answer questions from the Executive or Committee, for the purposes of clarification, prior to any debate and may sit with the Committee or Executive for the item in question, subject to the access to information procedure rules. The Member may not partake in the debate, nor vote upon the item.

RULE 14: Motions without Notice

The following motions, and amendments to motions, may be moved without notice:

- to appoint a Chair of the meeting at which the motion is moved;
- in relation to the accuracy of the minutes;
- to change the order of business in the agenda;
- to refer something to an appropriate body or individual, including referring any matter for consideration by the Executive or a Committee;
- to appoint a Committee or Member arising from an item on the summons for the meeting;
- to receive reports or adopt the recommendations of the Executive, Committees or Officers and any resolutions arising from them;
- to withdraw a motion;
- to extend the time limit for speeches;
- to amend a motion;
- to postpone consideration of a motion;
- to proceed to the next business;
- to take an immediate vote on a motion;
- to adjourn a debate;
- to adjourn a meeting;
- that the meeting continue beyond three hours in duration;
- to suspend a particular Council procedure rule;
- to exclude the public and press in accordance with the Access to Information Rules;
- to not hear further a member named under Rule 23 or to exclude them from the meeting under that Rule; and
- to give the consent of the Council where its consent is required by this Constitution;
- motions relating to a vote by way of ballot
- motions relating to announcements from the Chair, Leader, Members of the Executive, Head of Paid Service, Chief Financial Officer or Monitoring Officer;
- To carry out a statutory duty of the Council which, by reason of special circumstances, the Chair is of the opinion should be considered at the meeting as a matter of urgency;
- To invite a Member to withdraw in accordance with the Members' Code of Conduct.

RULE 15: Rules of Debate for Council

Rules of debate for the consideration and determination of the annual budget, reference is made to the Council's Budget Procedure Rules in Part 5J of the Constitution.

15.1 Management of the debate

The Chair shall have the control of any debate and will use their discretion to ensure the effective, efficient, fair and orderly conduct of the business.

The Chair will normally follow the rules set out in this Council Procedure Rule but their interpretation, application or waiver of these rules of debate will be final.

15.2 Speeches and Questions

Before moving the motion, the proposer will take any questions on the motion from Members. Such questions must directly relate to the motion being proposed and are restricted to questions directly relating to clarity of what is proposed.

No speeches of debate may be made after the mover has moved a proposal or amendment until the motion or amendment has been seconded.

Once a proposal has been moved and seconded, no questions nor answers are permitted, other than in respect of an amendment to the motion prior to such an amendment being moved. Once proposed and seconded, only speeches or debate are permitted.

15.3 Right to require Motion in writing

Unless notice of the motion has already been given, the Chair may require it to be written down and handed to him/her before it is discussed or put to the meeting.

15.4 Secunder's Speech

When seconding a motion or amendment, a Member may reserve their speech until later in the debate.

15.5 Content and Length of Speeches

Speeches must be directed to the motion under consideration or to a personal explanation or point of order.

No speech by the proposer of a motion (but not an amendment) shall exceed 10 minutes, when proposing the motion and when exercising the right of reply at the close of debate on a motion. All other speeches in a debate shall not exceed 5 minutes. This rule is subject to the consent of the meeting to extend a speech by way, which shall be given or refused without debate.

15.6 When a Member may speak again

A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- to speak once on an amendment moved by another Member;
- to move a further amendment if the motion has been amended since they last spoke;
- if their first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which they spoke was carried);
- in exercise of a right of reply;
- on a point of order; and
- by way of personal explanation.

15.7 Amendments to Motions

An amendment to a motion must be relevant to the motion and will either be:

- to refer the matter to an appropriate body or individual, including the Executive or a Committee, for consideration or reconsideration;
- to give guidance to the Executive or Committee on a subject determined under delegated powers;
- to amend the wording of the motion, provided that the effect is not to negate the motion or introduce a new proposal into the debate.

If necessary the Chair, or an Officer supporting them, will read out the amended motion before the amendment is put.

If the Chair is of the opinion that any amendment proposed is of a defamatory, frivolous, vexatious or offensive nature, they may immediately put to the vote a motion that the amendment not be entertained or further permitted. If such a motion is seconded, a vote shall be taken without debate. If carried the amendment will not be permitted and shall be considered disposed of.

Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of, but the Chair may permit two or more amendments to be discussed together (but not voted on) if in their opinion this would facilitate the conduct of the business.

If an amendment is not carried, other amendments to the original motion may be moved, provided that no such amendment may have a similar effect to one previously determined by the meeting.

If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

After an amendment has been carried, the Chair or an Officer supporting them, will read out the amended motion before accepting any further amendments.

After all amendments have been considered and determined there shall be an opportunity for further debate on the original motion, as amended or otherwise, as the case may be, prior to the taking of a vote.

15.8 Alteration of Motion

With the consent of the seconder, and the Council, signified without discussion, a Member may alter: -

- a motion of which they have given notice; or
- a motion which they have moved without notice; or

An amendment to a motion they have moved., .

Only alterations which could be made as an amendment to the motion may be made.

15.9 Withdrawal of Motion

A Member may withdraw a motion of which they have given notice, by simply not proposing it at the meeting.

A Member may withdraw a motion, or an amendment to a motion, which they have moved, with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No member may speak on the matter after the mover has asked permission to withdraw it, unless permission is refused.

15.10 Right of Reply

The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.

If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it. The mover of the amendment shall have a right of reply immediately after the reply on the amendment by the mover of the original motion, before a vote is taken.

A Member exercising a right of reply shall confine him or herself to answering previous speakers and shall not introduce new matters or material. The Chair's ruling on this shall be final and not open to discussion.

15.11 Chair may sum up debate

The Chair may, if they think fit, sum up the debate before putting a motion or amendment to the vote and if such debate involves a question of a legal, administrative or technical nature, they may request the appropriate statutory Officer, or their representative, to draw the attention of the meeting to any relevant factors.

15.12 Motions which may be moved during debate

When a motion is under debate, no other motion may be moved except the following procedural motions:

- (i) to withdraw a motion;
- (ii) to amend a motion;
- (iii) to postpone consideration of a motion;
- (iv) to proceed to the next business;
- (v) to take an immediate vote on the motion;
- (vi) to adjourn a debate;
- (vii) to adjourn a meeting;
- (viii) that the meeting continue beyond three hours in duration;
- (ix) to exclude the public in accordance with the Access to Information Rules; and
- (x) to not hear further a Member named under Rule 23 or to exclude them from the meeting under that Rule.

15.13 Closure Motions

A Member may move, without comment, the following motions at the end of a speech of another Member:

- (i) to proceed to the next business;
- (ii) to take an immediate vote on a motion;

- (iii) to adjourn the debate;
- (iv) to adjourn the meeting;
- (v) to exclude the public from the meeting in accordance with Access to Information Rules; or
- (vi) that a Member be not heard further in accordance with Council Procedure Rule 23.

If a motion to proceed to next business is seconded and the Chair considers the item has been sufficiently discussed, they will give the mover of the original motion a right of reply and then move, without further debate, to a vote on the procedural motion to proceed to next item of business. If that motion is carried then the substantive motion before Council is dropped and no decision has been taken on it and none will be recorded. .

If a motion to take an immediate vote is put and seconded and the Chair thinks the item has been sufficiently discussed, they will put the procedural motion that the vote now be taken, to the vote, without debate. If the procedural motion is carried, they will give the mover of the original motion a right of reply and then move to the vote on the substantive motion.

If a motion to adjourn the debate or to adjourn the meeting, is proposed and seconded, and the Chair considers the item has not been sufficiently discussed and cannot be reasonably discussed at that meeting, they shall put the procedural motion to the vote without debate and without giving the mover of the original motion, or amendment, a right of reply. On resuming an adjourned debate, the Member who moved the adjournment is entitled to speak first; the proposer of the substantive motion, or amendment, will have their right of reply in the usual way at the end of the resumed debate. The motion may specify the location, date and time at which the adjourned debate or meeting shall take place, but if it does not, such decisions shall be determined following the meeting by the Chair in consultation with the Monitoring Officer. Members shall be advised in the usual way by notice of summons to the adjourned meeting.

If a motion to exclude the public is moved and seconded, which is not on the agenda, the Chair shall ascertain the grounds for the motion and seek the advice of the Monitoring Officer, or their representative, as to whether members of the public may lawfully be excluded. If they may, the Chair shall put the procedural motion to exclude the public to the vote, without debate and without allowing a right of reply. If the procedural motion is carried, the Chair may, at their discretion, either immediately require the public to leave the meeting room or adjourn the debate until some convenient time later in the meeting when the public shall have been excluded.

If a motion that a named Member be not heard further, is proposed and seconded, the Chair shall put the motion to the vote without debate. If it is carried, the named Member shall not be permitted to speak again during the meeting on any motion or amendment relating to the same matter.

15.14 Points of Order

A Member may raise a point of order at any time by indicating to the Chair. The Chair will hear them immediately, subject to Council Procedure Rule 23.4.

A point of order may only relate to an alleged breach of these Council Procedure Rules or the law. The Member shall be required by the Chair to indicate the Council Procedure Rule or law they consider has been breached and the way in which they consider it has been breached, before they are heard.

The ruling of the Chair on the matter will be final and is not open to discussion.

15.15 Personal Explanation

A Member may make a personal explanation at any time, by indicating to the Chair. The Chair shall hear them immediately, subject to Council Procedure Rules 15.14 and 23.4.

A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood in the present debate. The ruling of the Chair on the admissibility of a personal explanation will be final and is not open to discussion.

15.16 Recommendations to Council from the Executive and Committees

Any recommendations from, or reports by, the Executive or a Committee, to Council, shall be taken in date order, unless otherwise required. Each recommendation shall be moved by the Leader or relevant Executive Member if Executive, or Committee Chair, if a Committee, or their representative. After being moved and seconded, the matter shall be open to debate and the rules of debate above shall apply.

RULE 16: Motion to Rescind or Amend a Previous Decision

16.1 Motions on Notice to rescind a previous decision or similar to one previously rejected

A motion on notice to rescind a decision made at a meeting of Council within the past six months, or a motion on notice similar to one previously rejected in that period cannot be moved unless the notice of motion is signed by at least 17 Members of the Council or advice has been given by one of the Council's statutory officers that the matter should be reconsidered.

16.2 Motions arising during debate to rescind a previous decision or similar to one previously rejected

If a motion or amendment is raised during a debate at a meeting of Council, to rescind a decision made at Council within 6 months, or similar to one rejected within the previous 6 months, the Chair shall reject it.

16.3 Exceptions

- Council Procedure Rules 16.1 and 16.2 do not apply:
- To motions moved in pursuance of a recommendation of the Executive or a Committee; or
- To motions to carry out any statutory duty of the Council which, in the opinion of the Chair, is of an urgent nature; or
- Where a decision has been made by another body since the Council's decision, which significantly affects the decision and necessitates reconsideration of the matter.

RULE 17: Voting

17.1 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put.

Unless a ballot or recorded vote is demanded or required, then the Chair shall take the vote by show of hands.

The Chair shall ascertain the number of Members voting for, against or abstaining on any question, shall announce those numbers to the meeting, and declare the result and whether the motion is carried or not. The Chair's declaration as to the result will be final.

17.2 Chair's Casting Vote

If there are equal numbers of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote. The Chair may only use a casting vote if they have already cast their deliberative vote.

If there are equal number of votes for and against and the Chair chooses not to exercise their casting vote, then the matter to be determined shall fall.

17.3 Ballot

A ballot is a vote whereby Members signify their vote by writing on a piece of paper issued to them individually for that purpose and the vote of individual Members is not identified as being by that Member. The vote will take place by ballot of a majority of Members present at the meeting demands it, and there has been no valid request for a recorded vote. Such demand to be made by motion without notice, moved, seconded and voted on without debate.

The Chair shall announce the numerical result of the ballot immediately the result is known.

17.4 Recording of Voting at Budget Decision Meeting

At a budget decision meeting of the authority where making a calculation under the relevant sections of the Local Government Finance Act 1992 or issuing the precept as the case may be was included as an item of business on the agenda for that meeting, the minutes of the meeting shall record in respect of each member present whether they voted for a proposition, or against a proposition, or abstained from voting.

The references above to voting are references to a vote on any decision related to the making of the calculation or the issuing of the precept as the case may be.

Further reference should be made to the Budget Procedure Rules at Part 5J of this Constitution.

17.5 Matters for Noting

Where a meeting of Council is asked to simply note a matter, rather than determine it, or make any substantive decision, the Chair will take the vote by the affirmation of the meeting, provided there is no dissent.

17.6 Recorded Vote

A recorded vote is a vote by way of roll call and shall be recorded in the minutes of the meeting to show how each Member present and voting cast their vote. The name of any Member present and abstaining from voting shall also be recorded.

Any Member can request, before the vote is taken, that their individual vote is recorded.

Any Political Group Leader may request, before a vote is taken, that the votes of everyone within that political group are recorded.

If 7 members request a recorded vote, before the vote is taken, then the vote is to be recorded.

17.7 Voting on Appointments

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

RULE 18: Council Officers

18.1 Officers Speaking at Council

Other than in relation to Council Procedure Rule 18.2, no Officer other than:

- The Head of Paid Service;
- The Monitoring Officer, or their representative at a meeting;
- The Chief Financial Officer, or their representative at a meeting

Shall be called upon to speak at a Council meeting without the consent of the Head of Paid Service. However, where the consent of the Head of Paid Service is given, Officers in addition to those listed above, may be called upon to contribute by way of advice, guidance or presentations on any matter under consideration at the meeting.

18.2 Officer Reports to Council

Where any matter is subject to a report direct to Council, from an Officer, the Officer may introduce the report, answer any questions for the purpose of clarification and provide advice during the debate. The Officer may decline to answer a questions which they perceive to be political in nature.

18.3 Matters Affecting Officers

If any question arises at a meeting of Council, the Executive or a Committee at which the public are in attendance as to the appointment, promotion, dismissal, remuneration, pension matters, conditions of service or conduct of any officer of the Council, such question shall not be the subject of discussion until the Council, the Executive or the Committee, as the case may be, has considered excluding the public under the Access to Information Procedure Rules and section 100A of the Local Government Act 1972.

RULE 19: Representatives on Outside Bodies

Members of the Council who are appointed to outside bodies as representatives of that Council are encouraged to keep other Members of the Council informed about such meetings they attend on an informal basis.

Where a Member who is a representative on an outside body is of the view that a matter to be considered by that body is of such importance as to require that they are informed as to the Council's opinion on that item, the Member shall be entitled to request the Monitoring Officer to place the item on the agenda of the appropriate Council meeting, the Executive or a Committee. The Member may address the Council, Executive or Committee as in Council Procedure Rule 13.7.

RULE 20: Confidentiality of Papers

Save as provided by the Local Government Act 1972, and the Access to Information Procedure Rules, all summonses, agendas, reports and other documents shall be treated as confidential unless and until either they become public in the ordinary course of the Council publishing its business, or the consent of both the Chair and the Monitoring Officer are obtained.

RULE 21: Minutes

21.1 Signing the minutes

The Chair will sign the minutes of the proceedings at the next suitable meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record, provided that the previous meeting took place more than 10 clear working days prior to the day of the meeting. The only part of the minutes that can be discussed is their accuracy. Any questions as to the accuracy of the minutes as a record shall be raised by motion.

Where there is no ordinary meeting of a Committee or Sub-Committee expected to take place within a period of 6 months after a meeting for which draft minutes have been prepared:

- In respect of a Committee, Council may agree the accuracy of the minutes;
- In respect of a Sub-Committee, the 'parent' Committee may agree the accuracy of the minutes;
- In respect of Committees or Sub-Committees which have ceased to meet and their functions have been subsumed in another Committee or Sub-Committee, the new Committee or Sub-Committee may agree the accuracy of the minutes;

21.2 Minutes at extraordinary meeting

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph ie an Ordinary meeting) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

21.3 Form of Minutes

Minutes of Council and non Executive meetings will contain a summary of any debate, setting out the main points that were considered, all motions and amendments in the exact

form and order the Chair put them, and the wording of the final decision. Minutes are not intended to be a verbatim record of events.

Minutes of Executive meetings shall contain a summary of the reasons for the decision, the decision and the date for call-in.

RULE 22: Status of Draft Records of Decisions and Minutes

Until such time as the Council, the Executive or a Committee whose record is set out in the draft record or minute confirm that record or minute as an accurate record of their decision, they are a working draft only.

Subject to Council Procedure Rule 21.1, only the body whose record is set out in the draft record or minute may alter or amend the record or minute.

If a Member wishes to propose a recommendation to Council that differs from that set out in the draft record or minute then it must be done by way of an amendment to the motion before Council.

RULE 23: Attendance and Conduct of Members

23.1 Record of Attendance

All Members present during the whole, or part, of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance. Any omission may be remedied at the discretion of the Monitoring Officer, or by the amendment of draft minutes of a meeting prior to confirmation, at the next or subsequent meeting in accordance with Council Procedure Rule 21.

23.2 Attendance for Part of a Meeting

Any Member who is not present for the entirety of an agenda item, and has not heard the whole of the presentation and/or debate, is precluded from participating in the vote of that matter.

23.3 Speaking at Council

A Member may indicate their desire to speak at full Council, by raising their hand. When called to speak by the Chair of the meeting, they may stand and should address the meeting through the Chair. If more than one member indicates a desire to speak, the Chair will attempt to take speakers in the order in which they indicated. . Other Members must remain silent whilst a Member is speaking. Other Members must remain seated whilst a Member is speaking, unless they wish to make a point of order or a personal explanation.

23.4 Chair standing

If the Chair stands during a debate, any Member speaking at the time must stop speaking and be seated. The meeting must be silent, whilst the Chair speaks.

23.5 Member not to be heard further

If a Member persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may direct the Member to stop speaking. If following such a direction to stop speaking, the Member continues to speak, the Chair may move that the Member be not heard further on the agenda item. If seconded, the Chair shall put the motion to the vote without discussion. If passed, the Member shall not be permitted to speak on the same matter again during that meeting.

23.6 Member to leave the meeting

If a Member persistently disregards the ruling of the Chair by continued irrelevance or repetitions, or by behaving improperly or offensively, or deliberately obstructs business, the Chair may request the Member to leave for the remainder of the meeting. If following a request to leave the meeting, the Member fails to leave, the Chair may move that the named Member leaves the meeting, or that the meeting is adjourned for a specified period. . . If seconded, the Chair shall put the motion to the vote without discussion.

23.7 General disturbance

If there is a general disturbance making orderly business impossible, the Chair may, at their discretion, adjourn the meeting for as long as they think necessary.

23.8 Electronic Devices

Members may at any meeting use any device for the recording of the meeting, the sending or receiving of communications in relation to the meeting or the publication of the contents of the meeting, provided that:

- Such device remains silent;
- The Member does not record or communicate any matter or information relating to the contents of any meeting or part of a meeting which is in relation to information which is confidential or which the Members have agreed to exclude the public in accordance with the Access to Information Procedure Rules.
- The use of the device does not disrupt the meeting nor distract members of the public, or any Member from the content of the meeting;
- No oral commentary is recorded;
- The Member complies with statutory provisions relating to data protection and other legislation relating to the recording, use of and retention of personal data.
- If the Member's use of a device does not comply with this Council Procedure Rule then the Chair of the meeting may take action in accordance with Council Procedure Rule 24.6.

23.9 Vacation of office by failure to attend meetings

If a Member fails for a period of 6 months from the date of their last attendance, to attend a meeting of the authority, they shall, unless the failure was due to a reason approved by the authority before the expiry of that six month period, cease to be a Member of the Council.

Further advice should be sought, in a timely manner, from the Monitoring Officer as to what would constitute attendance at a relevant meeting to prevent section 85 of the Local Government Act 1972 having the effect of vacating the Member from their office.

RULE 24: Attendance and Conduct of the Public

24.1 Exclusion of the Public

Members of the public and press may only be excluded from a meeting of the Council either in accordance with the Access to Information Rules in this Constitution or this Council Procedure Rule. .

24.2 Removal of member of the public

If a member of the public interrupts proceedings, causes a disturbance or behaves improperly, or offensively, or by deliberately obstructing business, the Chair will warn the person concerned. If they continue their conduct after having been warned, the Chair may direct that they leave the meeting room. If necessary or appropriate, the Chair may adjourn the meeting for a short period to enable the person to leave.

24.3 General disturbance

If there is a general disturbance in any part of the meeting room open to the public, the Chair may direct that the part of the meeting room be cleared. If necessary, or appropriate, the Chair may adjourn the meeting to enable the area to be cleared.

RULE 25: Delegations

The Council may delegate non-Executive matters from time to time to Committees as it sees fit or as legislation prescribes. The Leader may delegate Executive matters from time to time to the Executive.

Both the Council and the Leader may delegate matters from time to time to Officers as it sees fit or as legislation prescribes, in addition to those delegated under the Scheme of Officer delegations.

When delegating to the Executive, a Committee or an Officer, the Council may give guidance as to the manner in which the matter should be dealt with, provided that such guidance does not have the effect of causing Council to breach the rules of natural justice, prejudicing the determination by the delegatee required to be judged on its own merits, or of fettering the discretion of the delegatee.

No individual Member, Officer or group of Members or Officers, or both, shall be entitled to exercise any power or function of the Council save as delegated to them by the Council, the Executive, a Committee or another Officer exercising a power or fulfilling a function on behalf of the Council or as detailed in this Constitution.

Whilst the Chair of a Committee and Executive Members can expect to be consulted on matters affecting their areas of responsibility, they shall not have power to act on behalf or, or bind, the Council, unless the Council or the Leader has given them specific delegated powers to do so.

RULE 26: Attendance by Members at Meetings of which they are not a Member

26.1 Attendance by the mover of a motion

A Member of the Council who has moved a motion which has been referred to the Executive or a Committee shall be given notice by the Monitoring Officer of the meeting at which it is proposed that the motion be considered. The Member shall have the right to attend the Meeting whilst the motion is being considered, to explain the motion and answer questions.

26.2 Attendance by Representative on Outside Body

Where a Member has requested the Monitoring Officer to place an item on the agenda in accordance with Council Procedure Rule 19, they shall have the right to attend that meeting whilst that item is under consideration.

26.3 Attendance of Members at Meetings

Any Member of the Council may attend, in the public gallery, as an observer, any Committee or Sub-Committee of which they are not a Member. A Member observing may remain in the Meeting where the public are excluded, subject to the provisions of the Access to Information Procedure Rules, provided that they have a need to know about the matter under consideration, and that they do not have a relevant interest in the matter that would preclude their attendance. It is assumed that every Member will have a need to know about the matter under consideration, although this presumption is rebuttable and advice should be taken from the Monitoring Officer.

A Member of the Council who is not a Member of the Executive or a Committee, and has a relevant interest in any item under consideration at a particular meeting, that would prevent them from participating if they were a Member of the Executive or that Committee, is not entitled to be present in any part of the room where the meeting is taking place during the discussion of that item, unless a dispensation has been granted by the Monitoring Officer.

No Member is entitled to attend any of the Meetings below unless they are appointed as a Member of that Committee or are substituting for such a Member. Council Procedure Rule 26.3 therefore does not apply when:

- The Standards Sub-Committee goes into closed session to determine a Member conduct complaint;
- The Licensing Committee or Sub-Committee when they go into closed session to determine an individual quasi-judicial case;
- Any Committee when it goes into closed session to determine the capability or conduct of an individual Officer under the Council's disciplinary or grievance procedure, or any other employment policy;
- Any Committee considering the appointment of a Council Officer.

26.4 Speaking by Members at meetings

Subject to the provisions below, an observer may, at the discretion of the Chair be invited to speak on an item under consideration at that meeting. The Member must have, prior to the commencement of the meeting, notified the Chair of their desire to address the meeting. The Chair shall have total discretion as to whether or not to invite such a Member to address the meeting.

However, a Member who is not a Member of the Development Control Committee may not address that Committee in respect of any planning application, unless a similar right within the Constitution is granted to the applicant, any objector and any supporter.

A Member who is not sitting as a Member of the Licensing Committee or the Licensing Sub-Committee may not address that Committee or Sub-Committee unless they have a right to speak under relevant statutory regulations.

A Member who is not sitting as a Member of the Standards Sub-Committee may not address the Sub-Committee when hearing a code of conduct complainant, unless they are representing or acting as witness for either the Monitoring Officer, Investigating Officer or the Subject Member.

26.5 Leader of the Council

The Leader of the Council, or Deputy Leader in their absence, may attend any meeting of a Committee and speak on any item under consideration as of right, unless they have a relevant interest in the matter that would preclude them from being present.

However Council Procedure Rule 26.5 does not apply to meetings of:

- The Standards Sub-Committee goes into closed session to determine a Member conduct complaint;
- The Licensing Committee or Sub-Committee when they go into closed session to determine an individual quasi-judicial case;
- Any Committee when it goes into closed session to determine the capability or conduct of an individual Officer under the Council's disciplinary or grievance procedure, or any other employment policy;
- Any Committee considering the appointment of a Council Officer.

26.6 Voting

A Member of the Council attending a meeting of the Executive or a Committee on which they have not been appointed to serve, and are not acting as a substitute Member is not entitled to vote on any item under consideration.

RULE 27: No Confidence in the Chair of a Committee

At any meeting of a Committee, a Member of that Committee may move that 'the Meeting has no confidence in the Chair'. If seconded, the motion shall, after debate, be put and, if carried by a majority of at least two thirds of the Members present, the Chair shall immediately stand down and the remainder of the meeting shall be chaired by the Vice-Chair or, in their absence, by a Member elected for that purpose by the Meeting.

During the consideration of such a motion the Chair shall cease to be the Chair of the Committee and shall be an ordinary member of the Committee, and as such, the Chair's casting vote would not apply. The Monitoring Officer, or their representative, will act as Chair of the Committee during consideration of the motion.

Following a successful vote of no confidence in the Chair, they shall not officiate at any subsequent meeting of the Committee prior to the next meeting of the Council. At that meeting, the Council shall consider whether or not to confirm the vote of no confidence. If by a simple majority they decide to confirm the vote, the office of Chair of the relevant Committee shall be declared vacant and a new Chair shall be elected by the Council. If the Council does not confirm the vote by a simple majority, the Member remains as the Chair of the Committee.

RULE 28: The Leader of the Council

28.1 Appointment of the Leader

The Council shall elect a Leader at each Annual Council Meeting where the term of office of the Leader has come to an end due to the fact that their term of office as a Councillor has ended.

Members present at the Annual Council Meeting shall nominate one or more persons to be Leader, from among the Members. Any nomination which is not seconded, shall not be considered further.

Where there is only one Member nominated and seconded, then the Chair shall provide an opportunity for a debate before calling for a vote which shall require a majority of those present and voting to determine whether the Member shall be elected as Leader.

Where there are 2 Members nominated and seconded then, following the opportunity for debate, the Chair shall call for a vote and the Member who received the largest number of votes shall be elected as Leader.

Where there are 3 or more candidates seeking appointment to a single position, there shall be a vote for each candidate and

If one of the candidates receives more than half of all the votes cast in the election, that candidate is to be appointed;

If no candidate received more than half of all the votes cast then the candidate with the least number of votes will be eliminated and a new vote taken. This process will continue until there is a majority of votes for one person.

The motion shall be in accordance with Council Procedure Rule 13 and the voting shall be in accordance with Council Procedure Rule 17.

28.2 Removal of the Leader

If a Member wishes at a Council meeting to move a motion of no confidence in the Leader of the Council, the Member must give not less than 10 clear working days notice to the Monitoring Officer via email at democratic.services@westoxon.gov.uk. The motion must be signed by the mover and the seconder.

The Monitoring Officer shall place the motion on the agenda for the next meeting of Council, provided that such meeting is not a Special Meeting. The motion before the Council shall be considered after the receipt of any declarations of interest, approval of minutes of the last meeting and questions and statements by the public.

The motion shall be in accordance with Council Procedure Rule 13 and the voting shall be in accordance with Council Procedure Rule 17.

28.3 Consequence of a Motion of No Confidence

Where a motion of no confidence is carried, the Leader shall cease to be the Leader of the Council with immediate effect. The Council shall proceed to elect a new Leader at that meeting or the next meeting of the Council, provided it is not a special meeting.

28.4 Term of Office

The Leader shall hold the office of Leader in accordance with Part 2D of the Constitution (Article 4). Should the Leader resign from their appointment, an Extraordinary Meeting will be called to deal with the appointment of a new Leader in accordance with this Council procedure Rule. The Deputy Leader will assume the role of Leader until such appointment is made.

RULE 29: Chair of the Council

29.1 Election

The Council shall elect a Chair at each Annual Council Meeting.

The existing Chair shall take the Chair for the item on the agenda, unless he is conflicted, when the Vice Chair will take the Chair for the single item of business. If both the Chair and Vice Chair are conflicted, the Monitoring Officer, or their representative, will take the Chair for the election of the Chair.

Members present at that Annual Meeting shall propose one or more persons to be Chair from among the Members. Any proposal which is not seconded shall not be considered further.

Where there is only one Member proposed and seconded, the Chair shall provide an opportunity for a debate before calling for a vote which shall require a majority of those present and voting to determine whether the Member shall be elected as Chair.

Where there are 2 Members proposed and seconded, then a debate on the proposals will follow, then the Chair shall call for a vote and the Member who received the largest number of vote shall be elected as Chair.

Where there are 3 or more Members proposed and seconded, following a debate on the proposals, the Chair shall call for a vote for each Member proposed and:

If one proposed Member receives more than half of all the votes cast in the election, that Member is elected as Chair;

If no Member received more than half of all the votes cast then the Member with the least number of votes will be eliminated and a new vote taken. The process will continue until there is a majority of votes for one person, who shall be elected as Chair.

Voting will take place in accordance with Council Procedure Rule 17.

29.2 Removal

If a Member wishes at a Meeting of Council to move a motion of no confidence in the Chair of the Council, the Member must give not less than 10 clear working days notice in writing to the Monitoring Officer via email at democratic.services@westoxon.gov.uk. The motion must be signed by the mover and the seconder.

The Monitoring Officer shall consider the motion in accordance with the provisions of Council Procedure Rule 13. If accepted, the Monitoring Officer shall place the motion on

the agenda for the next meeting of the Council, provided that such a meeting is neither a Special Meeting nor Annual Council Meeting. This may be at an Extraordinary Meeting of the Council if the provisions of Council Procedure Rule 4 have been complied with. The motion before the Council shall be considered as the first item of business after the receipt of any declarations of interest, approval of minutes of the last Meeting and questions by the public.

During the consideration of such a motion, the Chair shall cease to be Chair of the Council and shall be an ordinary Member of the Council. The Monitoring Officer, or their representative, shall act as Chair during consideration of the motion.

After debate, the motion shall be put to the vote and if carried by a majority of at least two thirds of the Members present, the Chair shall immediately stand down and the remainder of the Meeting shall be chaired by the Vice Chair.

29.3 Consequence

Where a motion of no confidence in the Chair of the Council is carried, the Chair shall cease to be the Chair of the Council with immediate effect. The Council shall proceed to elect a new Chair at that meeting of the Council. The item of election of the new Chair shall be chaired by the Monitoring Officer or their representative.

RULE 30: Business of an Urgent Nature

If having consulted both the Chief Financial Officer and the Monitoring Officer, the Chief Executive is of the opinion that urgent action is required, in accordance with the Scheme of Officer Delegations, before a decision could be taken by Council, the Executive or a Committee that has the appropriate authority, they may take the decision in accordance with their urgency power as set out in the Part 4A of the Constitution (Officer Scheme of Delegations).

If the decision is one which would normally be taken by the Council, the Chief Executive will consult with the Leader of the Council and all other Group Leaders, where practicable. If the decision is one which would normally be taken by the Executive, the Chief Executive will consult with the Leader. If the decision is one which would normally be taken by a Committee, the Chief Executive will consult with the Leader and the Chair of that Committee.

Every such decision shall be reported to the next available Ordinary Meeting of the Council, Executive or the Committee that would normally have taken the decision.

RULE 31: Filming and recording

The law allows the proceedings of council meetings which are open to the public to be filmed and/or recorded. Any such filming or recording can be by any member of the public, whether or not they are connected with the media. For more information about this, please see <https://www.westoxon.gov.uk/media/zz2cbxhw/filming-and-recording-of-meetings-protocol.pdf>

RULE 32: Suspension and Amendment of Council Procedure Rules

32.1 Suspension

All of these Council Procedure Rules except those parts of Rule 17 relating to the right to record an individual vote; and Rule 21 relating to the signing of minutes at an extraordinary meeting, may be suspended by motion on notice, or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

32.2 Amendment

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, where a report will be received with a recommendation from the Monitoring Officer.

RULE 33: Application of Rules to Committees and Sub-Committees

All of the Council Rules of Procedure apply to meetings of full Council.

None of the rules apply to meetings of the Executive, except where expressly stated..

Subject to any requirements or exceptions set out in them, the following Rules:

- Rule 6 (Time and Location of Meeting)
- Rule 7 (Notice and Summons)
- Rule 8 (Chair of meeting)
- Rule 9 (Quorum)
- Rule 10 (Duration of meeting)
- Rule 11 (Questions and engagement from the Public)
- Rule 12 (Questions by Members)
- Rule 13 (Motions on notice)
- Rule 14 (Motions without notice)
- Rule 15 (Rules of debate for Council)
- Rule 16 (Motion to rescind or amend previous decisions)
- Rule 17 (Voting)
- Rule 21 (Minutes)
- Rule 23 (Attendance and Conduct by Members)
- Rule 23 (Attendance and Conduct by the Public)
- Rule 32 (Suspension and Amendment of Council Procedure Rules)
- Rule 33 (Application to Committees and Sub-Committees)

shall apply to meetings of Committees and Sub-Committees, including Overview and Scrutiny Committees and Overview and Scrutiny Sub-Committees.

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5K Officer Employment Procedure Rules

I.0 Introduction

I.1 Definitions

In these Procedure Rules:

- I.1.1 “The 2001 Regulations” means the Local Authorities (Standing Orders)(England) Regulations 2001 and “The 2015 Regulations” means the Local Authorities (Standing Orders)(England)(Amendment) Regulations 2015.
- I.1.2 “Appointor” means, in relation to the appointment of a person as an Officer of the Authority, the Authority or, where a Committee, Sub-Committee or Officer is discharging the function of appointment on behalf of the Authority, that Committee, Sub-Committee or Officer.
- I.1.3 “Disciplinary Action” in relation to an Officer of the Council means any action occasioned by alleged misconduct which, if proven, would, according to the Council’s usual practice, be recorded on the Officer’s personal file. This includes any proposal for dismissal of an Officer for any reason other than redundancy, permanent ill-health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the Authority has undertaken to renew such a contract.
- I.1.4 “Dismissor” means, in relation to the dismissal of an Officer of the Authority, the Authority or, where a Committee, Sub-Committee or another Officer is discharging the function of dismissal on behalf of the Authority, that Committee, Sub-Committee or other Officer.
- I.1.5 “Head of Paid Service” means the Officer designated under section 4(1) of the Local Government and Housing Act 1989.
- I.1.6 “Chief Finance Officer” means the Officer having responsibility for the purposes of section 151 of the Local Government Act 1972, for the administration of the Council’s financial affairs.
- I.1.7 “Monitoring Officer” means the Officer designated under section 5(1) of the Local Government and Housing Act 1989.
- I.1.8 An “Officer” may include an individual employed by the Council or employed by another employer with the purpose of providing a service to the Council. Such employer may be another Local Authority or Publica Group Ltd, for example.
- I.1.9 “Statutory Chief Officer” means, for the purposes of these provisions, the Chief Financial Officer or the Monitoring Officer.
- I.1.10 “Non Statutory Chief Officer” means a person for whom the Head of Paid Service is directly responsible or a person who, with respect to all or most of the duties of their post, is required to report directly or is directly accountable to either the Head of Paid Service or to the Council itself or any Committee or Sub Committee, except a person whose duties are solely administrative or clerical or are otherwise in the nature of support services.

1.1.11 “Deputy Chief Officer” means a person who, with respect to all or most of the duties of his or her post, is required to report directly or is indirectly accountable to one or more of the Statutory or Non-Statutory Chief Officers, except a person whose duties are solely administrative or clerical or are otherwise in the nature of support services.

1.1.12 “Performance and Appointments Committee” means a Committee established by Council in accordance with the Local Government Act 1972. For the purposes of these Procedure Rules, at least one Member of the Executive must be a Member of this Committee.

1.2 General

Other than as set out elsewhere in these Officer Employment Procedure Rules, the function of recruitment, appointment, disciplinary action and dismissal in respect of all Officers other than the Head of Paid Service, the Chief Financial Officer, and the Monitoring Officer, will be discharged, on behalf of the Council, by either the Head of Paid Service, or an Officer nominated by the Head of Paid Service. Such functions will be carried out in accordance with either the Council’s or Publica Group’s Staffing Policies, as adopted from time to time, depending on which authority is the employing body.

1.3 Posts

For ease of reference, the posts which fall under the relevant definitions, in these Officer Employment Procedure Rules, at the time of writing, are as follows:

Definition	Relevant Post
Head of Paid Service	Chief Executive
Statutory Chief Officers	Chief Financial Officer Monitoring Officer
Non Statutory Chief Officers	None
Deputy Chief Officers	None

In accordance with the regulations, those posts, other than clerical or administrative posts, that are direct reports of the Head of Paid Service are known as Non Statutory Chief Officers and those posts that are direct reports of Chief Officers (Statutory or otherwise) are known as Deputy Chief Officers.

Officers of the Council, may or may not be employed by the Council. Where they are employed by another employer such as Publica Group, these Officer Employment Procedure Rules are supplemented by the Publica Group suite of human resources and employment policies.

2.0 Recruitment

2.1 Declarations

A candidate for any employment with the Council, or an Officer involved in a transfer, promotion or disciplinary matter, shall disclose whether they are related to, or cohabit with, any Member or Officer who may have an influence on the decision. Failure to make such a disclosure may result in any appointment being rescinded and, in the case of an Officer, disciplinary action.

2.2 Support for Appointment

Canvassing of any Member of the Council, or any person appointed to discharge any function in relation to a Committee or Officer of the Council, shall disqualify the candidate concerned in such canvassing for that appointment.

A Member of the Council shall not solicit for any person any appointment at the Council and shall not provide any written testimonial of a candidate's ability, experience or character for submission to the Authority.

2.3 Confidentiality

The Council, the Executive, a Committee, a Sub-Committee or a Panel should, unless there are exceptional circumstances which dictate otherwise, resolve to exclude the press and public under *section 100A of the 1972 Act* where matters relating to the appointment, promotion, dismissal or discipline, severance, salary or conditions of an individual Officer are to be discussed.

2.4 Recruitment of Head of Paid Service and Statutory Chief Officers

Where the Council proposes to appoint a Head of Paid Service or Statutory Chief Officer, the Head of Paid Service or their delegate will draw up a statement specifying the duties of the Officer concerned and any qualifications or qualities to be sought in the person to be appointed. The post will be advertised and a copy of the statement sent to any person on request.

Where a post has been advertised, the Performance and Appointments Committee will either interview all qualified applicants for the post or select a short list of such qualified applicants and interview those included on the short list. If no qualified person has applied, the Council will make further arrangements for advertising the post again.

In respect of the interviews for the posts of Statutory Chief Officers, other than the Head of Paid Service, the Performance and Appointments Committee will be advised by the Head of Paid Service.

3.0 Appointment

3.1 Power to Appoint

The Performance & Appointments Committee will be responsible for the function of the appointment of the Head of Paid Service and Statutory Chief Officers. The power to approve the appointment of the Head of Paid Service or Statutory Chief Officers shall be exercised by Council.

The Head of Paid Service, or their nominated representative, shall be responsible for the function of the appointment of non-Statutory Chief Officers and Deputy Chief Officers. The Head of Paid Service's nominated representative may include an Officer of the Council of the appropriate seniority or an external independent expert or recruitment consultant.

3.2 Consultation Procedure for Appointment

In respect the appointment of non-Statutory Chief Officers and Deputy Chief Officers, an offer of appointment to any of those officer posts must not be made by the Appointor until this statutory consultation process has been complied with.

The Appointor must notify the Monitoring Officer of the name of the person to whom the Appointor wishes to make the offer and any other particulars which the Appointor considers are relevant to the appointment, including reasons for the choice of the preferred candidate. The Monitoring Officer must notify every Member of the Executive of the Council of the name of the person to whom the Appointor wishes to make the offer, and the reasons why they are the Appointor's preferred candidate, together with any other particulars relevant to the appointment.

Members of the Executive will have a specified period of time in which to make any objection to the making of the offer to the Leader, for the Leader to notify the Monitoring Officer of such objections. The appointment may not be made until either the Leader has notified the Monitoring Officer that no such objections have been received from Executive Members in the period specified, or the Appointor is satisfied that any objections that were received were either not material or not well founded.

3.3 Appointment of Senior Officers

Post	Appointment	Conditions
Head of Paid Service	Performance and Appointments Committee	Requires Council approval
Chief Financial Officer	Performance and Appointments Committee	Requires Council approval
Monitoring Officer	Performance and Appointments Committee	Requires Council approval
Non-Statutory Chief Officers	Head of Paid Service, or Officer nominated by Head of Paid Service	Requires consultation with the Executive
Deputy Chief Officers	Head of Paid Service, or Officer nominated by Head of Paid Service	Requires consultation with the Executive

4.0 Disciplinary Action

4.1 Investigation of alleged misconduct

This paragraph applies to the Disciplinary Action in respect of the Head of Paid Service, Statutory Chief Officers, Non-Statutory Chief Officers and Deputy Chief Officers, subject to the express provisions in paragraph 4.2 below relating to the Head of Paid Service and Statutory Chief Officers.

The Council's Performance and Appointments Committee will investigate and consider any alleged misconduct in respect of the Head of Paid Service, Chief Financial Officer or Monitoring Officer, and decide, following receipt of the report of the Independent Panel, upon any disciplinary action to be taken, as necessary, in accordance with any Council staffing policies which have been adopted by the Council from time to time.

The Head of Paid Service or his nominated representative, will investigate any alleged misconduct in respect of non-Statutory Chief Officers and Deputy Chief Officers, as necessary, in accordance with any Council or Publica Group staffing policies, as applicable, which have been adopted from time to time. The Head of Paid Service's nominated representative may include an Officer of the Council of the appropriate level of seniority, who may or may not be an employee of the Council, or an external independent expert. The nominated representative may, pending the outcome of any investigation, suspend the non-Statutory Chief Officer or Deputy Chief Officer, for no longer than is necessary to investigate the allegations; such suspension will be on full pay other than in exceptional circumstances.

4.2 Head of Paid Service and Statutory Chief Officers

The Council's Head of Paid Service and Statutory Chief Officers cannot be dismissed by the Authority, unless this procedure has been complied with.

Where an allegation of misconduct in respect of the Head of Paid Service or a Statutory Chief Officer requires an investigation, an Independent Panel will be formed for this purpose. Pending the

report of such an Independent Panel the Statutory Officer may be suspended by the Performance and Appointments Committee whilst the alleged misconduct is investigated. Any such suspension will be for a maximum period of 2 calendar months and will be on full pay.

In consulting an Independent Panel to deal with such allegations of misconduct, the Performance and Appointments Committee will invite Independent Persons who have been appointed by the Council for the purposes of the Member's Conduct Regime under section 28(7) of the Localism Act 2011 to form an Independent Panel. An Independent Panel will be formed if two or more Independent Persons accept the invitation. If it has not been possible to appoint such a Panel following invitations to the Council's appointed Independent Persons, then further invitations may be made to Independent Persons appointed by another Council.

The role of the Independent Panel is to investigate the alleged misconduct and prepare a report setting out the conclusions of their investigation, and any other advice, views or recommendations as to any proposed disciplinary or other action, including dismissal. In carrying out their investigation the Independent Panel may inspect any documents relating to the conduct of the relevant Officer which are in the possession of the Council, or which the Council has the power to authorise them to inspect and require any Officer or Member of the Council to answer questions concerning the conduct of the relevant Officer.

If the recommendation of the independent Panel is disciplinary action other than dismissal, the Panel will report back to the Performance and Appointments Committee who will consider the report and may impose disciplinary action other than dismissal.

Where the Independent Panel recommends dismissal, or the Performance and Appointments Committee recommend dismissal, the matter must be dealt with by a meeting of the Council. At least 20 working days after the Independent Panel has been appointed a meeting of the Council will be held to receive the report of the Independent Panel and any recommendations of the Performance and Appointments Committee. The Council must, before taking a vote on whether or not to approve the proposed dismissal, take into account any advice, views or recommendations of the Independent Panel, the conclusions of any investigation into the alleged misconduct and any representations from the relevant Officer or their representative.

A Head of Paid Service or Statutory Chief Officer attending a Council meeting where proposed disciplinary action against them is being considered, is entitled to make both verbal and written representations to Council, as is their representative, who may be a colleague, a Union representative, a Companion or a Lawyer.

4.3 Disciplinary Action of Senior Officers

Post	Investigation	Notes	Appeal
Head of Paid Service	Independent Panel who reports to Performance and Appointments Committee who may impose disciplinary action other than dismissal	Decision to dismiss must be taken by Council	None
Statutory Chief Officers	Independent Panel who reports to Performance and Appointments Committee who may	Decision to dismiss must be taken by Council	None

	impose disciplinary action other than dismissal		
Non Statutory Chief Officers	Head of Paid Service or their representative	Decision to dismiss may only be taken following consultation with the Executive	Head of Paid Service or his representative
Deputy Chief Officers	Head of Paid Service or their representative	Decision to dismiss may only be taken following consultation with the Executive	Head of Paid Service or his representative

5.0 Dismissal

5.1 Power to Dismiss

The Council will be responsible for the function of dismissal of the Head of Paid Service and the Statutory Chief Officers as above.

Subject to the consultation process below, the Head of Paid Service or their nominated representative, shall decide upon any disciplinary action following a disciplinary hearing and shall be responsible for the function of dismissal of non-Statutory Chief Officers and Deputy Chief Officers. The Head of Paid Service's nominated representative may not be the same individual responsible for the investigation into the alleged misconduct and must be wholly independent from that individual.

5.2 Consultation Procedure for Dismissal

The statutory consultation procedure applies to the dismissal of a non-Statutory Chief Officer and Deputy Chief Officer.

Notice of the dismissal of non-Statutory Chief Officers and Deputy Chief Officers must not be given by the Dismissor until the Dismissor has notified the Monitoring Officer of the name of the person whom the Dismissor wishes to dismiss and any other particulars which the Dismissor considers are relevant to the dismissal, including a summary of the evidence heard at the disciplinary hearing and the reasons for the proposed decision. The Monitoring Officer will notify every Member of the Executive of the Council of the name of the person whom the Dismissor wishes to dismiss and the reasons, any other particulars relevant to the dismissal, and the period within which they may object to the dismissal, with such objections being made to the Leader, who shall make them to the Monitoring Officer. Such notice of dismissal may not be served until either the Leader has specified in that period that no such objections have been raised by Executive Members, or the Monitoring Officer has advised the Dismissor that no such objections have been received in the time period, or the Dismissor is satisfied that any objections received from the Leader within that period are not material or not well founded.

5.3 Appeals

Non-Statutory Chief Officers and Deputy Chief Officers who feel that the outcome of disciplinary action against them is wrong or unjust may appeal in accordance with any relevant Staffing Policies to the Head of Paid Service or his nominated representative. The Head of Paid Service's nominated representative may include a Council Officer of the appropriate level of seniority or an external expert, but shall not be the same individual responsible for the disciplinary action or the dismissal, not the same individual responsible for the investigation of alleged misconduct and must be wholly independent from those individuals.

The Head of Paid Service and Statutory Chief Officers shall have no right of appeal against disciplinary action.

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6F PROTOCOL ON CONFERMENT OF HONORARY TITLES

1.0 INTRODUCTION

The Council may, under section 249 of the Local Government Act 1972, confer the title of Honorary Alderman or Honorary Alderwoman on Councillors who have, in the opinion of the Council, rendered eminent service to it, as former Members of the West Oxfordshire District Council.

2.0 PROCEDURE

The Chair of the Council, the Leader of the Council, or any Leader of a Political Group of the Council, may bring a motion to Council seeking a resolution that the Council agree to convene a Special Council meeting to consider conferring the honorary title upon any former Member.

Such motions should be brought to the Annual Council meeting. Consultation should be undertaken in advance with all Political Group Leaders, who shall consult with their Group, and any non-grouped Members.

Nominations should be restricted to former Members of the Council who have retired as Councillors and chose not to stand for re-election to West Oxfordshire District Council. Nominations should be in respect of former Members who it is understood are unlikely to stand for election again in the future and intend to retire from political life.

Such a decision to confer such a title, may only be made at a specially convened Council meeting for that purpose. Such a resolution may only be made at the specially convened Council meeting, to confer the title, if passed by not less than two thirds of the members voting and present at that meeting.

3.0 CRITERIA

Consideration, by the Council, of conferring the title of Honorary Alderman or Honorary Alderwoman upon a former Member, will be in accordance with this Protocol.

Two thirds of Members present and voting at the specially convened Council meeting for conferring the title, must be satisfied that the former Member has provided eminent service to West Oxfordshire District Council.

In reaching this conclusion, Members may take into account various issues including, but not limited to, length of service to the Council, roles appointed or elected to within the Council, and any other notable contribution made.

Any conferment of such honorary title can only be made if the Council indicates, by a vote of not less than two thirds of members present and voting, that it considers the former Councillor has provided eminent service to the West Oxfordshire District Council.

Any former Member who has the title of Honorary Alderman conferred upon them by the Council, is entitled to attend Council meetings, other than when the Council has resolved to go into private session. They do not have a right to speak, participate in a debate or vote on any item at Council meetings.