

Public Document Pack



Tuesday, 14 March 2023

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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, 22 March 2023 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, Martin McBride, Michele Mead, Elizabeth Poskitt, Carl Rylett, Geoff Saul, Harry St John, 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, Executive, 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. **Apologies for Absence**
To receive any apologies for absence from Members of the Council.
2. **Declarations of Interest**
To receive any declarations of interest from Members of the Council on any items to be considered at the meeting.
3. **Minutes of Previous Meeting (Pages 7 - 16)**
To approve the minutes of the previous meeting held on Wednesday 15 February 2023.
4. **Receipt of Announcements**
To receive any announcements from the Chair, Leader of the Council, Executive Members or the Chief Executive.
5. **Participation of the Public**
Any member of the public, who is a registered elector in the District, is eligible to ask one question at this meeting, of the Chair of the 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.

Notice, together with a written copy of the question, must be provided to Democratic Services, either by email to democratic.services@westoxon.gov.uk or by post to: Democratic Services, West Oxfordshire District Council, Woodgreen, Witney OX28 1NB, and received no later than noon on the seventh working day before the date of the meeting.

A response may be provided at the meeting or within three clear working days of the meeting.

A total of 15 minutes is allowed for questions from members of the public.

6. **Questions by Members**
The following questions have been submitted by Members 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, Members are entitled to ask one supplementary question at the meeting.

Q1. Councillor Dr. Alaa Al-Yousuf to Councillor Lidia Arciszewska, Executive Member for the Environment:

Will the Executive Member commit to "putting residents first" when it comes to the future of the waste and recycling service?

Q2. Councillor Dr. Alaa Al-Yousuf to Councillor Duncan Enright, Deputy Leader and Executive Member for Economic Development:

Can the Deputy Leader confirm that Marriott's Walk will be managed as per the approved business plan, to prioritise increasing rental income to support services for the District as a whole through the regeneration of the site in order to increase footfall?

Q3. Councillor Ted Fenton to Councillor Lidia Arciszewska, Executive Member for the Environment:

How often since May 2022 have replacement (as a result of breakdown or other reason) recycling collection vehicles had to be used which are unable to keep glass and other recycling materials separate? How many vehicles (e.g. those used on narrow streets) in regular use are unable to keep glass and other recycling materials separate?

Q4. Councillor Norman MacRae MBE to Councillor Joy Aitman, Executive Member for Stronger, Healthy Communities:

The District Council continues to hold money from developers to be used for the provision of a 3G pitch in Witney.

Please update the Council as to when this money will be spent and when will the very much needed facility be built?

Q5. Councillor Michele Mead to Councillor Joy Aitman, Executive Member for Stronger, Healthy Communities:

The Woodstock open air pool is reopening in July 2023 for the school holidays. Please can you tell me what arrangements have been made for school swimming lessons, which would normally take place in the June (schools summer term) and was there a consultation with adult and family users?

Q6. Councillor Ted Fenton to Councillor Lidia Arciszewska, Executive Member for the Environment:

How many Food Waste caddies in particular and other household waste/recycling containers in general, have been replaced in the last year by WODC because householders' original ones have been damaged?

Reports from Officers

7. Recommendation from Executive to Council (Pages 17 - 20)

Purpose:

To agree a recommendation made to Council by the Executive on 8 March 2023.

Recommendation:

That Council Resolves to:

1. Agree a recommendation made by the Executive.

8. Recommendations from Independent Remuneration Panel (Pages 21 - 40)

Purpose:

To outline the findings of the Council's Independent Remuneration Panel regarding Member's Allowances.

Recommendation(s)

Council is recommended to resolve to:

1. Note the report of the Independent Remuneration Panel (Annex A);
2. Thank the Independent Remuneration Panel for their work;
3. Agree that a backdated uplift of 4.04% will be applied to members' allowances for the 2022/23 financial year;

4. Adopt the Draft Allowances Scheme 2023-27 (Annex B), or an amended version of it;
5. Note that if Council adopts a multi-year allowances scheme the Independent Remuneration Panel will hold a mid-term review;
6. Instruct officers to produce a business case for issuing electronic devices to members.

9. **Recommendations from the Constitution Working Group (Pages 41 - 82)**

Purpose:

To consider proposals from the Constitution Working Group for amendments to the West Oxfordshire District Council Constitution to adopt a new Protocol on the Pre-Election Period, Local Petition Scheme, Officer Decision Making Protocol, Social Media Policy and Executive Procedure Rules.

Recommendations:

Council is recommended to:

1. Approve the Protocol on the Pre-Election Period, at Annex A to this report, and formally adopt it as part of the Council's Constitution from 23rd March 2023;
2. Approve the Local Petition Scheme, at Annex B to this report, and formally adopt it as part of the Council's Constitution from 23rd March 2023;
3. Approve the Officer Decision Making Protocol, at Annex C to this report, and formally adopt it as part of the Council's Constitution from 23rd March 2023;
4. Approve the Social Media Policy, at Annex D to this report, and formally adopt it as part of the Council's Constitution from 23rd March 2023;
5. Approve the Executive Procedure Rules, at Annex E to this report, and formally adopt it as part of the Council's Constitution from 23rd March 2023.

Motions on Notice

10. **Motion A: Botley West Solar Farm - Proposed by Councillor Lysette Nicholls, Seconded by Councillor Michele Mead**

Original Motion – Proposed by Councillor Lysette Nicholls, Seconded by Councillor Michele Mead.

This council fully supports the Government's Net Zero target and restates the importance of ensuring that the UK generates more of its own energy at home.

Original Resolution –

Council Resolves to:

1. Request that the Leader of the Council writes to the Secretary of State for Business & Trade, and all Oxfordshire MPs, informing them that WODC objects to the proposed Botley West Solar Farm on Blenheim Palace and Merton College land developed by 'Photovolt' Development Partners.

Amendment to Motion – Proposed by Councillor Carl Rylett, Seconded by Councillor Andy Goodwin.

[Words added in *italics*, words removed in ~~strikethrough text~~]

This council fully supports the Government's Net Zero target and ~~restates~~ *recognises the importance of ensuring that the UK generates more of generating its own energy at home carbon-neutral energy, and further recognises that West Oxfordshire must play its part in this process.*

This Council recognises that many residents and local businesses, including farmers, and Parish Councils have expressed concerns with the proposed Botley West Solar farm on land owned by Blenheim and Merton College, and developed by 'Photovolt' Development Partners.

This Council notes and approves of the approach being taken by this council to respond to this proposed development, which will be determined by the relevant Secretary of State.

The Council will produce an Impact Statement, which will detail the effect of the solar farm on the environment, population and businesses in the area, and which will be based on robust and empirical evidence. It notes that an officer is dedicated full-time to this role, and further notes that the Council has hosted meetings with Parish Councils to support their response to the application.

Amendment to Resolution:

Council Resolves to:

- ~~1. Request that the Leader of the Council writes to the Secretary of State for Business & Trade, and all Oxfordshire MPs, informing them that West Oxfordshire District Council objects to the proposed Botley West Solar Farm on Blenheim Palace and Merton College land developed by Photovolt Development Partners. Give careful consideration to the Impact Assessment and decide at that stage whether any further action should be taken.~~

Full Amendment – Proposed by Councillor Carl Rylett, Seconded by Councillor Andy Goodwin.

This Council fully supports the Government's Net Zero Target, and recognises the importance of the UK generating its own carbon-neutral energy, and further recognises that West Oxfordshire must play its part in this process.

This Council recognises that many residents and local businesses, including farmers, and Parish Councils have expressed concerns with the proposed Botley West Solar farm on land owned by Blenheim and Merton College, and developed by 'Photovolt' Development Partners.

This Council notes and approves of the approach being taken by this council to respond to this proposed development, which will be determined by the relevant Secretary of State.

The Council will produce an Impact Statement, which will detail the effect of the solar farm on the environment, population and businesses in the area, and which will be based on robust and empirical evidence. It notes that an officer is dedicated full-time to this role, and further notes that the Council has hosted meetings with Parish Councils to support their response to the application.

Council Resolves to:

- I. Give careful consideration to the Impact Assessment and decide at that stage whether any further action should be taken.

11. **Motion B: Local Economy - Proposed by Councillor Mark Johnson, Seconded by Councillor Jane Doughty.**

This Council recognises the importance of supporting local businesses in Witney and West Oxfordshire. Given the difficult economic climate local businesses on the Witney High Street in particular are facing, this Council calls on the Leader to write to the Cabinet Member for Highways Management at Oxfordshire County Council, calling for a full review and further consultation into the vehicle restrictions currently in place.

Council Resolves to:

- I. Instruct the Leader of the Council to write to the Cabinet Member for Highways Management at Oxfordshire County Council, calling for a full review and further consultation into the vehicle restrictions currently in place.

12. **Motion C: Strategic Planning - Proposed by Councillor Alaa Al-Yousuf, Seconded by Councillor Michele Mead.**

This Council needs to regain residents' confidence in its strategic planning process. The Local Plan 2031 is now, at best, a weak defence against speculative development applications. The Council's claim in its current Position Statements on Housing Land Supply of 4.1 years has been successfully challenged by developers and set aside by Planning Inspectors.

Council Resolves to:

- I. Request that the Economic and Social Overview and Scrutiny Committee investigate and recommend improvements to ensure that future Position Statements are based on methodologies that result in estimates that stand up to scrutiny.

(END)

WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the meeting of the Council

Held in the Council Chamber at 2.00 pm on **Wednesday, 15 February 2023**

PRESENT

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

Officers: Giles Hughes (Chief Executive), Elizabeth Griffiths (Chief Finance Officer, Deputy Chief Executive and Section 151 Officer), Susan Sale (Monitoring Officer), Frank Wilson (Group Finance Director - Publica), Andrew Brown (Business Manager, Democratic Services), Max Thompson (Democratic Services Manager) and Georgina Dyer (Chief Accountant).

Other Councillors in attendance: Nil.

CL.51 Apologies for Absence

Apologies for Absence were received from the following Councillors.

C Maynard, D Temple, R Poole, R Smith, S Coul, D Cooper and A Goodwin.

CL.52 Declarations of Interest

There were no declarations of interest declared by members at the meeting.

CL.53 Minutes of Previous Meeting

The minutes of the previous meeting held on Wednesday 18 January 2023, were accepted as a true record, and agreed unanimously by Council.

Councillor Michele Mead, Leader of the Conservative Group, raised two points of order on the minutes of the previous meeting under Rule 15.14 (Questions Previously Asked).

1. Page 7, Paragraph 4 – Councillor Andy Graham, Leader of the Council, committed to write to Councillor Mead regarding financial implication that would incur should the current arrangements for the Council's Monitoring Officer be extended.
2. Page 10, Agenda Item CL42 – Councillor Andy Graham, Leader of the Council, committed to write to Councillor Mead regarding the costs incurred for the West Oxfordshire Council Plan consultation.

Councillor Graham further committed to provide these answers to Councillor Mead in writing.

Councillor Harry St. John queried whether the three Motions that were put at the last meeting, were being referred to the right Scrutiny Committees.

The Chief Executive stated that thought has gone into the referral process and briefly explained the rationale for which committee the motions were being referred to.

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It was then noted that the minutes of the previous meeting did state which committees the motions were being referred to.

Councillor Matthew Brooker rose to ask for clarification as to who closed the previous meeting. It was subsequently confirmed that the Chair closed the meeting.

CL.54 Receipt of Announcements

Councillor Andy Graham, Leader of the Council, rose to announce that February 2023, was LGBTIQ+'s History Month, and as such the Pride flag was raised above the Woodgreen offices to commemorate it. The raising of the flag symbolises the problems that some members of the LGBTIQ community have experienced and that the Council remains an all-inclusive one, whilst also remaining fully committed to equality and diversity. Councillor Graham also praised Councillor Andrew Coles, Vice-Chair of the Council, for work that he had completed within the local area, including Witney Pride.

Councillor Andrew Prosser, Executive Member for Climate Change, rose to announce that following recent engagement work with Town and Parish Councils, that a meeting will be held at 6.00pm on Wednesday 8 March 2023 at Woodgreen. The meeting will follow on from engagement work undertaken on Climate Change, where attendees can share ideas around best practice, and effective, forward thinking ways to combat climate change.

The Chair of the Council, Councillor Julian Cooper, stated that the thoughts of the Council were with the people of Turkey and Syria after the devastating earthquake that had hit the region. The Chair also paid tribute to the efforts of service personnel at Royal Air Force Station Brize Norton for the logistical work undertaken to ensure that humanitarian aid and specialist equipment was reaching the areas that needed it the most.

The Chair also reminded Members that they are all invited to a presentation with Simon Hoare MP, Member of Parliament for North Dorset, former Member of West Oxfordshire District Council, and Chair of the Northern Ireland Select Committee on 10 March 2023. The presentation will discuss the future of the Ulster province.

CL.55 Participation of the Public

There was no public participation at the meeting.

CL.56 Questions by Members

The following question was asked at the meeting by Councillor Harry. St. John, with the answer from Councillor Carl Rylett, Executive Member for Planning and Sustainability.

QI: Blenheim Solar Farm - I realise that as a Nationally Significant Infrastructure Project application, the decision will be out of our hands and ultimately depends on the Inspectors report to the Secretary of State for a final decision.

However, how is the WODC Development Control Committee going to handle it once more detail is forthcoming, as clearly it would be a large enough proposal to merit all Planning members to debate how WODC responds to it when officially consulted?

I have heard that the applicants have offered to pay the salary of an officer whose time would be solely dedicated to the application. Can that be right, or is that in relation to the Enstone Car museum case?

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AI: The application is unusual in that it will be determined by the Secretary of State as opposed to the District Council. Because it is unusual (the first one of its type ever submitted in the District) the scheme of delegation that applies to planning matters does not specify where it will be commented upon (e.g. Council, Executive, DC Committee, Uplands, Lowlands, Officers etc.). That matter is still being worked through and will of course ultimately be determined by Members.

The application has absorbed and will in future require a huge amount of Officer time. The District receives no fee for processing the application. We are thus seeking for the costs of the Officer time that has had to be reallocated to this project to be reimbursed to the District by way of Planning Performance Agreement (PPA). These are a standard part of the planning process whereby councils can seek for their costs to be met in return for meeting the deadlines set out in the PPA for providing responses at predetermined times.

Councillor St. John then asked the following supplementary question:

Q1a: I think it is clear from the process that we can seek to claim the cost of an officer's burden. When do we think we may get an answer on that from the powers that be?, because as a Council, it seems to me that we need to make clear what our position is and that ought to be discussed by the Development Control Committee, not just Lowlands or Uplands. Obviously, the officers will have to do a lot of work to give us the pros and cons. At this stage, we don't know enough details to start the process, but it is looming.

A1a: I can certainly assure Council that there will be opportunities for Members to be involved in the process and to be fully informed. Exactly what that looks like is slightly premature at this stage, but you will be informed shortly. I think that the answer makes clear that situation of the extra officer resource and the difficulties that it creates for the Council, is very standard practice in this type of large application for there to be a planning performance agreement.

CL.57 Appointment of Deputy Electoral Registration Officers

Councillor Andy Graham, Leader of the Council, introduced the report which recommended to Council the delegation of the appointment of Deputy Electoral Registration Officers to the Electoral Registration Officer.

Due to the changes to legislation that have been brought in by the Elections Act 2022, it was felt necessary that the Council appointed a Deputy Electoral Registration Officer. Council was currently the only body able to appoint these, as set out in the Representation of the People Act 1983. The Council's Chief Executive Officer is the Electoral Registration Officer as appointed by the Council in September 2021. However, there is no assigned deputy should the ERO be unable to act in the position due to sickness, leave or other reasons.

Councillor Graham proposed to agree delegation of the appointment of Deputy Electoral Registration Officers. This was seconded by Councillor Duncan Enright, was put to a vote and was agreed unanimously by Council.

Council Resolved to:

1. Delegate authority to the Council's Electoral Registration Officer to appoint Deputy Electoral Registration Officer(s) to act in place of the Electoral Registration Officer as appropriate, and where they are unable to act personally to this post.

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CL.58 Appointment of Director of Governance

Whilst the item of business was heard, the Council's Interim Monitoring Officer, Susan Sale, left the Council Chamber.

Councillor Andy Graham, Leader of the Council, introduced the report which would recommend to Council the appointment of Andrea McCaskie as the new Director of Governance (Monitoring Officer) for West Oxfordshire District Council, and to outline interim arrangements.

In February 2022, West Oxfordshire District Council resolved to designate Susan Sale as the Council's Monitoring Officer on an interim 12 month basis with effect from 1 March 2022. Susan Sale is also the Head of Law and Governance at Oxford City Council and is also designated as the Monitoring Officer for that authority. Susan has handed in her notice to Oxford City Council and will leave their employment on the 16 April 2023.

Councillor Graham gave Council a brief overview of the recruitment process, and highlighted the recent meeting of the Performance and Appointments Committee which had interviewed shortlisted candidates including Ms McCaskie, and after deliberation, recommended that Ms McCaskie be appointed.

Councillor Graham proposed to appoint Andrea McCaskie as the Council's Director of Governance and Monitoring Officer. This was seconded by Councillor Michele Mead, was put to the vote and was agreed unanimously by Council.

Council Resolved to:

1. Approve the appointment of Andrea McCaskie as the Director of Governance and Monitoring Officer for West Oxfordshire District Council on a permanent full time basis.
2. Note that the provisional verbal offer of employment has been made, subject to two references, medical clearance and eligibility check (BPSS check) in accordance with the Council's policies.
3. Agree the appointment commences on a date to be mutually agreed between the successful candidate and the Chief Executive.
4. Agree that the appointment is made on a salary of £80,000 per annum.
5. Approve the extension of the current interim Monitoring Officer arrangement with Susan Sale until 16 April 2023, or until Andrea McCaskie starts, whichever is the sooner.
6. Agree that should there be a gap between the 16 April 2023 and the start of Andrea McCaskie's employment then Andrew Brown the current Deputy Monitoring Officer should be designated as the Council's Monitoring Officer for that interim period.

The Monitoring Officer returned to the Council Chamber.

CL.59 Recommendations from the Executive (formerly Cabinet) to Council

Councillor Andy Graham, Leader of the Council, introduced the report which was to consider and approve recommendations made to Council by the Executive, since its meeting on 16 November 2022. Councillor Graham advised Council that Councillor Dan Levy, Executive Member for Finance, would propose the first recommendation from the Cabinet meeting of 16 November 2022, whilst Councillor Geoff Saul, Executive Member for Housing and Social

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Welfare, would propose recommendations two and three. Councillor Graham further advised that he would be seconding both proposals.

The three decisions that were recommended by the Executive to be adopted by Council, were detailed within Annex A of the main Agenda Item report.

Councillor Michele Mead rose to query if there was a specific reason why both the 2023/34 Budget and Council Tax were not listed as recommendations from the Executive, but noted that they were Agenda items at the meeting, and that this had been seen as a traditional working practice previously.

After consultation with the Monitoring Officer, the Chair stated that this is not required constitutionally, but that the points were noted for future reference.

Councillor Ben Woodruff rose to query the recent name change of the Executive, from Cabinet. Councillor Graham responded stating that it was owing to a recommendation made to Council by the Constitution Working Group.

Councillor Levy introduced the first recommendation from the meeting of Cabinet on 16 November 2022, in which Cabinet resolved to recommend to Council that approval be given to approve the increase to income bands, as detailed within paragraph 2.5, from 1 April 2023.

This was proposed by Councillor Levy and seconded by Councillor Graham. The recommendation was put to a vote and was unanimously agreed by Council.

The second and third recommendations were introduced by Councillor Saul from the meeting of the Executive on 8 February 2023, in which the Executive resolved to recommend to Council to allocate Capital Funding of £2m to match fund the capital grant payable by Department for Levelling Up, Communities and Local Government in the event of a direct acquisition approach, and further resolved to recommend to Council to allocate Section 106 funding to support the business case up to a maximum of £40,000 per unit to gap fund the scheme to deliver affordable rents in the event of a direct acquisition approach.

This was proposed by Councillor Saul and seconded by Councillor Graham. The recommendations were put to a vote and was unanimously agreed by Council.

Council **Resolved** to:

- I. Approve the recommendations made by the Executive:
 - Cabinet resolved to recommend to Council that approval be given to approve the increase to income bands, as detailed within paragraph 2.5, from 1 April 2023 – 16 November 2022;
 - Executive resolves to recommend to Council to allocate Capital Funding of £2m to match fund the capital grant payable by Department for Levelling Up, Communities and Local Government in the event of a direct acquisition approach – 8 February 2023.
 - Executive resolves to recommend to Council to allocate Section 106 funding to support the business case up to a maximum of £40,000 per unit to gap fund the scheme to deliver affordable rents in the event of a direct acquisition approach – 8 February 2023.

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CL.60 Report of the Chief Finance Officer on the Budget

The Chair announced that the Agenda item of the Chief Finance Officer's Report on the Budget was to be taken with and incorporated within Agenda Item 11, 2023-2024 Budget and Medium Term Financial Plan, and was to be incorporated within the minutes of Agenda Item 11.

Council therefore **Resolved** to:

1. Note the Report of the Chief Finance Officer on the Budget, as an additional recommendation within Agenda Item 11.

CL.61 2023-2024 Budget and Medium Term Financial Plan

Councillor Jane Doughty left the Council Chamber ahead of the Budget Agenda item. Councillor Michele Mead later updated Council to advise that councillor Doughty had been taken to hospital owing to an illness, and that the thoughts of the Council were with her at the time.

Ahead of the introduction of the report, Councillor Andy Graham, Leader of the Council, asked if any Members needed any formal clarification on the budget papers, as a result of more than one version of a document being presented at the meeting. A supplementary paper was provided in addition to the main budget papers in advance of the meeting.

Councillor Ted Fenton asked if any of the MTFS (Medium Term Financial Strategy) figures in the supplement were vastly different to those that had been circulated prior. The Chief Finance Officer responded stating that there was a slight variation on the figures as a result of the Executive meeting that took place 7 days before the Council meeting. Whilst initial reports were published within the normal timescales, this was before the meeting of the Executive. There were slight variations in the figures as a result of an amendment made by Executive, and the final figures for consideration were contained within the supplement.

Councillor Graham introduced the report and outlined the proposals for the budget. A copy of the Leader's Speech is attached to the original copy of the minutes as an appendix.

Councillor Graham explained that the budget proposals were brought together after a recent consultation with residents of West Oxfordshire, and amidst ongoing certainty, both politically and nationally within Central Government, and also as a result of the ongoing conflict in Ukraine.

An overview of the work that the administration have recently undertaken to make the Council more transparent and available to residents of the district. This has seen events such as 'Executive on Tour', and live Question & Answer sessions on social media platforms.

Councillor Graham concluded by thanking Council Officer's for their ongoing hard work, and also the Council's Finance Team who had worked with the Administration to develop the Council's budget.

Councillor Michele Mead, Leader of the Opposition, responded stating that the introduced budget would lead to the Council becoming bankrupt in approximately 2 years. Councillor Mead also highlighted that the administration were committed to spending money, rather than adopting a balanced approach, notwithstanding recent hikes in the cost of energy and fuel.

Councillor Mead summed up stating that the budget, which is not something the oppositions could support, was one of convenience for the administration, and that many years of work by previous administrations was set to be scuppered with the Council destined for bankruptcy.

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In the wider budget debate it was highlighted by several members that the proposed budget would lead to the Council becoming bankrupt in the next 2-3 years, and that reserves would reduce in further, forthcoming budgets. This was counteracted by members of the Executive who stated that a 'cliff edge' within the budget forecasts was owing to uncertainty of future funding from central government. Whilst it was further acknowledged that having funds in reserve was in the round a good idea, it may not be a current, viable option as a result of levels of inflation that would ultimately mean that reserve funding is worth less overall.

Further representations were made by Members stating that the Council needed to be seen to be taking the lead on helping residents of the District with the help to limit the impact of the cost of living crisis and the climate emergency, as a result of a perceived shortfall in government support. The recent Council purchase of Marriott's Walk shopping centre in Witney was also praised by Members, which will go a long way to supporting businesses and residents of Witney, whilst also providing regeneration and opportunity to the town, as well as income for the Council. A similar ideology could follow suit in the future.

It was also highlighted that whilst there are external pressures being felt generally, the Budget would see money being spent, just as quickly as it is received, and that this methodology of budgeting was not sustainable in the longer term. Care and consideration needed to be given to the items within the budget ascertaining to growth, whilst also being in a position to fulfil the Council commitments made in documents such as Council Plans and Local Plans.

During the debate, the Chair of the Council, urged members to not be personal within their remarks, and that the Council has a long standing tradition of politeness within political debate. Members also took the opportunity to remind one another that several issues within the local community, such as reductions in speed limits, and the condition of roads within the District, were not a matter for the Budget Debate, and also not the District Council.

Many Members throughout the debate took the opportunity to thank the work of the Chief Finance Officer and the wider Finance Team for their work in preparing the budget for consideration at the meeting. Emphasis was placed on external pressures being felt, and Members were keen to acknowledge work undertaken in the run up to the meeting.

It was highlighted that as a result of the Council's Agile Working Project, Council Officers and wider staff are able to work more flexibly and remotely if needed, which would free up space within Council buildings. This would see the Council's Elmfield site being leased out, and would also enable Council Meetings to be livestreamed in the future. This is as a result of Audio and Visual Equipment being installed in the Council's Committee Rooms, with the Council Chamber following on in due course. The Executive member for Customer Delivery was also keen to note that this investment in technology helps the Council become more transparent, in times where awareness of local government activity is on the rise.

It was noted that Climate Change remains a priority for the residents of the District and that the officer posts contained within the budget are essential in ensuring that action on climate change is taken by the council.

Several members highlighted the Council Tax base that was contained within the budget. It was noted that Council Tax needed to be raised so that appropriate levels of revenue funding were maintained, and that by not raising Council tax levels, the base would not be built upon.

It was also highlighted that traditional working practices of local government were now not always front and centre of the day to day operational output seen at local government level.

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Recent external pressure and events that have taken place over recent years have seen more emphasis on helping residents with debt management, the provision of basic essentials and signposting help to those that need it to most. It was recognised that the work of volunteers was invaluable, and that modern local governments have had to adapt from what was traditionally accepted as 'the norm'.

Several members raised concerns as to how the budget debate had been conducted, and that much of the debate had related to 'point scoring' and that no alternative solutions had been put forward, or that no amendments had been tabled.

Councillor Dan Levy, Executive Member for Finance, and seconder of the recommendations, was keen to reassure Members that the Council would not go bankrupt, and that it was right to adopt a worst case scenario approach to what funding it would receive from central government. Spending money and not being overly cautious of spending money was as a result of the levels of inflation seen across the economy. Councillor Levy finished by stating that the work being undertaken and the money being spent to ensure that Council meetings are livestreamed and open & transparent to the public, is the least that the Executive can do to ensure that the Council is seen as a fully engaging one.

In formally summing up the Budget Debate, Councillor Graham stated that he was very happy to see that the whole Council has been working collaboratively and together to ensure that it presented a balanced budget for consideration, and that no stone had been left unturned in the budget decision making processes. Many people face strong challenges in their daily lives, and the Council was mandated to assist those who are struggling by investing in the people of the District, investing in regeneration of towns & villages, and working together in partnership for an all-round better District.

Councillor Graham proposed that Council agree the Budget resolutions and this was seconded by Councillor Dan Levy. In accordance with legislation, a recorded vote on the proposition was taken and the result was as follows:

FOR the proposition: J Aitman, L Arciszewska, L Ashbourne, H Ashton, M Brooker, M Cahill, N Chapple, A Coles, O Collins, J Cooper, D Enright, A Graham, D Jackson, N King, R Langridge, L Leffman, D Levy, M Parkinson, R Pearson, E Poskitt, A Prosser, C Rylett, G Saul, A Smith.

AGAINST the proposition: A Al-Yousuf, A Beaney, J Bull, C Dingwall, H Eaglestone, T Fenton, J Haine, G Hill, M Johnson, N Leverton, N MacRae MBE, M McBride, M Mead, L Nicholls, H St. John, A Wilson, B Woodruff.

Abstentions: Nil.

There being **24 votes For**, **17 Against**, and **Nil Abstentions** with 8 Members not in attendance. The vote was carried.

Council **Resolved** to Approve:

1. The General Fund revenue budgets as summarised in Annex B;
2. The updated Medium Term Financial Strategy in Annex E;
3. The Capital Programme for 2023/24 to 2031/32 as set out in Annex D;
4. Fees and Charges, as previously circulated and set out in Annex H;
5. The Council's Pay Policy Statement as set out in Annex J;
6. The Council's Capital Strategy as set out in Annex K;

Council

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7. The Council's Investment Strategy as set out in Annex L;
8. The Council's Treasury Strategy as set out in Annex M.

CL.62 Council Tax 2023/2024

Councillor Andy Graham, Leader of the Council, introduced the report, which was to enable the Council to calculate and set the Council Tax for 2023/2024.

The Council is lawfully required to make resolutions in respect of the tax base (Schedules 1 and 2) and aggregate levels of Council Tax. The aggregate levels of Council Tax comprise the 'basic amount' – Parish and District levy (Schedules 1 and 2), amounts for each Council Tax band (Schedule 3) and precepts for Oxfordshire County Council and the Police & Crime Commissioner for Thames Valley (Schedule 4).

Councillor Graham proposed that Council agree to the resolutions as set out in the report annexes and was seconded by Councillor Duncan Enright. In accordance with legislation, a recorded vote on the proposition was taken and the result was as follows:

FOR the proposition: J Aitman, A Al-Yousuf, L Arciszewska, L Ashbourne, H Ashton, A Beaney, M Brooker, J Bull, M Cahill, N Chapple, A Coles, O Collins, J Cooper, C Dingwall, H Eaglestone, D Enright, T Fenton, A Graham, J Haine, G Hill, D Jackson, N King, R Langridge, L Leffman, N Leverton, D Levy, N MacRae MBE, M McBride, M Mead, L Nicholls, M Parkinson, R Pearson, E Poskitt, A Prosser, C Rylett, G Saul, A Smith, H St. John, A Wilson.

AGAINST the proposition: M Johnson, B Woodruff.

Abstentions: Nil.

There being **39** votes **For**, **2** **Against**, and **Nil Abstentions** with 8 Members not in attendance. The vote was carried.


Council **Resolved** to:

- I. Agree the resolutions set out in Annex A to the report.

The Meeting closed at 3.40 pm

CHAIR

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 <p>WEST OXFORDSHIRE DISTRICT COUNCIL</p>	<p>WEST OXFORDSHIRE DISTRICT COUNCIL</p>
<p>Name and date of Committee</p>	<p>COUNCIL – 22 March 2023</p>
<p>Subject</p>	<p>RECOMMENDATION FROM EXECUTIVE TO COUNCIL</p>
<p>Wards Affected</p>	<p>All</p>
<p>Accountable Member</p>	<p>Councillor Andy Graham – Leader of the Council. Email: andy.graham@westoxon.gov.uk</p>
<p>Accountable Officer</p>	<p>Andrew Brown – Business Manager, Democratic Services. Email: andrew.brown@publicagroup.uk.</p>
<p>Report Author</p>	<p>Max Thompson – Senior Democratic Services Officer. Email: max.thompson@westoxon.gov.uk.</p>
<p>Summary/Purpose</p>	<p>To agree a recommendation made to Council by the Executive on 8 March 2023.</p>
<p>Annexes</p>	<p>Annex A – Recommendation from Executive to Council.</p>
<p>Recommendation(s)</p>	<p>That Council Resolves to:</p> <ol style="list-style-type: none"> I. Agree a recommendation made by the Executive.
<p>Corporate Priorities</p>	<ul style="list-style-type: none"> • Putting Residents First • A Good Quality of Life for All • Working Together for West Oxfordshire
<p>Key Decision</p>	<p>NO</p>
<p>Exempt</p>	<p>NO</p>
<p>Consultees/ Consultation</p>	<p>NONE</p>

I. BACKGROUND

1.1 The Council is required to agree recommendations made to Council by the Executive on 8 March 2023.

2. MAIN POINTS

2.1 The decision recommended by the Executive to be agreed by Council, is detailed within Annex A. All other decisions were in the Executive's gift to make and no other recommendations have been made at this time.

3. FINANCIAL IMPLICATIONS

3.1 Any financial implications of the proposed decisions are as set out in the associated reports to Cabinet and/or Committees.

4. LEGAL IMPLICATIONS

4.1 None.

5. RISK ASSESSMENT

5.1 Not Applicable.

6. EQUALITIES IMPACT

6.1 Not Applicable.

7. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

7.1 Not Applicable.

8. BACKGROUND PAPERS

8.1 None.

(END)

Recommendations from Executive to Council.

<u>Date</u>	<u>Meeting</u>	<u>Recommendation</u>
8 March 2023 **	Executive	<u>Waste Service Review and Update and Ubico Contract Extension.</u> Executive Resolves to: I. Recommend to Council that the current contract with Ubico is extended until 31 March 2026.
-	-	-

** Subject to the resolutions of Executive on 8 March 2023.

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 <p>WEST OXFORDSHIRE DISTRICT COUNCIL</p>	<p style="text-align: center;">WEST OXFORDSHIRE DISTRICT COUNCIL</p>
<p>Name and Date of Committee</p>	<p>COUNCIL – 22 MARCH 2023</p>
<p>Subject</p>	<p>Report and Recommendations from the Council’s Independent Remuneration Panel.</p>
<p>Wards Affected</p>	<p>ALL</p>
<p>Accountable Member</p>	<p>Councillor Andy Graham – Leader of the Council. Email: andy.graham@westoxon.gov.uk</p>
<p>Accountable Officer</p>	<p>Elizabeth Griffiths – Chief Finance Officer, Section 151 Officer and Deputy Chief Executive Officer. Email: elizabeth.griffiths@westoxon.gov.uk</p>
<p>Report Authors</p>	<p>Andrew Brown, Democratic Services Business Manager. Email: andrew.brown@publicagroup.uk Max Thompson, Senior Democratic Services Officer. Email: max.thompson@westoxon.gov.uk</p>
<p>Summary/Purpose</p>	<p>To outline the findings and recommendations of the Council’s Independent Remuneration Panel regarding Member’s Allowances.</p>
<p>Annexes</p>	<p>Annex A – Annual Report and Recommendations of the Independent Remuneration Panel 2023. Annex B – Draft Allowances Scheme 2023-27</p>
<p>Recommendations</p>	<p><i>Council is recommended to resolve to:</i></p> <ol style="list-style-type: none"> <i>1. Note the report of the Independent Remuneration Panel (Annex A);</i> <i>2. Thank the Independent Remuneration Panel for their work;</i> <i>3. Agree that a backdated uplift of 4.04% will be applied to members’ allowances for the 2022/23 financial year.</i> <i>4. Adopt the Draft Allowances Scheme 2023-27 (Annex B), or an amended version of it.</i> <i>5. Note that if Council adopts a multi-year allowances scheme the Independent Remuneration Panel will hold a mid-term review.</i>

	<i>6. Instruct officers to produce a business case for issuing electronic devices to members.</i>
Corporate Priorities	Working Together for West Oxfordshire
Key Decision	NO
Exempt	NO
Consultees/ Consultation	Members Questionnaire disseminated by Democratic Services.

I. BACKGROUND

By law, the Council is required to appoint an Independent Remuneration Panel (IRP), which recommends the level of allowances for Councillors. The Panel is made up of three persons who are suitably skilled members of the public who are independent of the District Council. Members of the Panel have proven knowledge and experience of being appointed to an IRP, and making representations to Councils as appropriate. The Panel's report is attached at Annex A for consideration by the Council.

- 1.1 The Local Government Act 2000 and the Local Authorities (Members' Allowances) (England) Regulations 2003 require local authorities to review their Allowances Schemes and to appoint Independent Remuneration Panels to consider and make recommendations on new schemes. The Government's "Guidance on Consolidated Regulations on Local Authority Allowances" outlines the main statutory provisions and gives non-statutory guidance.
- 1.2 The Panel recommends the basic allowance (paid to all councillors), special responsibility allowances (SRA), and other allowances (e.g. for travel, subsistence, dependent carers, and co-optees' allowances). The Panel's recommendations are included in the Panel's report which is attached at Annex A.

2. DRAFT ALLOWANCES SCHEME 2023-27

- 2.1 The IRP took a statistical approach in comparing the allowances to the average for district councils in the South East England region. The IRP concluded that the level of the basic allowance was too low and that the level of special responsibility allowances paid to executive members were too high.
- 2.2 The IRP has recommended that a backdated pay uplift of 4.04% is applied to members' allowances for the 2022/23 financial year. For 2023/24 and the four subsequent years, uplifts would be linked to the national pay award for local government employees. For 2023/24 only if the national pay award is below 6% then allowances would rise by 6%.
- 2.3 The IRP recommend that some changes are made to special responsibility allowances (SRAs) compared to the Council's most recent Members' Allowances scheme. SRAs are calculated

as multiples of the basic allowance and the IRP recommend the following changes to bring these allowances more in line with the district council average for the South East England region:

- SRA for Leader to reduce from 4.5x basic allowance to 4.0x basic allowance
- SRA for Deputy Leader to reduce from 3.0x basic allowance to 2.5x basic allowance
- SRA for Members of the Executive (excluding Leader and Deputy Leader) to reduce from 2.5x basic allowance to 2.0x basic allowance.

- 2.4** The IRP recommend that the SRA for the Chair of Scrutiny should remain at 1.0x basic allowance for a single Chair of Scrutiny but if this role is held by two or more members the multiple should reduce to 0.5x basic allowance.
- 2.5** The IRP considered the need to make the role of councillor inclusive to people with a variety of backgrounds and experiences. The IRP identified that one way in which an allowances scheme could make a potentially useful intervention, would be by including provision for maternity or adoption leave for members with special responsibilities.
- 2.6** The IRP also considered whether members should be paid a separate allowance for ICT costs to enable members to purchase a device on which to access their councillor email account and meeting papers. The IRP concluded that the Council should instead consider the business case for issuing electronic devices to members directly.
- 2.7** Following the IRP meeting on 27 February 2023, officers have produced a draft allowances scheme based on the Panel's recommendations. The Draft Members' Allowances Scheme is attached at Annex B. Council is recommended to adopt the Draft Scheme subject to any amendments that are considered and passed at the Council meeting.

3. ALTERNATIVE OPTIONS

- 3.1** Council is required to have regard to the recommendations of the IRP but it is open to any member of Council to propose amendments to the Draft Scheme which is attached at Annex B.

4. FINANCIAL IMPLICATIONS

- 4.1** The Council's budget will be updated as required once a new allowances scheme has been passed by Council. The IRP has proposed that allowances are indexed to staff pay for a four year period which will provide clarity for future budget setting processes.

5. LEGAL IMPLICATIONS

- 5.1** The Council is required by regulations to make a scheme for the allowances to be paid to members before the beginning of each year. A scheme must include provisions for paying a basic allowance, special responsibility allowances, dependants' carers' allowance, travelling and subsistence allowance and co-optees' allowance. Schemes. A scheme may make provision for an annual adjustment of allowances by reference to such index but may not rely on an index for a period of more than four years.

6. RISK ASSESSMENT

6.1 There are no risks associated with this report.

7. EQUALITIES IMPACT

7.1 The Independent Remuneration Panel considered issues of equality and diversity and have recommended a specific intervention aimed at promoting equalities which is the adoption of a maternity and adoption scheme for councillors.

8. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

8.1 The Independent Remuneration Panel noted that the Council has declared a climate and ecological emergency. With this in mind the Panel has recommended that the Council seeks to move to “paper-light” meetings and considers the provision of electronic devices for councillors to access meeting packs as an alternative to paper copies.

9. BACKGROUND PAPERS

9.1 None.

(ENDS)



Independent Remuneration Panel West Oxfordshire District Council

Annual Report and Recommendations March 2023

Author: Max Thompson, Senior Democratic Services Officer.

Introduction and Background

By law, the Council is required to appoint an Independent Remuneration Panel (IRP), which recommends the level of allowances payable for Councillors over a specific timeframe. The Panel is made up of three persons who are suitably skilled members of the public and who are also independent of the District Council.

The Local Government Act 2000 and the Local Authorities (Members' Allowances) (England) Regulations 2003 require local authorities to review their Allowances Schemes and to appoint Independent Remuneration Panels to consider and make recommendations on new schemes. The Government's "Guidance on Consolidated Regulations on Local Authority Allowances" outlines the main statutory provisions and gives non-statutory guidance.

The Panel is required to recommend the levels of the basic allowances (paid to all councillors), Special Responsibility Allowances (SRA), and travel, subsistence and dependent carer allowances. The Council is required to consider these recommendations.

The Panel

The Panel, which consists of three members, were appointed at the Council meeting on 18 January 2023, by the Monitoring Officer exercising the delegated authority agreed at that meeting. The Panel appointed are suitably skilled members of the public who are independent of West Oxfordshire District Council. Members of the Panel have proven, collective knowledge and experience of being appointed to an IRP, and making representations to councils as appropriate.

The Panel met on Monday 27 February 2023 to carry out a review of the West Oxfordshire District Council Members' Allowances Scheme. The members of the Panel are:

- Janet Eustace (Chair) – Former local government officer and community representative;
- Michael Paget-Wilkes – Former Standards Chair at Warwickshire County Council, and former Archdeacon of Warwick;
- Ben Garland – Professional advisor on pay and reward.

Context

To ascertain the detail of Council Members thoughts regarding the Council's current Members Allowance Scheme, the Council's Senior Democratic Services Officer, Max Thompson, disseminated an electronic survey questionnaire to all Members of the Council via Google Forms. Members were given one week to complete the survey and return to Democratic Services. Owing to the Council's ICT migration to Microsoft 365 from Google Drive, a small number of Members returned their questionnaires to Democratic Services by other means for consideration by the Panel.

The Role of a District Councillor

West Oxfordshire District Council is made of 49 democratically elected Members from across whole of the West Oxfordshire District, across a mix of political parties and independent Members. The length of service of Members is also varied, with the longest serving Councillor having been elected in 2000. The newest cohort of Members were elected in 2022, with 11 new members taking their seats as part of the local government elections in that calendar year.

District Councillors may have a range of roles within their communities and on the Council. Members will undertake casework on behalf of local residents and act as community leaders, seeking to get things done to support and improve the communities they represent. Councillors represent the communities they represent on the Council, and may also represent the Council in their communities. On the Council members attend full Council meetings and may sit on committees, sub-committees and informal working groups. Councillors may also represent the Council on outside bodies. Many Councillors are members of political groups and may act as political campaigners.

The majority political group or alliance forms the Council's administration (the "Executive"), which is responsible for taking most of the Council's major decisions. Currently nine Members serve on the Executive including the Leader and Deputy Leader of the Council. Non-executive councillors have a "holding to account" role which can be performed in a number of ways, including by asking questions at meetings and serving on scrutiny committees.

14 Members responded to the survey representing 29% of the Council's membership. Of the 29% who responded, 57% were members without additional responsibilities, 35% were members of the Executive, and 14% were chairs of committees or sub-committees. The Panel was disappointed that no members were able to attend the IRP meeting on 27 February to speak to the Panel in person.

The Panel considered whether in the context of recent national and world events, such as the Covid-19 Pandemic, the 'Cost of Living' crisis and the War in Ukraine, the traditional workload of a district councillor has increased over recent years. 40% of survey respondents agreed with the proposition that casework enquiries had increased, whilst half of respondents were unsure as to whether this was the case or not.

The Panel noted that, at the latest Census in 2021, compared to the previous Census in 2011, West Oxfordshire had seen a 9% increase in population to 114,200. This would appear to tie in with the increase in correspondence and contact that Councillors have been experiencing over recent years, and is further evidenced by the ward of Witney East having three District Councillors in post.

Respondents also agreed that there was an ever continuing change in ways that Councillors now connect with their residents. The vast majority of those stated that both email and social media correspondence were now the main methods of resident communication, whilst the traditional letter writing and visits were falling in both value & frequency.

Many Members of a district council, both in West Oxfordshire, and also more generally across the country, are regularly involved with the town and parish councils that fall within the district. Some Members are town or parish clerks, whilst many others are town or parish councillors (some are also county councillors). 64% of respondents stated that they have regular contact with town and parish councils on monthly basis, with the remaining cohort stating they are more heavily involved with local town and parish councils, in addition to being a district council member.

Length of the Allowances Scheme

The IRP was asked to form a view on the period to be covered by the next allowances scheme and whether an index should be used for annually uplifting allowances. Regulations enable schemes to cover a period of up to four years where an index is relied on for the purposes of annual adjustments to allowances. In recent years, the Council has tended to produce an annual allowances scheme but it was open to the IRP to recommend a scheme covering up to four years (i.e. 2023/24 – 2026/27).

The Panel decided to recommend a 4-year scheme with a mid-term, 2-year review point. Indexation will be linked to the national pay deal for local government employees. The index will also apply to Special Responsibility Allowances given that these are calculated as multiples of the basic allowance.

Basic Allowance

At the time of writing this report, the basic yearly allowance is £5018.24. This allowance is paid to all 49 Councillors, irrespective of additional responsibilities held that would constitute a payment of a Special Responsibility Allowance. Over half of survey respondents were of the view that this allowance is too low, and should be increased. The remainder felt that the level of the basic allowance is about right.

The Panel noted that no uplift had been applied to the basic allowance for 2022/23 owing to the previous Members' Allowances Scheme having expired on 1 April 2022. The Panel considered the level of the basic allowance in comparison with other district authorities in the South East England Region. Of these 48 authorities the average level of the basic allowance is £5,551.96, meaning the Council's basic allowance is approximately 90% of the average. Other comparator authorities outside of the South East England region, such as Cotswold District Council and Stratford Upon Avon District Council, which the Panel looked at, also pay a higher basic allowance than West Oxfordshire. The Panel would like to see the level of the basic allowance increase toward the South East England average.

For 2022/23 the Panel recommends a backdated pay uplift in line with the national local government pay award. Given that this was a cash sum in 2022/23 rather than a percentage uplifts the Panel recommends an uplift of 4.04% based on the effect of the cash award on Spinal Column Point (SCP) 43.

For 2023/24 and the subsequent three years the Panel recommends that annual uplifts are indexed to the national pay deal for local government employees.

While some many other councils will be applying similar uplifts to their allowances, the effect of some councils choosing to freeze their allowances should ensure that the basic allowance will be within a 10% standard deviation of the South East England average but this is something the Panel wishes to keep under review.

The Panel further recommends that the level of each allowance is rounded up to the nearest whole pound when uplifts are applied.

Special Responsibility Allowance (SRAs)

Some members have certain roles on the Council which attract a Special Responsibility Allowance (SRA). SRAs are paid in addition to the basic allowance in recognition of the additional responsibilities that these Members have and the extra time and commitment that comes with these roles. These include roles such as being a member of the Executive (formerly Cabinet), chairs of committees, and opposition group leaders. SRAs are calculated as multiples of the basic allowance, and will therefore increase in proportion to the basic allowance when uplifts are applied to the basic allowance.

Allowance for Leader

The highest SRA (4.5x basic) is paid to the Leader of the Council, who is legally responsible for the appointment of the Executive and the discharging of executive functions, including most major decisions taken by the Council (except for planning and licensing decisions). The Executive is also responsible for recommending the "budget and policy framework" to Council. Under the "Leader and Cabinet" system operated by the Council most major executive decisions are taken by the Executive collectively, although some decisions are delegated to individual Executive Members (or to officers).

The Panel noted that the SRA paid to the Leader is high compared to neighbouring authorities Cotswold District Council, Cherwell District Council and Vale of the White Horse District Council. The Panel reviewed the data for the South East England region and found that, of the 33 authorities which pay a single allowance for Leader, West Oxfordshire is the fourth highest (some authorities pay an allowance for Leader in addition to an allowance for being a Cabinet Member allowance but these authorities were

excluded for the purposes of this comparison). The average amount was found to be £18,364.85 compared to £22,582.26 for West Oxfordshire; more than 10% above the average.

The Panel recommends that the allowance for Leader is reduced slightly from a multiple of 4.5 of the basic allowance to a multiple of 4.0. This recommendation is designed to bring the allowance closer to being within a 10% standard deviation of the South East England District Council average. The Panel note that the effect of the uplifts recommended to the level of the basic allowance would mean that the level of the SRA paid to the Leader would reduce from £22,582.26 to £22,136 (a reduction of 2%).

Allowance for Deputy Leader

The Deputy Leader is responsible for acting as Leader if the Leader of the Council is unable to act in addition to having the normal duties of a member of the Executive.

The Panel noted that the SRA paid to the Deputy Leader is high compared to neighbouring authorities Cotswold District Council, Cherwell District Council and Vale of the White Horse District Council. Of the 33 district councils in the South East England region which pay a single SRA for Deputy Leader, West Oxfordshire pays the third highest allowance to the Deputy Leader at £15,058.84 compared to an average of £9,756.21.

The Panel recommends that this allowance is reduced from a multiple of 3.0 of the basic allowance to a multiple of 2.5. Taking uplifts into account, this would reduce the SRA paid for Deputy Leader from £15,054.84 to £13,835 (a reduction of 8.1%).

Allowance for Executive Members (excluding the Leader and Deputy Leader)

The remaining Executive Members are responsible for providing political leadership and direction within their portfolios. Meetings of the Executive take place monthly but the Executive meets informally every Wednesday. The Leader may also delegate decision making responsibilities to individual Executive Members.

A survey respondent highlighted the considerable time necessary to fulfil these responsibilities, which requires research, regular engagement with management and extensive communication with outside bodies and residents. Another respondent suggested the SRAs for executive members should be reduced by 10%.

The Panel found that the SRA for Executive Members is higher compared to Cherwell District Council, Cotswold District Council, and Vale of the White Horse District Council. It is also the third highest of the 28 district councils in the South East England Region, which pay an SRA to Executive Members, at £12,545.84 against an average of £8035.31.

The Panel recommends that the SRA for Executive Members is reduced from a multiple of 2.5 of the basic allowance, to a multiple of 2.0. This will reduce the allowance paid from £12,545.70 to £11,068 (a reduction of 11.8%) which will bring the allowance closer to being within a 10% standard deviation of the South East England District Council average.

An alternative approach that the Panel considered would be for a set amount to be allocated for Executive Member SRAs, to be distributed equally amongst Executive Members (or distributed at the discretion of the Leader). The Panel noted that the Executive can legally comprise a minimum of three and a maximum of ten members including the Leader and Deputy Leader. The effect of this approach would be that if executive responsibilities were allocated to a smaller number of members, those members would each stand to receive a larger SRA than the members of an Executive comprising a larger number of members. The main difficulty with this approach is with defining the size of the set amount to be distributed. If an Executive comprised only three members, the member who was not the

Leader or Deputy Leader would stand to receive a very high SRA, which is why the Panel has not recommended this approach.

Chair of Overview and Scrutiny Committees

The Council currently has three Overview and Scrutiny Committees, which each meet four times per year. Overview and Scrutiny Committees have a role in scrutinising decisions and holding the Executive to account, and may consider issues which affect the district or its people. In addition to presiding at meetings, Overview and Scrutiny Chairs have certain responsibilities in relation to executive decision making, where the Executive wishes to take key decisions or to exclude the press and public from meetings with less than 28 days prior notice.

The Panel found the level of the SRA paid to Overview and Scrutiny Committee Chairs to be slightly above the mean for district councils in the South East England region, with West Oxfordshire paying the 18th highest amount of 43 district councils paying this allowance. The Panel noted from the benchmarking data that most district councils have a single Overview and Scrutiny Committee. Waverly District Council and Mid Sussex District Council being the other authorities with more than one committee, while Adur District Council and Worthing District Council operate a joint Overview & Scrutiny Committee. The Panel concluded that it is relatively unusual for a district council to pay an SRA of 1.0x basic allowance to three Overview and Scrutiny Chairs, and that where this responsibility is shared the level of the SRA should be lower.

The Panel recommends that the SRA for the Chair of an Overview and Scrutiny Committee remains at a multiple of 1.0x basic allowance if it is paid to one member, but reduces to 0.5x basic if it is paid to two or more members.

Other Special Responsibility Allowances

The Panel considered the levels of SRAs paid for all other roles that attract an SRA and, having reviewed the South East England benchmarking data and looked at neighbouring authorities' schemes, concluded that these should be kept at their existing levels.

The Panel recognised that Planning is a significant issue for the district. A survey respondent highlighted the large amount of time that this role requires and the fact that the issues are increasingly complex & challenging. The Panel found that the current SRA is nearer higher end of the +10% standard deviation compared with other district councils in South East England. The Panel concluded that the SRA paid to Planning Sub-Committee Chairs is appropriate at a multiple of 1.25 of the basic allowance.

The SRA for the Chair of the Council was found to be very close to the mean amount paid by district councils in the South East England region.

The other committee and sub-committees for which the chair receives an SRA, meet on an ad-hoc basis and the Panel didn't believe there was a case for changing these from their current levels.

The Panel noted that Opposition Group Leaders are responsible for the internal management of their political groups and for representing their groups at Council and informal group leaders' meetings. The Panel considered the levels of SRAs paid to Opposition Group Leaders and agree with the approach of the previous allowances scheme, whereby the leaders of larger groups should stand to receive a higher allowance than the Leaders of smaller groups. The Panel noted that the leader of an opposition group of 20 members receives an SRA of 1.0x basic allowance, whereas the leader of an opposition group of 2 members receives 0.25x basic allowance.

The Panel considered whether any other roles on the Council e.g. the Vice-Chair of Council or the Vice-Chair of a Planning Sub-Committee should attract an SRA, noting that Vale of the White Horse District Council pays allowances for both roles. In view of the survey responses received, the Panel concluded that the case hadn't been made for introducing any additional SRAs.

The Panel recommend that no other changes are made to special responsibility allowances and that these remain at the following multiples of the basic allowance:

SRA	Multiple of basic allowance
Chair of Area Planning Sub-Committees	1.25
Chair of Licensing Committee	0.25
Chair of Development Control Committee	0.25
Chair of Audit and Governance Committee	0.25
Chair of Miscellaneous Licensing Sub-Committee	0.125
Opposition Group Leaders	0.25 for 2-5 members, and a further 0.25 for each additional five or part of five

Other Allowances

A number of survey respondents had stressed the need to ensure that the role of district councillor can be open to as wide a mix of people as possible, not just those who are retired or of independent means.

The Panel discussed the level of allowances in this context but concluded that simply increasing the level of allowances alone would not address all of the barriers faced by people who may wish to be a councillor. The level of an allowance that would be genuinely inclusive would be very high and more akin to a salary whereas the role of councillor is a public service rather than a form of employment.

The Panel noted that Members may claim travel allowances and carers' allowances when attending meetings but that one member who responded to the survey wasn't aware that they could claim childcare allowances. No changes are recommended to carer's allowances or travel allowances, but the Panel suggests that members are made aware of these provisions.

In terms of claims made by Councillors for subsistence (overnight & meal allowances), the Panel deemed it unlikely that a district councillor would make subsistence claims on a regular basis. The Panel was not minded to change the rates for subsistence claims, and recommends keeping the rates of mileage expenses at the current levels in line with HMRC, where 45 pence per mile is paid for qualifying claims.

The Panel noted that the Council currently has few co-opted members and recommends that no changes are made to co-optees' allowances.

Maternity and Adoption Leave

The Panel identified that one way in which an allowances scheme could make a potentially useful intervention, would be by including provision for maternity or adoption leave. Over two thirds of survey respondents agreed with this proposition and thought that such an intervention would help to attract a more diverse and varied range of future councillors.

For most councillors the role is quite flexible and can be combined with work & family commitments. It is possible for councillors to take a step back from their duties temporarily and to arrange substitutions for meetings, for example, while continuing to receive a basic allowance.

For members in receipt of special responsibility allowances, the time commitment is generally higher and it is more difficult to combine the role with taking a period of maternity or adoption leave.

The Panel recommends that any member stepping down from a role with a special responsibility for the purposes of taking a period of maternity or adoption leave, should continue to receive 50% of their SRA for six months. The payments would not be subject to the member being reappointed or re-elected to the role at the end of that period, as that would be a decision for the Leader (if a member of the Executive), the relevant committee or sub-committee or, in the case of an Opposition Group Leader, the political group. Any member in this position would remain subject to the provisions of Section 85 of the Local Government Act 1972 (vacation of office by failure to attend meetings) and would need to have attended at least one meeting in a rolling six month period. The other committees and sub-committees that attract an SRA for the chair meet on an ad hoc basis when there is business to consider.

ICT Allowances

The Panel noted there is no separate allowance paid to councillors over their 4 year term for the provision of ICT equipment. Most members receive paper copies of meeting paperwork and access their councillor email accounts through a secure profile on their personal device (or in some cases a County Council issued device).

In contrast, Cotswold District Council pays an allowance of £1,200 to members over 4 years for the provision of ICT equipment, which may be paid either monthly over the 4 year term, or in one lump sum at a time of the member's choosing. This allows members to purchase a suitable device and access meeting papers electronically.

The Panel was mindful of costs that the Council incurs through the printing of Council and Committee packs, and the postage costs incurred on top of this when papers are sent out to Members. West Oxfordshire District Council has declared a climate and ecological emergency, and moving away from the reliance on paper would be consistent with the Council's aims. Members are able to access meeting papers electronically through the Council's website or the Modern.gov app, which can be downloaded free of charge and can be used to provide access to exempt (i.e. private) as well as public meeting papers.

Costs saved from the large scale printing and postage operation for all the Council's meetings, would generate a substantial saving, which could pave the way for Members to be issued with devices directly from the Council's ICT department to enable them to fulfil their duties more efficiently. This would also ease the aforementioned transition from Google Drive to Microsoft 365. Having ICT equipment provided by the Council would also enable Members to have direct, in-house access to technical assistance and support, which would mean that all Member are brought onto a level playing field.

The Chief Finance Officer committed to looking into this proposition, and report back as soon as more information on the proposition has been received.

Recommendations

With all of the above considered, the Independent Remuneration Panel submits the following recommendations to West Oxfordshire District Council:

1. That a backdated uplift of 4.04% is applied to members' allowances for the period 1 April 2022 to 31 March 2023;
2. That members' allowances are indexed to the national pay award for local government employees for the financial years 2023/24, 2024/25, 2025/26 and 2026/27;
3. That the amount of the basic allowance and each Special Responsibility Allowances is rounded to the nearest whole pound when uplifts are applied;
4. That the Special Responsibility Allowances for the Leader is reduced from a multiple of 4.5 to 4.0 of the basic allowance;

5. That the Special Responsibility Allowance for the Deputy Leader is reduced from a multiple of 3.0 to 2.5 of the basic allowance;
6. That the Special Responsibility Allowance for Executive Members (excluding the Leader and Deputy Leader) is reduced from a multiple of 2.5 to 2.0 of the basic allowance;
7. That the Special Responsibility Allowance for the Chair of an Overview and Scrutiny Committee remains at 1.0 if there is a single Overview and Scrutiny Committee but reduces to 0.5 for each Chair if there is more than one Overview and Scrutiny Committee.
8. That the Special Responsibility Allowance for the Chair of the Council remains at a multiple of 1.0 of the basic allowance;
9. That the Special Responsibility Allowance for the Chair of an Area Planning Sub-Committee remains at a multiple of 1.25 of the basic allowance;
10. That the Special Responsibility Allowance for the Chair of the Licensing Committee remains at a multiple of 0.25 of the basic allowance;
11. That the Special Responsibility Allowance for the Chair of the Development Control Committee remains at a multiple of 0.25 of the basic allowance;
12. That the Special Responsibility Allowance for the Chair of the Audit and Governance Committee remains at a multiple of 0.25 of the basic allowance;
13. That the Special Responsibility Allowance for the Chair of the Miscellaneous Licensing Sub-Committee remains at a multiple of 0.125 of the basic allowance;
14. That the Special Responsibility Allowance for Opposition Group Leaders remains at 0.25 for groups of two to five members, and a further 0.25 for each additional five members or part of five;
15. That Executive Members are restricted to receiving one Special Responsibility Allowance, but remaining Members of the Council may receive more than one Special Responsibility Allowance, subject to a maximum special responsibility allowance limit of £13,053 per annum;
16. That no changes are made to the dependant carers allowances, travel allowances, subsistence allowances, or co-optees' allowances;
17. That any member stepping down from a role with a Special Responsibility Allowance (and relinquishing all responsibility) for the purpose of taking a period of maternity or adoption leave will be entitled to receive 50% of the special responsibility allowance for up to six months;
18. That the Council considers the business case for the provision of devices for members as an alternative to the provision of paper copies of agenda packs for meetings.

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(ENDS)

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**MEMBERS' ALLOWANCES SCHEME – FINANCIAL YEAR 2023/2024
to 2026/27**

West Oxfordshire District Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003, hereby makes the following scheme:

1. Name and Duration

- 1.1. This scheme may be cited as the West Oxfordshire District Council Members' Allowances Scheme.
- 1.2. This scheme shall have effect for the period 1 April 2023 to 31 March 2027.

2. Basic and Special Responsibility Allowances

- 2.1. Subject to Section 7 of this Scheme a **basic allowance** at a rate of £5,221 per annum shall be paid to each Councillor. This is the starting figure for 2023/24 net of any uplift based on indexation for 2023/24 and the subsequent years (see 2.3).
- 2.2. Subject to Section 7 of this Scheme a **special responsibility allowance** shall be paid to those Councillors who hold the special responsibilities in relation to the authority that are specified in the following Table, and the annual rate of each such allowance shall be the amount specified against that special responsibility in that Table:

Special responsibility	Multiple of basic allowance	Cash value (£)
Chair of the Council	1.0	5,221
Leader of the Council	4.0	20,884
Deputy Leader	2.5	13,053
Executive Member (excluding Leader and Deputy Leader)	2.0	10,442
Chair of Area Planning Sub-Committee	1.25	6,526
Chair of Overview and Scrutiny Committee	1.0 (reduces to 0.5 each if two or more members hold this responsibility)	5,221
Chair of Licensing Committee	0.25	1,305
Chair of Development Control Committee	0.25	1,305
Chair of Audit and Governance Committee	0.25	1,305
Chair of Miscellaneous Licensing Sub-Committee	0.125	653
Opposition Group Leaders	0.25 for groups of two to five members, and a further 0.25 for each additional five members or part of five.	1,305

- 2.3. The basic allowance will increase annually from 1 April at the same rate as the percentage cost of living uplift in the national pay settlement for local government employees for that year (or for 2023/24, 6% if that is a higher increase than the national pay settlement). If the pay settlement is not known until after 1 April then a backdated uplift will be applied.
- 2.4. Members of the Cabinet are restricted to receiving one special responsibility allowance, but remaining Members of the Council may receive more than one special responsibility allowance, subject to a maximum special responsibility allowance limit equivalent to a multiple of 2.5 of the basic allowance (starting amount £13,053 per annum).
- 2.5. Any Councillor stepping down from a role with a Special Responsibility Allowance (and relinquishing all responsibility) for the purpose of taking a period of maternity or adoption leave will be entitled to receive 50% of the special responsibility allowance for up to six months. This is not contingent on the Councillor being reappointed or re-elected to their previous role at the end of their period of maternity or adoption leave.

3. Dependant Carers' Allowance

- 3.1. Subject to paragraph 8.5, a Councillor may, in respect of the duties and activities specified in paragraph 3.2, claim for the actual cost of care necessarily incurred in respect of children and other dependents. Payments to a partner or spouse are not permissible. Claims will only be allowed where no other statutory allowance is available. The maximum rates are as follows:
 - Childcare - £10 per hour per child
 - Dependent care - £15 per hour
 - Maximum amount recoverable in any one week - £150
- 3.2. The duties and activities in respect of which the allowance will be payable, are:
 - (a) the attendance at a meeting of the authority or of any committee or sub-committee of the authority, or of any other body to which the authority makes appointments or nominations, or of any committee or sub-committee of such a body;
 - (b) the attendance at any other meeting, the holding of which is authorised by the authority, or a committee or sub-committee of the authority, or a joint committee of the authority and at least one other local authority within the meaning of section 270(1) of the Local Government Act 1972, or a sub-committee of such a joint committee, provided that it is a meeting to which members of at least two political groups of the Council have been invited;
 - (c) the attendance at a meeting of any association of authorities of which the authority is a member;
 - (d) the attendance at a meeting of the executive or a meeting of any of its committees, where the authority is operating executive arrangements;
 - (e) the performance of any duty in pursuance of any standing order made under section 135 of the Local Government Act 1972 requiring a member or members to be present while tender documents are opened;
 - (f) the performance of any duty in connection with the discharge of any function of

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the authority conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises;

- (g) attendance at briefing meetings in respect of the Council, and its Committees and Sub-Committees, and the Executive;
- (h) attendance at training events and information seminars either organised by the Council or where attendance has been authorised; and
- (i) the carrying out of any other duty approved in advance by the Chief Finance Officer for the purpose of the discharge of the functions of the authority or any of its committees or sub-committees.

4. Travel, Subsistence and other Expenses

4.1. Subject to paragraph 7, a Councillor may be reimbursed for travel, subsistence and other expenses incurred in connection with or relating to the duties specified in 3.2 above.

4.2. Notwithstanding 4.1 above, the following shall be excluded from the scheme in relation to travel, subsistence and other expenses:

- attendance at meetings of outside bodies as the local ward councillor where the issues considered by that body are local ones
- attendance at social events unless this is attendance at such functions as the Chairman of the Council deems it proper for him/her to attend as representative of the Council
- attendance at a meeting of an outside body for which travel, subsistence and other expenses are paid for by that body

4.3. The Section 151 Officer has the authority to approve additional duties falling within 3.2(i) above.

4.4. The rates of the allowances in respect of travel shall be as follows:

All Vehicles	Inland Revenue non-profit making rate (currently 45p per mile)
Pedal Cycles	14.9p per mile

4.5. Taxis should be used, and payment will be made, only where travel by other forms of public transport or by car is not possible.

4.6. Standard class fares only will be reimbursed.

4.7. Where Member(s) travel by car to a meeting, conference or for other approved purposes, together with an officer who may claim mileage at the Council's lease car rate, normally the officer should drive so that only the lower mileage amount is payable.

4.8. For longer journeys, where mileage claims could be very high, an amount not higher than the standard rail fare will be reimbursed, as determined by the Section 151 Officer. Members should consider this before undertaking the journey or making a claim, and seek advice in advance where possible.

4.9. Expenses should be claimed, and will be reimbursed, only for travel undertaken solely as necessitated for attendance at the meeting or approved event/duty.

4.10. Subsistence rates shall be at the following maximum amounts:

Breakfast – more than 4 hours before 11 am	£6.69
Lunch – more than 4 hours including lunch time between 12 noon and 2 pm	£9.24
Evening meal – more than 4 hours ending after 7 pm	£11.44

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- 4.1.1. In respect of all the matters covered in this section, it is expected that members exercise economy and efficiency, to minimise claims. Overnight stays should be avoided where possible, and every effort should be made to ensure that bookings are made at the cheapest possible rate.

5. Co-optees' Allowance

- 5.1. Co-opted members of the Council's Committees or Sub-Committees may claim a co-optees' allowance of £75 for up to four hours and £150 for more than four hours but less than 24 hours, in respect of attendance at any meeting of the Committee or Sub-Committee of which they are a co-opted member, or at a conference or training event, where attendance is on behalf of, or authorised by, the Council.
- 5.2. All co-opted members of the Council's Committees or Sub-Committees shall be entitled to travel, subsistence and other expenses in accordance with the scheme applicable to Councillors, as set out in Section 4 of this Scheme.

6. Renunciation, and the Repayment and Withholding of Allowances

- 6.1. A Councillor may, by notice in writing given to the Section 151 Officer, elect to forego, assign or transfer all or part of his/her entitlement to an allowance under this scheme. The Section 151 Officer can arrange for another Councillor to benefit from that allowance or for charitable donations to be made.
- 6.2. Where payment of any allowance has already been made in respect of any period as specified below, such part of the allowance as relates to any such period shall be repaid to the authority. The periods are those during which the member concerned:
- ceases to be a member of the authority; or
 - is in any other way not entitled to receive the allowance in respect of that period
- 6.3. Where a member is also a member of another authority, that member may not receive allowances from more than one authority in respect of the same duties.

7. Part-year Entitlements

- 7.1. The provisions of this paragraph shall have effect to regulate the entitlements of a Councillor to basic and special responsibility allowances where, in the course of the year, that Councillor becomes, or ceases to be, a Councillor, or accepts or relinquishes a special responsibility in respect of which a special responsibility allowance is payable.
- 7.2. Where the term of office of a Councillor begins or ends in the period between 1 April and 31 March, the entitlement of that Councillor to a basic allowance shall be to the payment of such part of the basic allowance as bears to the whole the same proportion as the number of days during which their term of office subsists bears to the number of days in the year.
- 7.3. Where a Councillor has during part of, but not throughout, a period from 1 April to 31 March such special responsibilities as entitle them to a special responsibility allowance, that Councillor's entitlement shall be to payment of such part of that allowance as bears to the whole the same proportion as the number of days during which they have such special responsibilities bears to the number of days in the year.

8. Claims and Payments


- 8.1. A claim for travel, subsistence or other expenses under this scheme shall be made in writing within two months of the date of the meeting, function or event in

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respect of which the entitlement to the expenses arises.

- 8.2. A claim for travel, subsistence, or the reimbursement of expenses shall include details of the duty/activity in respect of which the claim has arisen, and a travel claim shall specify the total number of miles travelled.
- 8.3. A claim for subsistence, or for the reimbursement of expenses, shall be supported by a VAT receipt, and subsistence shall be paid for the expenditure incurred, subject to the maxima set out in paragraph 4.10 above. The requirement for a VAT receipt shall include claims for the reimbursement of mileage expenses, and a claim for payment shall not be authorised in the absence of a receipt being supplied.
- 8.4. To facilitate the administration of the scheme and the payment of correct amounts, any Member making a claim for mileage expenses shall have provided the Council with the figures for the number of miles from their home address to the Council Offices and, where applicable, from their home to their principal place of work, and from that place of work to the Council Offices.
- 8.5. A claim for expenses in respect of the carers' allowance under this scheme shall be supported by a receipt from the carer detailing expenditure actually incurred.
- 8.6. Payments shall be made
 - 8.6.1. in respect of basic and special responsibility allowances, in instalments of one-twelfth of the amount specified in this scheme on the last working day of each month;
 - 8.6.2. in respect of travel, subsistence or other expenses, on the last working day of each month in respect of claims received up to the day 14 days before that date.
- 8.7. Where a payment of one-twelfth of the amount specified in this scheme in respect of the basic allowance or a special responsibility allowance would result in the Councillor receiving more than the amount to which, by virtue of Section 7 above, they are entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which they are entitled.
- 8.8. A claim for the reimbursement of expenses shall not be approved if it does not comply with the requirements of the Scheme, other than with the express approval of the Section 151 Officer.

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 <p>WEST OXFORDSHIRE DISTRICT COUNCIL</p>	<p>WEST OXFORDSHIRE DISTRICT COUNCIL</p>
<p>Name and date of Committee</p>	<p>COUNCIL – 22 MARCH 2023</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: Councillor Ted Fenton Email: Ted.Fenton@westoxon.gov.uk</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 Constitution to adopt a new Protocol on the Pre-Election Period, Local Petition Scheme, Officer Decision Making Protocol, Social Media Policy and Executive Procedure Rules.</p>
<p>Annexes</p>	<p>Annex A: Protocol on the Pre-Election Period Annex B: Local Petition Scheme Annex C: Officer Decision Making Protocol Annex D: Social Media Policy Annex E: Executive Procedure Rules</p>
<p>Recommendation/s</p>	<p>Council is recommended to:</p> <ol style="list-style-type: none"> 1. Approve the Protocol on the Pre-Election Period, at Annex A to this report, and formally adopt it as part of the Council’s Constitution from 23rd March 2023; 2. Approve the Local Petition Scheme, at Annex B to this report, and formally adopt it as part of the Council’s Constitution from 23rd March 2023; 3. Approve the Officer Decision Making Protocol, at Annex C to this report, and formally adopt it as part of the Council’s Constitution from 23rd March 2023; 4. Approve the Social Media Policy, at Annex D to this report, and formally adopt it as part of the Council’s Constitution from 23rd March 2023; 5. Approve the Executive Procedure Rules, at Annex E to this report, and formally adopt it as part of the Council’s Constitution from 23rd March 2023.
<p>Corporate priorities</p>	<p>All</p>
<p>Key Decision</p>	<p>NO</p>

Exempt	NO
Consultees/ Consultation	Constitution Working Group, Group Leaders, Chief Executive, Chief Financial Officer, Democratic Services Business Manager, Interim Monitoring Officer, the Executive.

1. BACKGROUND

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

To that end, the Constitution Working Group, reconvened in 22/23 with fresh membership and revised terms of reference.

The Constitution Working Group recommended to Council in October 2022 revised Council Procedure Rules, Officer Employment Procedure Rules and a Protocol on Conferment of Honorary Titles. These amended parts of the Constitution were formally adopted by the Council and came into effect on 20th October 2022.

The Constitution Working Group recommended to Council in January 2023 revised Glossary, Summary & Explanation, Articles, Functions and responsibilities, Standards Sub-Committee Procedure Rules and a Monitoring Officer Protocol. These amended parts of the Constitution were formally adopted by the Council and came into effect on 19th January 2023.

The Constitution Working Group has met several times since the January Council meeting and considered other parts of the current Constitution and makes recommendations to Council for the adoption of further amended parts, to be effective from 23rd March 2023.

2. MAIN POINTS

2.1 PROTOCOL ON THE PRE-ELECTION PERIOD

The proposed Protocol on the Pre-Election Period is set out at Annex A to this report.

This new part of the Constitution sets out guidance and advice for Members, relating to publicity, use of resources and premises, consultations, Council meetings, and conduct matters, during the heightened period of political sensitivity in the run up to an election.

The Protocol supplements the Local Government Association guidance and any guidance issued to Members by the Council's Returning Officer.

2.2 LOCAL PETITION SCHEME

It is no longer a mandatory legal obligation for a Council to have a Petition Scheme, nor to accept Petitions from constituents. However, it is considered to be good practice, and an effective way of engaging with the electorate, constituents, local communities, stakeholders and partners. The Petition Scheme has been reviewed, updated and amended and can be found at Annex B to this report.

The proposed Petition Scheme makes two provisions relating to provisions; firstly that a petition must contain 500 signatures for it to be accepted and dealt with as a valid petition and secondly that for a petition to trigger a debate at full Council, it must contain at least 1,500 signatures. Council's views are welcomed as to whether these thresholds are considered appropriate.

The scheme further provides that petitions may be submitted by post, by hand, electronically, or by way of an on line petition. Council's views are sought as to whether on-line petitions should be accepted in this way; whilst they embrace the digital era and promote accessibility, it is considered that they can also be manipulated and may not always be an accurate reflection of local views.

The Scheme provides circumstances upon which a Petition will not be accepted and that includes where it is vexatious, offensive or otherwise inappropriate, it relates to a quasi-judicial matter such as a planning or licensing application, or it relates to a matter where there is already a right of appeal that has not been exhausted.

2.3 OFFICER DECISION MAKING PROTOCOL

It is proposed that a new part of the Constitution is adopted to set out robust governance arrangements, incorporating statutory obligations, around officers making executive decisions under delegated authority.

The Officer Decision Making Protocol at Annex C, establishes a procedure around notice of decisions, exempt information, reports, consultation and recording of decisions, which promotes transparency and facilitates agile and quick decision making with adequate scrutiny and good governance.

2.4 SOCIAL MEDIA POLICY

It is considered prudent to include a Social Media Policy for Councillors in the constitution for transparency and as a useful guidance document and reference point. Annex D sets out the proposed new Social Media Policy, that is supported by the Council's Monitoring Officer, Constitution Working Group, Communications Team and Fraud Investigation Team. The document builds on current guidance published by the Local Government Association. It should be noted that many complaints relating to Councillor's conduct and allegations that Councillors have breached their code, relate to Councillor's use of social media. This policy is intended to support Councillors in upholding the highest standards of conduct and ethics when acting as Councillors in their use of social media.

2.5 EXECUTIVE PROCEDURE RULES

It is proposed that amendments are made to the Executive Procedure Rules to ensure that executive decision making is agile but transparent, and embraces good governance. Annex E contains the proposed revised and amended Executive Procedure Rules.

It should be noted that the law places all Executive power in the Leader, in the governance model operated by West Oxfordshire District Council. However, the Leader as delegated Executive authority primarily to:

- The Executive as a body;
- Individual Executive Members; and
- Officers.

Governance relating to Officer's making Executive decisions is provided by the Scheme of Officer delegations in Part 4 of the Council's constitution, as well as the new Officer Decision Making Protocol being considered for adoption by Council.

Governance relating to the Executive making decisions as a body is contained within the *Local Government Act 1972* and the *Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012*.

Executive matters delegated to an Individual Executive Member are set out in Part 3 of the constitution and are notified by the Leader to full Council on an annual basis. Currently the constitution provides that such decisions are made by an Individual Executive Member at a meeting open to the public (unless the matter is exempt or confidential). The new procedure rules provide for such decisions to be made without the need to hold a physical meeting, but governance arrangements around such decision making is still thorough; the matter to be decided must be on the forward plan for 28 days if key, decisions may only be made following the publication of an officer report for 5 days, the decision must be recorded and published, and, if key, remains subject to call in provisions, in the usual way.

3.0 THE CONSTITUTION OF WEST OXFORDSHIRE DISTRICT COUNCIL

Significant progress has been made in both 2021/22 and 2022/23 in terms of reviewing and updating the West Oxfordshire District Council's Constitution, to ensure it is agile, transparent, accurate and complete.

However, it is recommended that this is a continuous process and that the Constitution is kept under permanent review to ensure that good practice is kept updated, legislative changes are incorporated and any lessons learnt are addressed. To this end, it is recommended that the Annual Council meeting in May 2023 considers establishing a further Constitution Working Group, and makes appointments to it, for the year 2023/24. The Monitoring Officer will make suggestions to the group for their work programme for 23/24 at the first meeting.

4.0 FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

5.0 LEGAL IMPLICATIONS

Legal implications are addressed in the body of the report.

6.0 RISK ASSESSMENT

The changes proposed to the Constitution are proposed with a view to 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.

7.0 EQUALITIES IMPACT (IF REQUIRED)

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.

8.0 CLIMATE CHANGE IMPLICATIONS (IF REQUIRED)

Not applicable

9.0 ALTERNATIVE OPTIONS

To not amend the Constitution which would lead to a lost opportunity in terms of improving agile decision making, promoting transparency and ensuring robust governance arrangements.

10.0 BACKGROUND PAPERS

West Oxfordshire District Council Constitution dated 18th May 2022 as amended.

Reports to Council dated 19th October 2022 and 18th January 2023

Minutes of the Constitution Working Group meetings

6I PROTOCOL ON THE PRE-ELECTION PERIOD

1.0 INTRODUCTION

- 1.1 The actions of the Councils, its Members and Officers are subjected to closer scrutiny in a pre-election period and many activities which would normally pass without comment, could become the subject of controversy.
- 1.2 This Protocol is intended to assist Officers and Members and covers rules on publicity, use of Council facilities, Council meetings, and use of premises during the pre-election period.
- 1.3 This Protocol aims to extend the principles underlying the conduct of Members and Officers and should be read in conjunction with the Council's Code of Conduct for Members, the Member / Officer Protocol, the Protocol on the Use of Council Facilities and Resources, and the Employee Code of Conduct. Also of relevance is any guidance note for Officers and/or Members that is issued by the Returning Officer for any particular election.
- 1.4 The pre-election period commences with the Notice of Elections and terminates the day after elections are concluded. The commencement date varies and the Returning Officer will notify all Members and Officers of the commencement date in advance of any pre-election period.

2.0 PUBLICITY

- 2.1 At any time the Councils are prohibited from publishing material which appears to be designed to affect public support for a political party. The Government's Code of Recommended Practice on Local Authority Publicity sets out the following key principles in relation to Local Authority communications and publicity generally:-
- 2.2 Publicity is defined in section 6 of the Local Government Act 1986, as amended, as: "*Any communication, in whatever form, addressed to the public at large or to a section of the public*". This definition is very wide and would include press releases, speeches, leaflets and newspaper articles issued by, or on behalf of, the Council as well as posters, sponsorships, events and displays.
- 2.3 Publicity about individual Members (whether or not they are, or may become, election candidates) should be objective and explanatory and should not be either party political or open to misinterpretation as such.
- 2.4 Publicity may include information about individual Members' views on issues, decisions and recommendations only where this is relevant to their position and responsibilities within the

Council. If views are expressed by, or attributed to, individual Councillors that do not reflect the views of the Local Authority itself, such publicity should make this fact clear.

3.0 PUBLICITY DURING THE PRE-ELECTION PERIOD

3.1 The following additional guidelines apply to publicity during the pre-election period:-

- During the pre-election period all Council publicity should avoid the pro-active publicity of candidates and other politicians involved directly with the elections;
- There is a need to ensure that any publicity is objective, balanced, informative and accurate; concentrating on facts, explanations or both;
- Council publicity should, as far as possible, avoid controversial issues or report proposals which could be identified with individual Members or Groups. However, the Council may respond to any events and enquiries provided the answers are factual and not party political;
- Usually where an important unplanned event or emergency occurs during the pre election period, the Chief Executive, or their Deputy, would provide the response. However, where a Member level response is required this should either be from a Member holding a politically neutral position, such as the Chair of the Council, or alternatively an agreed response from all Group Leaders;
- Events providing photo and publicity opportunities should, where possible, be timed to avoid the pre-election period. Where this is not possible, candidates for election should not be involved.
- The timing of a publication is an important factor. The nearer the publication to the election, the more likely it is to be controversial and be perceived as designed to affect support for a particular party. Where possible, therefore, it is advisable to avoid publishing any controversial material near the elections.

4.0 CONTENT OF MEMBERS' PUBLICITY

4.1 The content of any publicity issued by Members who are election candidates is very much a matter for each Member and his or her Political Group. However, there will be circumstances when the Council's Code of Conduct may apply, even to an individual Member's own election publicity, and as such the Code must be borne in mind. As Members of a Local Authority, it is also necessary to take into account the general duties of Local Authorities under equalities and other legislation.

5.0 IMPACT ON COUNCIL MEETINGS AND ACTIONS DURING THE ELECTION PERIOD

5.1 In Local Government there is a broad convention that matters of political controversy, either locally or nationally, should not routinely be brought before Members if at all avoidable

during a pre-election period. This can impact on, for example, items brought to Committees, Questions from the public or from Members, Petitions, or Notices of Motion at Council.

5.2 In addition to the accepted convention, there are practical reasons for this approach from a publicity point of view. Firstly, whereas the agendas and minutes of official Council meetings are protected by the Local Government Act 1986 from being “publicity”, press releases publicising those minutes are not. This presents the Council with difficulties in publicising any sensitive or controversial decisions during the pre-election period, even if in other circumstances such publicity would be merited by the level of public interest. Secondly, the more restrictive publicity regime during the pre-election period means that where an initiative would benefit from a public launch or immediate advertisement or consultation, this will rarely be possible during the pre-election period.

5.3 Therefore any working practices or protocols which include publicity and media arrangements will need to be interpreted in the light of the restrictions mentioned above.

6.0 CONSULTATION

6.1 Guidance contained in the 2021 Local Government Association Guidance recommends that no new public consultations should be launched during the election period, unless there is a statutory duty to do so or they are considered normal Council business, and nor should any findings from consultation exercises be reported during this period if they could be politically sensitive.

7.0 CODE OF CONDUCT FOR MEMBERS

7.1 The Code of Conduct for Members applies not only when a Member conducts the business of their Authority but also when acting, or giving the impression they are acting as a representative of the Authority. In this respect, certain elements of the Code are particularly relevant during the pre-election period. Members are reminded to be particularly aware of the following provisions of the code of conduct:

- Paragraph 6.3: Impartiality of Officers
- Paragraph 6.5: Disrepute
- Paragraph 6.6: Use of Position
- Paragraph 6.7: Local Authority Resources and Facilities

8.0 GENERAL

8.1 The Council does not and cannot vet or comment on Members’ election publicity. Generally, Members would need to seek any specific advice in relation to such publicity externally from the Council, for example through their Political Group.

9.0 USE OF COUNCIL FACILITIES

- 9.1 The Council's Code of Conduct for Members provides that a Member must ensure that Council resources and facilities are not used improperly for political purposes. Any services or facilities provided by the Council for Members should be used exclusively for the purposes of Council business or to enable the Member concerned to discharge their function as a Councillor. This applies to all facilities including Council stationary, telephones, transport, photocopiers, officer time and ICT equipment. Further information can be found at Part 6D of the Constitution, Protocol on the Use of Council Facilities and Resources by Councillors.
- 9.2 Subject to paragraph 12.1 below, no election candidate or a person associated with a political party is entitled to access Council premises. Members and Officers need to take extra care to ensure that election candidates or other persons associated with political parties who are not serving Councillors are not seen to have unauthorised access to Council offices or facilities.
- 9.3 In relation to ICT equipment, Members should not use ICT equipment for party political purposes. Members sending messages to chat rooms, social media platforms or forums will need to consider whether to use their Councillor email address or a personal address. The former could be appropriate for simply sending information as a Councillor, but the latter will be appropriate if engaging in political debate.
- 9.4 Council business and party political business are not always mutually exclusive, and therefore the particular circumstances of each event will need to be considered.

10.0 USE OF EMAILS

- 10.1 A Member's Council email address should not be used for political purposes, such as electioneering.
- 10.2 It is recognised that a local resident may contact their Ward Member about an election issue via that Member's Council email address, and it may be acceptable to respond to the email although it is political in nature. But Members should not initiate, or engage in extensive political discussions using Council provided email facilities.

11.0 USE OF TELEPHONE

- 11.1 In line with the position on emails, Members may use Council supplied telephones for non party-political purposes or where the call is not initiated by a Member.
- 11.2 Council email addresses and telephone numbers should be avoided for any party political literature. If Members wish to refer to the facility for purposes of constituency work, it

should be made clear that it is for Ward casework only and it is better kept in a discrete part of the document.

12.0 USE OF COUNCIL PREMISES DURING THE PRE-ELECTION PERIOD

12.1 Between the Notice of Election being published and the day before the election, a candidate in the election is entitled to use Council meeting rooms to hold public meetings for furtherance of their candidature. This includes committee rooms and rooms in schools in the candidate's electoral area. The use of these rooms is free of hire charge though the candidate may be required to cover expenses associated with using the premises. Further information on these arrangements may be obtained from the Electoral Services Office.

13.0 CONFIDENTIAL INFORMATION

13.1 Members are usually entitled to information not available to the public (exempt or confidential information) where that information is required by them to discharge their functions as Councillors. This may, for example, be the case if the information relates to an item coming before a Committee of which they are a Member. Exempt or confidential information cannot be used for electioneering purposes. It is for this reason that Officers, in the run up to an election, may seek to clarify the purpose for which a Member is seeking information. Members should not seek, nor may Officers provide, exempt or confidential information to help election campaigns.

14.0 MEMBER / OFFICER ROLES

14.1 In general terms, the role of Members is to set strategies, policies and frameworks within which the Councils will operate, to monitor performance and to represent those who live in their Wards. Officers are employed to advise, undertake the detailed preparation and implementation work, and provide the day to day running of services. It is particularly worth bearing in mind this broad split of functions at election time and, in the interests of good administration, the need to avoid roles becoming confused.

15.0 SPECIAL RULES RELATING TO OFFICERS

15.1 Officers at all levels should not engage in party political activity that compromises their neutrality and objectivity at work. Officers who hold politically restricted posts (generally Senior Officers and those who advise Members or speak on behalf of the Councils) are subject to additional restrictions.

15.2 If an Officer attends a political group meeting to brief Members on Council business, Members should ensure that the Officer is not present when political business is discussed. Any Officer attending such a meeting, should ensure that a similar briefing is offered to all political groups.

15.3 A central register of all posts which are Politically Restricted is held by Human Resources.

16.0 MEMBER / OFFICER PROTOCOL

16.1 Further information and advice on the working relationship between Members and Officers is contained in the Member / Officer Protocol at part 6B of the Constitution.

17.0 COMPLAINTS AND ALLEGATIONS OF BREACHES OF THIS PROTOCOL

17.1 Allegations of any failure to meet this Protocol must be made in writing, to the Monitoring Officer. The Monitoring Officer will consider how the complaint or allegation should be dealt with, but options include referring the matter to the Returning Officer for a particular election or referring to Thames Valley Police where there is evidence of an elections offence.

18.0 FURTHER GUIDANCE

Further advice or clarification can be sought from the Monitoring Officer or Returning Officer, or from the Electoral Commission or Local Government Association.

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6E: LOCAL PETITION SCHEME

1.0 PETITIONS

The Council welcomes petitions and recognises that petitions are one way in which people can let the Council know of their views and concerns.

Petitions may be submitted to the Council either by post, or electronically, or by being physically presented to the Council at a meeting of the full Council.

Petitions sent by post should be sent to the Monitoring Officer, c/o Democratic Services, West Oxfordshire District Council, Woodgreen, Witney, Oxfordshire, OX28 1NB.

Petitions can also be created, signed and submitted online to the Monitoring Officer at democratic.services@westoxon.gov.uk.

Petitions can be presented to a meeting of the full Council. (The dates of such meetings can be found at www.westoxon.gov.uk). If you would like to present your petition to the Council, or would like your Councillor to present it on your behalf, please contact Democratic Services on 01993 861522 at least 10 working days before the meeting and they will talk you through the process. Your petition will be accepted by the Council and you will be advised in writing, following the meeting, of the next steps. You will not have any right to address Council at a meeting where the petition is presented.

The Council will treat something as a petition, subject to it meeting the criteria at paragraph 2.0 below, if it is identified as being a petition, or if it seems to us that it is intended to be a petition.

2.0 CRITERIA FOR A PETITION

Petitions submitted to the Council must include:

- a minimum of 500 signatories; and
- a clear and concise statement covering the subject of the petition. It should specifically state what action the petitioners request the Council to take; and
- the name, postcode and signature of any person supporting the petition, with the exception that signatures are not required on electronic petitions; and
- the contact details, including full name, address and email for the petition organiser. This is the person we will contact to explain how we will respond to the petition.

Petitions which are considered, by the Monitoring Officer, to be vexatious, abusive or otherwise offensive or inappropriate, will not be accepted and the petition organiser will be informed of that fact together with reasons.

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

If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or is on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures apply, and the petition will not be accepted or dealt with in accordance with this scheme. Further information on all these procedures and how you can express your views is available at www.westoxon.gov.uk

In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply.

3.0 THE COUNCIL'S PROCEDURE FOR DEALING WITH A PETITION

All petitions to the Council, regardless of how submitted, will receive an acknowledgement, from the Monitoring Officer to the petition organiser, within 10 working days of receipt. This acknowledgement will set out what the Council plans to do with the petition.

If the Council can do what the petition asks for, the acknowledgement may confirm that the Council has taken the action requested and the petition will be closed.

The Petition will be accepted, provided it meets the criteria of paragraph 2.0 above, and will be published on the Council's website. The contact details of the petition organiser will not be so published. Whenever possible we will also publish all correspondence relating to the petition (all personal details will be removed).

3.1 The Council's response to a petition

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

- taking the action requested in the petition;
- considering the petition at a council meeting;
- holding an inquiry into the matter;
- undertaking research into the matter;
- holding a public meeting;

- holding a consultation;
- holding a meeting with petitioners;
- referring the petition for consideration to one of our Scrutiny Committees;
- calling a referendum;
- writing to the petition organiser setting out our views about the request in the petition

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

If your petition is about something over which the Council has no direct control, or that a different Council is responsible for, the Monitoring Officer will advise the Petition Organiser to whom the representations should be directed to, or the Council may consider making representations on behalf of the community to the relevant body. More information about the services for which the Council is responsible can be found at www.westoxon.gov.uk.

3.2 Petitions with over 500 but less than 1,500 signatories

In circumstances where a petition contains more than 500 signatures, and so qualifies as a petition, but has insufficient signatories to trigger a Council debate, the Leader of the Council will determine what action will be taken in response to the Petition.

The Petition will be referred to the Leader of the Council, together with an Officer report, which will be published for 5 working days on the Council's website, before the Leader makes their decision. The decision will be contained in a Decision Notice which will be sent to the petition organiser and published on the Council's website.

The Leader may take whatever professional Officer advice, and undertake whatever consultation they deem appropriate, in reaching their decision.

3.3 Petitions with over 1,500 signatories

If the petition has 1,500 signatures it will trigger a Council debate. The acknowledgment will confirm this and advise the petition organiser when and where the meeting will take place. The Council will endeavour to consider the petition at its next meeting, or as soon as practicable thereafter. If the petition needs more investigation, we will tell you the steps we plan to take.

At the relevant Council meeting, the petition organiser will be given five minutes to present the petition to Councillors. Councillors will receive an Officer report with the petition, setting out various options and recommendations. Councillors will consider the petition, debate it, in accordance with the usual rules of debate, and make a resolution as to how to respond to the Petition. The Council may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. Where the issue is one

within the remit of the Council's Executive, the Council will refer the matter to the Executive for a decision but may make recommendations to the Executive to inform their decision.

The petition organiser will receive written confirmation of the Council's resolution regarding the petition. This confirmation will also be published on our website.

3.4 E-petitions

E-petitions can be accessed and submitted via our website www.westoxon.gov.uk

4.0 REVIEW OF PROCESS

If you feel that the Council has not dealt with your petition properly, you should contact the Monitoring Officer who will review the process, and respond to you within 10 working days.

6H OFFICER DECISION MAKING PROTOCOL

1.0 INTRODUCTION

This document sets out the legal framework for decision making and establishes a system to document decisions taken by Officers under delegated authority, to ensure a robust process of accountability, to promote transparency and to ensure legal compliance.

2.0 TYPES OF OFFICER DECISIONS

The significance, in terms of value or impact, of decisions taken under delegated authority will vary and Officers authorised to make delegated decisions will need to exercise judgment in determining whether decisions are significant enough to require placing in the Executive Work Programme (if they are Executive) and whether they are significant enough to require formal recording.

To assist in this process, decisions are defined as either Key, Major or Administrative.

A key Executive decision should be included in the Executive Work Programme, regardless of whom the decision maker may be. This must be published for 28 days prior to the decision being made.

Key and major decisions, regardless of whether they are Executive or not, must be properly recorded in accordance with this protocol. Where such decisions are Executive, it is a legal requirement to formally record them, and they may be challenged through the call in process. Where they are non-Executive, it remains necessary to formally record them as, although they cannot be called in, they could be challenged externally through an appeals process, the Courts and Tribunals or the Local Government and Social Care Ombudsman.

2.1 Key Decision

A key decision is defined in Part 3A of this Constitution.

A key decision is an Executive decision that is likely to:

- Result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the budget for the service or function to which the decision relates; or
- Be significant in terms of its effects on communities living or working in an area comprising two or more wards in the area of the authority.

The Council has decided that something is financial significant for these purposes if it is an Executive decision which requires a budget expenditure of £150,000 or more, or generates income or savings of £150,000 or more.

In considering whether a decision is likely to be 'significant', the decision maker should consider the strategic nature of the decision and whether the outcome will have an impact, for better or worse, on the amenity of a community or quality of service provided by the Council to a significant number of people living or working in the locality affected. The following should be considered:

- The effect on businesses and communities
- The expectation of the public and councillors as to whether the decision should be taken by the Executive
- The anticipated interest of the public and of councillors
- The effect on other council services and function

It is for the Chief Executive, having taken advice from the Monitoring Officer, to decide which decisions should be treated as Key Decisions.

2.2 Major Decisions

Major Decisions are all those that are not categorised as either Key Decisions or Administrative Decisions.

2.3 Administrative Decisions

Administrative decisions are decisions that are ancillary to the delivery of the function such as the:

- Ordering of stationery,
- Publication of statutory notices; or
- Deployment of staff.

As a guideline, administrative decision will often relate to expenditure, income or savings, of less than £10,000, but before determining the type of decision, it is also necessary to consider the impact, risk and consequences, as well as value.

3.0 AUTHORITY TO MAKE AN OFFICER DECISION

Before taking any decision, an Officer should ensure that they have appropriate delegated authority in writing, and reference should be made to the Scheme of Officer Delegations in Part 4 of the Constitution. Alternatively a specific delegation may have been made to an Officer via a specific resolution of the Executive, the Council or one of its Committees.

4.0 NOTICE OF THE MAKING OF AN OFFICER KEY DECISION

In accordance with the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012, all proposed key decisions need to be published on the Council's website, as part of the Executive Work Programme for at least 28 clear days prior to the date on which the decision is made. Officers proposing to make a key decision and needing to place an item on the Council's website should provide details to Democratic Services via email at democratic.services@westoxon.gov.uk at least 30 days prior to the date on which the decision is to be made.

There may be occasions where it has not been possible to give notice of a key decision. When this occurs the following process must be followed:

- At least 5 clear working days before the decision is to be made the Monitoring Officer must inform (by written notice) the Chair of the Finance and Management Overview and Scrutiny Committee, the Chair of the Economic and Social Overview and Scrutiny Committee and the Chair of the Climate and Environment Overview and Scrutiny Committee
- A copy of the notice must be placed on the website and made available for public inspection

- The Monitoring Officer will prepare and publish a notice on the website setting out the reasons why the item did not appear on the Executive Work Programme.

If it has not been possible to give 5 clear working days' notice of a key decision, the agreement of the Chair of the Finance and Management Overview and Scrutiny Committee that the making of the decision is urgent and cannot reasonably be deferred must be obtained in writing before the decision may be made. The decision notice, in such circumstances, must include their views, together with an explanation as to why the matter is urgent, why it cannot await the next edition of the Executive Work Programme and why it missed the last edition.

5.0 OFFICER REPORT

A key officer decision should only be taken after consideration of an internal report, which should at the very least include:

- The Wards affected by the proposed decision;
- The name and title of the Officer writing the report;
- The title of the report;
- The designation as a key decision;
- Whether the report contains exempt or confidential information;
- Details of any consultation taken and representations received;
- The Officer's recommendations and reasons;
- Any alternative options considered;
- Any professional advice from legal or finance officers.

There is no requirement for any such Officer report to be published, although it is good practice to retain a copy of it for a complete audit trail of the decision making process.

6.0 PRINCIPLES OF OFFICER DECISION MAKING

The authorised Officer must take into account the principles of decision making as set out in Part 2H of the Constitution (Article 8 – Decision Making), which are equally applicable to Officers and Members. They must take into account all relevant considerations and no irrelevant considerations and they must have due regard to professional advice.

7.0 CONSULTATION

Sometimes delegated authority to an Officer is given with the restriction that the authority may only be exercised in consultation with a specified Member or Members. In such cases, consultation is mandatory to comply with the terms of the delegation. However, consultation may also be appropriate in other circumstances, and an Officer making a decision should always consider any consultation that may be beneficial and inform their decision. The decision maker has a duty to ensure that effective consultation takes place.

Sufficient timescales should be provided to Members for consultation, and where appropriate sufficient time should be available to allow Members to consult with their constituents. Consultation should be carried out in writing, unless there is an urgency about the decision that makes such written consultation impractical, in which case the Officer shall confirm, in writing, to the Member their understanding of the Member's response to the consultation.

Regardless of any consultation, the Officer remains the decision maker and may not have their discretion fettered. If, after consultation, they consider they cannot make the decision in accordance with their professional opinion, they should not exercise their delegation.

8.0 REASONS

It is a statutory requirement arising from the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012, that reasons are given in respect of all Executive decisions.

It is good practice to record reasons in any Officer decision and it supports the principles of good administration, as well as ensuring that controversial decisions are rooted in relevant considerations and with proper regard to legal powers.

9.0 RECORDING AND PUBLISHING AN OFFICER DECISION

Any Key or Major decision made by an Officer must be recorded, regardless of whether they are Executive or not. The decision should be recorded on an Officer Decision Notice, available on the intranet or from Democratic Services.

The Officer must provide a copy of the Officer report, together with the Officer Decision Notice to Democratic Services via email at democratic.services@westoxon.gov.uk as soon as practicable after making the decision.

Democratic Services will maintain a record of all Officer Decision Notices, including any reports upon which the decision was made. Subject to any exempt or confidential information, democratic services will publish Officer Decision Notices relating to key and major decisions on the Council's website.

The Officer Decision Notice must be clear and convey the decision taken. It shall, as a minimum, set out the following:

- A record of the decision
- The date the decision was made
- The reasons for the decision
- Details of any alternative options considered and rejected with reasons for rejection
- A record of any conflict of interest and any relevant dispensation granted.

10.0 CALL IN

Key decisions made by Officers are subject to call in by the Overview & Scrutiny Committees and cannot be implemented until either the call in period has expired or the relevant Overview & Scrutiny Committee has made a decision regarding the call in, or call in has been waived by the relevant Chair of the Scrutiny Committee.

The call in procedure is set out at Part 5C of the Constitution in the Overview and Scrutiny Procedure Rules.

It should be noted that the call in period commences at the time of publication of the Officer Decision Notice, rather than at the time the decision was made.

11.0 SUB DELEGATION

Officers authorised to make decisions, whether by way of an Executive, Council or Committee resolution, or via the Scheme of Officer Delegations, are able to sub delegate that authority.

Any sub delegation made must be to an Officer with suitable experience and seniority. The original delegate remains responsible and accountable for the decision to sub delegate and for the exercise of the authority by a sub delegate.

Delegations to Officers are designed to enable Officers to take responsibility for decision where appropriate. However, there may be circumstances where the Officer considers that a particular decision should be referred to the body from whom the authority was delegated. Furthermore, the body making the delegation may, in particular circumstances, consider that the delegate should not exercise their authority, and require the decision to be made by the delegating body.

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6M: SOCIAL MEDIA POLICY

1.0 INTRODUCTION

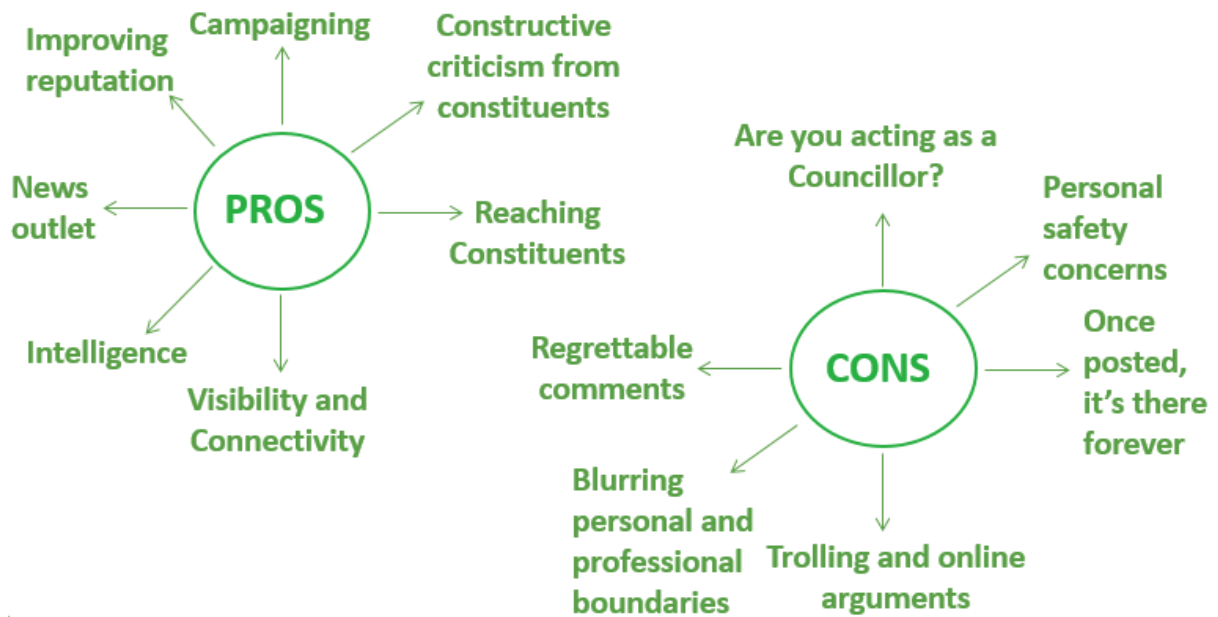
This Social Media Policy for Councillors is intended for use by all West Oxfordshire District Councillors and co-opted Members.

West Oxfordshire District Council has always been committed to innovation and creativity in the digital revolution which has taken place over recent years. We actively encourage the use of social media, which has become an integral part of everyday life for many of us as it is a useful way to communicate and connect with people all over the world.

This Policy on the use of Social Media by Councillors, does not seek to inhibit “freedom of expression”, and means that Councillors are generally free to talk about, or write about, or otherwise express, their ideas and opinions without any censorship or interference - subject only to a few exceptions.

In respect of Councillors, social media has many benefits including raising a Councillor’s profile, helping to deliver information to constituents in a fast and effective manner and for enhancing the reputation of the Council. However, there are also some pitfalls and some ways in which Councillors could use social media inappropriately, and this can have long lasting and significant consequences for the reputation of individual Councillors, their Political Groups and the Council as a whole.

2.0 ‘PROS’ AND ‘CONS’ OF SOCIAL MEDIA



3.0 SOCIAL MEDIA AND THE MEMBER CODE OF CONDUCT

The Social Media Policy for Councillors ('the Policy') is intended to assist Councillors when using social media, in a personal or professional capacity, to avoid potential breaches of their Code of Conduct and enable them to uphold the highest standards of conduct and ethics in their communications.

This Policy should be read in conjunction with the Council's Member Code of Conduct and sets out when certain types of conduct relating to the use of social media may be considered inappropriate by a Councillor.

Councillors are personally responsible for their conduct online and should always be mindful of the Code of Conduct and the Nolan Principles.

3.1 Acting in Capacity as a Councillor v Acting in Private / Personal Capacity

The Council's Member Code of Conduct (Part 6A of the Constitution) provides that a Councillor must comply with the obligations of the code when acting as a Councillor, which may include when a Councillor misuses their position or when a Councillor's actions would give the impression to a reasonable member of the public with knowledge of all the facts that they are acting as a Councillor. This is a subjective test. However, there are actions which increase the likelihood of a Councillor being found as 'acting in their capacity as a Councillor'. For example, by identifying that they are a Councillor on their profile page, by using social media to campaign or to share Council news/developments with the public.

Councillors are advised to keep separate social media and on line accounts for professional Councillor matters and purely private and personal matters. Doing so enables a Councillor to separate posts about Council business or their role as a Councillor from personal posts.

However, while a Councillor may make a distinction on social media about what is a personal account or content, that does not mean that it would be considered by others to be personal. So, for example, if a Councillor posts on a personal social media platform about a matter that has sufficient nexus with their role as a Councillor, they may be deemed to be acting as a Councillor regardless of the fact that the post is on a purportedly personal account or is said to be from the individual acting in their personal capacity.

Further, while a Councillor may be clear on social media about what is personal content, such content could still be shared by other people in public forums or used by the media.

If a Councillor does decide to maintain only one social media account, there is increased risk around when they may be considered to be acting in capacity, and under the jurisdiction of the code, should a complaint be made.

If a Councillor wishes to keep just one account, they should be clear on what the account is used for. For example, if the account is personal, they should keep it private and refrain from using Council or Councillor terminology, referring to their role as a Councillor, or posting, sharing or commenting about Council business.

4.0 GENERAL RESPONSIBILITIES WHEN USING SOCIAL MEDIA

In addition to the Member Code of Conduct, Councillors should be mindful of the following responsibilities:

- Councillors should take particular care to ensure that, in any comment or post they create, they do not imply that they are speaking on behalf of the Council as a whole.
- Once a post is made on social media, it is there for the world to see. Even if it is deleted this does not mean that someone has not already saved a copy of it. Councillors should never post anything on social media that they would not be prepared to discuss in public meetings, with the local media, with their constituents, and with their friends and family. Councillors should think carefully before engaging in activity on social media.
- Councillors should be honest about who they are on social media and not impersonate anybody if it could lead to bringing the Council into disrepute.
- Councillors should be mindful of the safety of themselves, their families and others. Any information posted to social media is public including pictures, profile information, friends list and comments. Individuals will be able to see your information and link you to other people, which may include vulnerable children and adults.

- Councillors should only share accurate information from reliable sources and should be mindful of 'fake news' stories and outlets. It's evidenced that anonymous profiles can contribute to the spread of misinformation or fake news, as well as cyberbullying, trolling and hate crime.
- Councillors should be trustworthy and not use social media to divulge any confidential or exempt information which has been shared with them.
- Councillors should keep their social media accounts secure and protected by passwords. They should not allow anybody else access to any of their social media platforms.
- Councillors should remain professional and polite when conversing with members of the public. This includes the use of private messaging, commenting on posts or replying.
- Councillors should take care when providing opinions or sharing or commenting on posts that they do not use or share content that might be deemed offensive, bullying or discriminatory or might otherwise bring the Council into disrepute.
- Posts should not contain abuse, harassment, intimidation or threats of any form. Posts should not contain any form of discrimination – including racism, sexism, ageism, ableism, homophobia, transphobia or religious intolerance.
- The way we interact with people in person is not just limited to the things we say. Body language, expression, tone of voice and who we are speaking to are all contributing factors to interaction. Considering this, Councillors should always consider how any comment/post they make on social media could be construed.
- Councillors should be mindful of the public perception of using social media during Council meetings and consider whether it is appropriate, particularly in regulatory meetings.
- Councillors should give careful consideration when sharing the posts of others, or when reacting to posts as reactions including smiley faces, thumbs up, laughing emoji's are all forms of on line communication.

4.1 Dealing with Mis-Information

It is difficult not to engage when you are the subject of rumours, misinformation and smear campaigns. While it is always tempting to respond and clarify every rumour and falsehood

circulated about you, it is also useful to think about the emotional, economic, time and costs of engaging; in many cases, rumours disappear as quickly as they emerged.

Some useful strategies to deal with such mis-information include:

Calmly try to understand who is behind the 'attack'. Most of the time, they are people with a clear agenda trying to gain control or to manipulate;

Correct the facts if you wish to do so; this can be done with a formal statement or if you can identify the source, then do it publicly by correcting their posts with facts and evidence. Remember that Officers are there to give advice, support and provide factual information;

Remember that rumours and misinformation are fed by repetition. It is good to defend your reputation but often the most efficient way is to do it once and then stop engaging this way;

Leave the environment the rumour is being spread within. A smear campaign tries to manipulate and gain control but no control can be gained if you do not participate. You may wish to advise your followers that you will be logging out of social media for a period of time, which gives the rumour time to calm down while protecting your own emotional and mental wellbeing;

Rumours and smear campaigns can be very stressful and at times, they can feel very isolating. Keep your self-confidence by talking to family, friends and others in your support network. Some may also feel able to counteract rumours with factual information;

If you can identify the source of the rumours and smear campaigns, you should document it and keep a record. This may be useful if further disciplinary or legal action is required.

The Council's Communications team is available to provide advice and support to all Councillors and can be consulted should a Councillor have a concern.

4.2 Potential Legal Issues

Councillors should be mindful that, in addition to a potential breach of the Code of Conduct, misuse of social media may give rise to other consequences.

The following issues, which may lead to criminal or civil legal proceedings, may also arise:

- Breach of Data Protection Legislation
- Publication of Obscene Material
- Incitement
- Copyright
- Harassment
- Discrimination

- Bias
- Defamation
- Judicial Review

5.0 TRAINING

Training on the use social media will be made available to Councillors by Democratic Services Officers. It is advised that Councillors undertake such training at least once in any term of office.

The Monitoring Officer, the Audit and Governance Committee or the Standards Sub-Committee, may also require a Councillor to undertake additional Social Media training as a result of concerns regarding their conduct.

If you are unsure, or have any questions about your social media use, contact the Monitoring Officer.

6.0 LOCAL GOVERNMENT ASSOCIATION GUIDANCE

The LGA has also published a Checklist for Councillors. This can be found at Appendix A.

Appendix A

The LGA refer to 5 rules for councillors when using social media, as follows:

- Rule 1 – debate and disagreement are welcome, but only if expressed with courtesy, respect and politeness
- Rule 2 – posts should not contain abuse, harassment, intimidation or threats of any form
- Rule 3 – posts should not contain any form of discrimination including racism, sexism, ageism, ableism, homophobia, transphobia or religious intolerance
- Rule 4 – posts should not spread false or unverified information
- Rule 5 – for transparency reasons, users should not post anonymously

LGA Checklist for Councillors

<https://www.local.gov.uk/our-support/guidance-and-resources/comms-hub-communications-support/digital-communications/social-1>

Be a person

In the words of Digital Specialist [Euan Semple](#), "Organisations don't tweet, people do". You are likely to be more effective if your social media profile is you (with a picture of you) rather than an organisation with a logo.

Don't worry about reaching everyone in your ward

Social media will be more effective in some wards than others. University towns, urban areas with good broadband and mobile connections, and a working age population tend to work best. Wards with an older population and poor internet connectivity tend not to be so effective at reaching your ward. However don't let this stop you as connections are getting continuously improving as we move towards a higher level of digital inclusion.

Don't let it replace your traditional work

To be an effective councillor you won't stop meeting people and posting leaflets simply because you are posting online. The traditional work of a councillor still has to be done. You will know your residents best—consider which channel works best for them to connect with you, online and offline.

Think about the platform you'll use

If people in your ward are keen Facebook users then think seriously about Facebook. Twitter is popular among politicians because it's easy to use and connects people really well. Whichever one you choose, learn one at a time before even thinking of trying something

else. You will know your residents better than anyone else so ask them which channel works best for them.

See how other councillors use it

Watch and learn from other councillors who are using social media. Have a chat to them. You'll very often find they will be happy to talk. Even to those from different parties.

Don't be a slogan machine

There is a really important decision to be taken over how political to be. You may have been elected on a party political ticket. But you are also a rounded human being. Social media is a chance for you to show your human side. Just posting party political content is likely to switch many people off and you may be talking only to the party faithful.

Have a conversation

Social media works best as a two-way conversation connecting people and sharing information. Good councillors do this every day face-to-face with residents—social media should be no different to this.

Don't wait for people to come to you

You've got your Facebook profile or your Twitter profile. People won't just come flocking to you. Run a search on your chosen profile for the name of your ward or an issue. Make a connection. Join a Facebook group set-up by residents. Comment on a blog, a website or a video clip.

Think about times when you won't post

From experience, many elected members say that Friday and Saturday nights are not always the best time to post overtly political messages. You won't always get the most rounded debates. Many councillors post sparingly on religious holidays.

To post in meetings or not?

Some authorities frown on posting from social media in meetings. Check the situation where you are. Residents, residents groups, journalists and bloggers are being encouraged to use social media from meetings. So adding your voice to the conversation may be a good thing as part of democracy. If you can post an update from a meeting and it doesn't hamper your role in that meeting then it's something to think about.

Don't have a row

Robust debate is fine from time-to-time and it's part of the cut and thrust of local politics. Most people can accept that. But remember how this debate is playing out to passers-by

who are not interested in the detail of the issue. They are likely to be switched off. Take the row offline with a phone call or an email.

Don't be abusive

An absolute 'no no' is abusing people online. It doesn't work. It will make you look awful and is a sure-fire way to land you in trouble with your electorate, the party and the council. Be professional. Don't say anything you wouldn't be happy saying in a public meeting with the Press there.

Don't discuss case work detail

Case work can be reported to you on social media. Everything from uncollected rubbish and a cracked paving slab to concerns about child protection. As a good rule of thumb, ask residents to tell you the detail of an issue offline. Social media platforms usually have an easy-to-use way to talk one-to-one. Email and telephone can come into play too.

Pictures work

People respond really well to pictures. They don't have to be print quality. They don't have to be posed. If you are on a ward walk post some pictures. Include the people you are with if they are happy with that. Post pictures that show your human side too. That sunrise you just noticed. Your dog. Things that make you human.

Enjoy it

It's not meant to be scary. It's not meant to be hard work. Relax. Be yourself. Be a responsible elected member. Enjoy it.

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5B EXECUTIVE PROCEDURE RULES

1.0 INTRODUCTION

The Executive Procedure Rules have been adopted by the Council to help achieve the following:

- To protect the interests of the Council, individual Members and Officers;
- To ensure that decisions are based upon complete and sound information and advice from appropriate professional Officers; and
- To ensure that decisions are made in accordance with the Council's agreed governance arrangements.

These Executive Procedure Rules do not cover all aspects of decision-making under Executive arrangements. Members and Officers will also need to be aware of and guided by other relevant sections of the Council's Constitution, particularly:

- Scheme of Delegations (Part 4)
- Access to Information Procedure Rules (Part 5G)
- Overview and Scrutiny Procedure Rules (Part 5C)
- Members' Code of Conduct (Part 6A)
- Member / Officer Protocol (Part 6B)
- Article on Decision Making (Part 2H)

2.0 HOW THE EXECUTIVE OPERATES

2.1 Who may make Executive decisions?

The arrangements for the discharge of Executive functions may be set out in the Executive arrangements, being these Executive Procedure Rules, adopted by the Council and forming part of the Constitution.

The exercise of any arrangements not set out here, may be decided by the Leader of the Council.

In either case, the Executive Procedure Rules or the Leader may provide for Executive functions to be discharged by:

- (i) the Executive as a whole;
- (ii) a Committee of the Executive;
- (iii) an individual Executive Member;
- (iv) an Officer;
- (v) an Area Committee;

- (vi) Under Joint Arrangements; or
- (vii) By another Local Authority.

2.2 Delegation by the Leader of the Council

At the Annual Meeting of the Council, the Leader will present to the Council a written record of delegations made by them for inclusion in [Part 3D \(Executive Functions\)](#) of this Constitution.

The document presented by the Leader will contain the following information about Executive functions in relation to the coming year:

- (i) the names, addresses and wards of the people appointed to the Executive by the Leader;
- (ii) the extent of any authority delegated to Executive Members individually, including details of any limitation or consultation requirement on their authority;
- (iii) the terms of reference and constitution of such Executive Committees as the Leader appoints and the names of Executive Members appointed to them;
- (iv) the nature and extent of any delegation of Executive functions to Area Committees, any other authority or any joint arrangements and the names of those Executive Members appointed to any Joint Committee for the coming year; and
- (v) the nature and extent of any delegation to Officers with details of any limitation or consultation requirements on that delegation, and the title of the Officer to whom the delegation is made.

2.3 Sub-delegation of Executive functions

All Executive power vests in the Leader of the Council. The Leader may discharge any Executive function, or may arrange for any Executive function to be delegated to the Executive, an individual Executive Member, a Committee of the Executive, an Area Committee, or an Officer.

If the Leader delegates functions to the Executive, then the Executive may delegate further to a Committee of the Executive, to an Officer, or to another body in accordance with joint working arrangements, but not to an Individual Executive Member.

Unless the Executive directs otherwise, where a Committee of the Executive or an individual Executive Member is responsible for an Executive function, they may delegate further to an Officer.

Even where Executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

2.4 Changes to delegation arrangements

This Constitution set out the delegation arrangements currently in force in the authority. The Leader may amend the delegation arrangements in respect of Executive functions at any time, but any other amendment may only be carried out by the Council.

To amend delegation arrangements in respect of Executive functions, the Leader must give written notice to the Monitoring Officer and to the person, body or Committee concerned. The notice must set out the extent of the amendment, and whether it entails the addition or withdrawal of delegation from any person, body, Committee or the Executive as a whole.

The Monitoring Officer will present a report to the next Ordinary Meeting of the Council setting out the changes made by the Leader, and will produce a revised statement of delegation arrangements for inclusion in [Part 3D](#) of this Constitution.

Where the Leader seeks to withdraw delegation from a Committee or Sub-Committee, notice will be deemed to be served on that Committee when it has been served on the Committee's Chair.

2.5 Conflicts of Interest

Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Member Code of Conduct in [Part 6A](#) of this Constitution.

If every Member of the Executive has a conflict of interest this should be dealt with as set out in the Council's Member Code of Conduct in [Part 6A](#) of this Constitution.

If the exercise of an Executive function has been delegated to a Committee of the Executive, an individual Executive Member or an Officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Member Code of Conduct in [Part 6A](#) of this Constitution.

3.0 EXECUTIVE WORK PROGRAMME

Subject to the Access to Information Procedure Rules in Part 5G, where an Executive decision is either "key" (see Part 2H Article on Decision Making) or "exempt" (see Part 5G), the decision shall not be taken unless details have been included and published for at least 28 days on the Executive Work Programme (sometimes known as the Forward Plan).

This requirement applies regardless of which individual or body is the decision maker and is therefore applicable to decisions to be made by the Executive collectively, or individually, and to Officers.

4.0 EXECUTIVE DECISIONS MADE BY THE EXECUTIVE

When an Executive function has been delegated by the Leader to the body of the Executive as a whole, it may only exercise such functions and make such decisions at an Executive Meeting. Such a meeting must be held in accordance with the Local Authorities (Executive Arrangements)(Meetings and Access to Information) Regulations 2012.

4.1 Timing and Location

The Executive shall meet at least 10 times per year at times and on dates to be agreed by the Leader. The Executive shall meet at the Council's main offices or another location to be agreed by the Leader, in consultation with the Monitoring Officer.

4.2 Public access to meetings of the Executive

Meetings of the Executive will be open to the public, except when confidential or exempt information is being discussed. Further information on this is given in the Access to Information Procedure Rules in [Part 5G](#) of this Constitution.

4.3 Quorum

The quorum for a meeting of the Executive, or a Committee of it, shall be three members of the Executive. No substitutions are permitted.

4.4 Chair

If the Leader is present they will preside and Chair the Executive meeting. In their absence, the Deputy Leader will act as Chair, and in the absence of both the Leader and Deputy Leader then a person appointed to do so by those present shall preside.

4.5 Member attendance at an Executive meeting

Any member of the Council may attend any Executive meeting, and subject to the provisions in the Access to Information Procedure Rules at Part 5G of the Constitution, may remain present where the press and public have been excluded by the Executive.

4.6 Business of an Executive Meeting

At each meeting of the Executive the following business will be conducted:

- consideration of the minutes of the last meeting;
- apologies for absence
- declarations of interest, if any;
- participation of the public;
- receipt of announcements;
- matters referred to the Executive (whether by an Overview and Scrutiny Committee, by the Council or by the Audit and Governance Committee) for consideration by the Executive;
- consideration of reports from Overview and Scrutiny Committees;
and
- matters set out in the agenda for the meeting.

4.7 Agenda items at an Executive Meeting

The Council, any Overview and Scrutiny Committee, any other Committee of the Council, and any Member or Statutory Officer of the Council, may place an item on the agenda of a meeting of the Executive.

If the volume of business for any one meeting appears excessive, the Leader and the Monitoring Officer jointly may agree to defer consideration of items to a later meeting, except that:

- (i) items placed on the agenda by the Council may not be deferred if the Council requires them to be considered at that meeting;
- (ii) reports of Statutory Officers may not be deferred if, in the opinion of the Officer concerned, it is necessary for the report to be considered at that meeting; and
- (iii) no deferral will be for more than two Ordinary meetings of the Executive (unless the person or body placing the item agrees).

4.8 Consultation

All reports to the Executive on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant Overview and Scrutiny Committees, and the outcome of that consultation.

Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

4.9 Written Reports for the Executive

A written report on the proposed decision shall be prepared by the relevant Officer and shall be approved by the Chief Executive, Monitoring Officer and Chief Financial Officer.

The Officer's report shall include the following:

- The Executive portfolio within which the issues fall
- The Ward(s) affected by the proposed decision;
- The name and title of the Officer writing the report;
- The name and title of the Accountable Officer;
- The date of the meeting at which the decision may be taken;
- The subject and title of the report;
- Whether the decision proposed in the report is a key decision or not;
- Whether the report contains exempt or confidential information;
- A description of the issue to be decided;
- Any consultation undertaken, the method and a summary of representations received;
- The Officer's recommendations and the reasons for them;
- Details of any alternative options considered;
- A list of background papers;
- Which of the Council's priorities the matter impacts;
- Legal implications;
- Financial implications;
- A risk assessment;
- Information on equalities impact; and
- Climate and ecological emergencies impact.

Subject to the provisions on confidential and exempt information and special urgency as set out in the Access to Information Rules in Part 5G, the Chief Executive shall, at least 5 clear working days prior to the date that the proposed decision is scheduled to be taken:

- Make the report available to all Members of the Council via the democratic services electronic system; and
- Make the report publically available on the Council's website.

The report author will ensure that all background papers listed in the report are made publically available at least 5 working days prior to the date of the meeting at which the decision is to be taken.

4.10 Decisions of the Executive

Subject to the Access to Information Procedure Rules, after a decision has been taken by the Executive, draft minutes of the meeting will be published on the Council's website which shall include:

- The title of the item;
- The title of the decision making body;
- The date on which the decision was made;
- The date on which the decision may be implemented;
- Whether or not it was a key decision;
- Any declarations of discloseable pecuniary interests;
- The decision;
- The reasons for the decision.

The draft minutes will not be a verbatim record of the meeting.

The draft minutes will be published on the Council's website and made available to all Members via the democratic services electronic system by the end of the 5th working day following the day of the meeting.

5.0 EXECUTIVE DECISIONS MADE BY AN INDIVIDUAL EXECUTIVE MEMBER

5.1 Decision Making by an Individual Executive Member

All decisions made by an Individual Executive Member are to be made following an Officer report and must be recorded on a Decision Notice, which must be made publically available by the end of the second working day following receipt of the Decision Notice.

All decisions made by an Individual Executive Member must be made in accordance with Part 2H of the Constitution; Article 8 which contains the principles of decision making.

5.2 Consultation

The requirements as to consultation set out in paragraph 4.8 above apply equally to Executive decisions to be made by an Individual Executive Member.

5.3 Written Reports for Individual Executive Member Decisions

A written report on the proposed decision shall be prepared by the relevant Officer and shall be approved by the Chief Executive, Monitoring Officer and Chief Finance Officer.

The report must contain the items as set out at paragraph 4.9 above.

Subject to the provisions on confidential and exempt information and special urgency as set out in the Access to Information Rules in Part 5G, the Chief Executive shall, at least 5 clear working days prior to the date that the proposed decision is scheduled to be taken:

- Make the report available to all Members of the Council via the democratic services electronic system; and
- Make the report publically available on the Council's website.

The report author will ensure that all background papers listed in the report are made publically available at least 5 working days prior to the date of the meeting at which the decision is to be taken.

5.4 Timescales

Subject to the Access to Information Rules, the decision may not be taken by the Individual Executive Member until the expiry of the time specified in the Executive Work Programme for a key decision ie 28 days. Further, the decision cannot be taken by the Individual Executive Member before the expiry of 5 clear working days after publication of the report. These two time periods can run concurrently.

The decision should be made by the Individual Executive Member within 14 days of the earliest date upon which the decision may be made.

The Individual Executive Member shall provide a written record of their decision, including reasons, to the Monitoring Officer by email at democratic.services@westoxon.gov.uk within one full working day of the decision being made. Subject to Access to Information Rules, the decision notice will be published on the Council's website, and made available electronically to all Members via the democratic services electronic system, by the end of the second day following receipt of the Decision Notice.

5.5 Interests

Prior to taking the decision, the Individual Executive Member will be required to consider whether they have any discloseable pecuniary interest or other interest in the matter as described in the Member's Code of Conduct. If the interest prevents the Individual Executive Member from taking the decision, they should take no part in it and refer the matter to the Leader without comment, save as to record the nature of their interest.

5.6 Leader making a decision referred by an Individual Executive Member

The Leader may either make a decision on a report referred to them by an Individual Executive Member in accordance with paragraph 5.5 above, or may refer the report to the next meeting of the Executive for discussion and decision. The Leader will record a decision to defer an item to a meeting of the Executive on the Decision Notice.

5.7 Delegations

At any time, and for any reason, the Leader may temporarily, or permanently, withdraw the delegation of an Executive function to an Individual Executive Member and exercise the delegation in person.

Where the Leader temporarily removes a delegation to an Individual Executive Member for a particular decision, this must be recorded on the Decision Notice. Where the Leader removes a delegation to an Individual Executive Member on a permanent basis, the Monitoring Officer must be notified and Part 3 of the Constitution updated.

5.8 Record of Decisions made by Individual Executive Members

A Decision Notice, setting out the decision, must be completed by the Individual Executive Member. The Decision Notice must include the items set out at paragraph 4.10 above.

6.0 EXECUTIVE DECISIONS MADE BY AN OFFICER

Decisions made by Officers, whether Executive or not, should be made in accordance with the Officer Decision Making Protocol at Part 6H of the Constitution.

Where Executive decisions are delegated to a Committee of the Executive, or to individual Executive Members, the rules applying to Executive decisions taken by them shall be the same as those applying to those taken by the Executive as a whole.