

Public Document Pack



Tuesday 19 September 2023

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COUNCIL

You are summoned to a meeting of Council, which will be held in the Council Chamber, Woodgreen, Witney, Oxfordshire OX28 1NB on **Wednesday 27 September 2023 at 2.00pm.**



Giles Hughes
Chief Executive

To: Members of the Council

Councillors: Andrew Coles (Chair), Elizabeth Poskitt (Vice-Chair), Joy Aitman, Alaa Al-Yousuf, Lidia Arciszewska, Thomas Ashby, Hugo Ashton, Andrew Beaney, Michael Brooker, David Cooper, Julian Cooper, Rachel Crouch, Colin Dingwall, Jane Doughty, Duncan Enright, Phil Godfrey, Andy Goodwin, Andy Graham, Jeff Haine, David Jackson, Edward James, Mark Johnson, Natalie King, Liz Leffman, Nick Leverton, Dan Levy, Andrew Lyon, Charlie Maynard, Martin McBride, Michele Mead, David Melvin, Lysette Nicholls, Mathew Parkinson, Rosie Pearson, Rizvana Poole, Andrew Prosser, Carl Rylett, Geoff Saul, Sandra Simpson, Alaric Smith, Ruth Smith, Harry St John, Tim Sumner, Dean Temple, Liam Walker, Mark Walker, Adrian Walsh, Alex Wilson and Alistair Wray.

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 9 - 18)**
To approve the minutes of the previous meeting, held on Wednesday 19 July 2023.
4. **Receipt of Announcements**
To receive any announcements from the Chair, Leader of the Council, Members of the Executive or the Chief Executive Officer.
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 by email to:

democratic.services@westoxon.gov.uk

or by post to:

Democratic Services, West Oxfordshire District Council, Woodgreen, Witney, Oxfordshire OX28 1NB

no later than 12.00pm on the seventh working day before the date of the meeting.

A response may be provided at the meeting, or provided 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 to Members of the Executive, 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.
The Questions and Answers will be detailed in the minutes of the meeting.

Q1. Councillor Alaa Al-Yousuf to Councillor Dan Levy, Executive Member for Finance:

What adjustment measures is the Executive Member for Finance contemplating to bring the budget back on track in the second half of the current fiscal year given the significant shortfall in income thus far, mainly investment property rent, and which is likely to continue for the rest of the fiscal year?

Q2. Councillor Alaa Al-Yousuf to Councillor Lidia Arciszewska, Executive Member for Environment:

What progress has the Executive Member for the Environment made with Thames Water in reaching a binding agreement or undertaking to reduce sewage pollution in our waterways as previously announced in a press release dated 24 March 2023?

Q3. Councillor Alaa Al-Yousuf to Councillor Duncan Enright, Deputy Leader of the Council and Executive Member for Economic Development:

Could the Executive Member for Economic Development please update the Council on the source and terms of funding for the purchase of Marriott's Walk?

Q4. Councillor Michele Mead to Councillor Dan Levy, Executive Member for Finance:

In the February 2023 budget, sixteen growth requests were made. Can you please tell us how many of these roles have been filled and into which positions?

Q5. Councillor Michele Mead to Councillor Andy Graham, Leader of the Council:

Did the Executive have their proposed "away day", and if so, when will members hear the outcomes and be advised of any KPIs set?

Q6. Councillor Liam Walker to Councillor Alaric Smith, Executive Member for Leisure and Major Projects:

Can the Executive Member confirm if Woodstock swimming pool will open next year on the same reduced opening times as this year?

Q7. Councillor Thomas Ashby to Councillor Lidia Arciszewska, Executive Member for Environment:

There are a lot of housing estates whereby greenspaces, including woodland areas are maintained by West Oxfordshire District Council. The Council has a Tree Management Policy whereby the Council absolves much responsibility, meaning residents need to pay from their own pocket if there is a tree overhanging their boundary or causing issues with their property. This is not fair. There are many elderly people who have issues with trees close to their property who shouldn't have to have the stress or pay out of their own pocket for tree maintenance.

Therefore, will the Executive Member ask officers to review West Oxfordshire District Council's Tree Management Plan, to ensure that trees which affect residential property can be investigated and maintained at a resident's or Councillors request?

Reports from Officers

7. **Recommendations from the Constitution Working Group (Pages 19 - 68)**

Purpose:

To present the recommendations of the Constitution Working Group meetings held on 23 June 2023 and 11 August 2023, including a recommendation to replace the three existing overview and scrutiny committees with a single new overview and scrutiny committee.

Recommendations:

That Council Resolves to:

1. Agree to include in the Constitution that the Chair of an Overview and Scrutiny Committee must be an opposition member;
2. Agree to replace the three current overview and scrutiny committees with a single Overview and Scrutiny Committee with 24 Members with effect from 5 October 2023, and in doing so:
 - a) Agree to update Part 2: Articles and Part 3C: Committee Functions as shown in Annex A and Annex B respectively;
 - b) Authorise the Director of Governance to make other consequential amendments to the Constitution (at parts 1A, 3A, 3D, 5A, 5B, 5C, 5F, 5G, 6E, and 6H);
 - c) Delegate authority to the Director of Governance to appoint members to the Overview and Scrutiny Committee with effect from 5 October 2023 in accordance with political proportionality and the wishes of political groups;
 - d) Agree that the Overview and Scrutiny Committee will meet monthly on the dates set out in paragraph 3.7, with the first meeting being held on Wednesday 8 November 2023 at 5.30pm;
 - e) Request that the Council's Independent Remuneration Panel considers whether the Vice-Chair of the Overview and Scrutiny Committee should be paid a special responsibility allowance, and if so, at what level and any backdating to be applied, and report back to Council;
 - f) Note that a programme of member briefings is being developed as an alternative to officers providing information to members through verbal updates and presentations at overview and scrutiny committee meetings.
3. Agree to include in the Constitution (at Part 5A: Council Procedure Rules, paragraph 6.2) that the Monitoring Officer is authorised to cancel meetings and to reschedule meetings with reasons and in consultation with the Chief Executive and the relevant Chair of Council, a Committee or Sub-Committee, provided that the agenda for the meeting has not been published.
4. Agree to include in the Constitution (at Part 3C: Committee Functions) how the parish areas within the Brize Norton and Shilton ward and the Hailey and Minster Lovell and Leafield ward are split between the Lowlands and Uplands areas.
5. Agree to replace the requirement (at Part 3C: Committee Functions) that there are 13 seats on the Lowlands Sub-Committee and 11 seats on the Uplands Sub-

Committee with a rule that the Lowlands and Uplands sub-committees must have a minimum of 11 members, with the Chair of the Development Control Committee being appointed to both sub-committees and all other members of the Development Control Committee being appointed to either the Uplands or Lowlands sub-committee, depending on the ward they represent. Where wards cross the Lowlands and Uplands boundary the ward member may be appointed to either sub-committee.

6. Note that the Constitution Working Group agreed for the Director of Governance to address a number of items on the Constitution Working Group's work plan under delegated authority, as set out in paragraph 7.1.
7. Note that future versions of the Constitution will be published to the website using the Modern.gov system in order to improve transparency, ease of updating and version control.

8. **Strategic Partnership Update (Pages 69 - 74)**

Purpose:

To enable the Leader to provide an update to Council on his portfolio responsibility for Strategic Partnerships.

Recommendation(s):

That Council Resolves to:

1. Note the contents of the Strategic Partnership Report.

9. **Review of Political Proportionalities (Pages 75 - 78)**

Purpose:

To review the political proportionalities on committees following receipt of a notice that a member has joined a group.

Recommendations:

That Council Resolves to:

1. Agree the political proportionalities as set out in either Annex A (political proportionalities with three overview and scrutiny committees) or Annex B (political proportionalities with one overview and scrutiny committee), depending on the previous decision of Council on the number of Overview and Scrutiny Committee.
2. Note that group leaders are asked to confirm any changes to committee membership to the Monitoring Officer.
3. Note that any vacancies on committees shall be appointed to by the Monitoring Officer in accordance with the wishes of the political group to which the vacant seat is allocated and that Council will be asked to ratify and note the appointments at the next ordinary Council meeting.

ANNEXES TO FOLLOW

Motions on Notice

10. **Motion A: Mobile Network Coverage – Proposed by Councillor Alaa Al-Yousuf, Seconded by Councillor Liam Walker.**

Mobile network coverage is inadequate in many rural areas of our District either because of Total Not Spots or the coverage failing to meet the “at least one Mobile Network Operator (MNO) measure”. Very often coverage is poor outdoors let alone indoors. It is therefore vital that MNOs expedite their investment in infrastructure. The four MNOs agreed with the Government in 2020 to build a Shared Rural Network with licence obligations to achieve good quality coverage across 88% of the landmass by June 2024, and 90% of the landmass to be covered by January 2027. To that end, the four MNOs created Digital Mobile Spectrum Limited (DMSL) as a joint venture to manage and run the Shared Rural Network programme.

As a largely rural District that makes a significant contribution to the national economy, West Oxfordshire deserves to be prioritised.

Council Resolves to:

1. Instruct the Leader to engage with Digital Mobile Spectrum Limited and, as a first step, invite it to send senior representatives to brief Councillors and residents at a public meeting at the earliest opportunity.

11. **Motion B: Keeping West Oxfordshire Safe and Tidy – Proposed by Councillor Jane Doughty, Seconded by Councillor Liam Walker.**

Over the last couple of years, we continue to witness a lack of grass cutting and weeding across Witney and West Oxfordshire. Re-wilding has been used as an excuse for this, when really our pavements are becoming unsafe for those walking and cycling, with weeds ultimately leading to the paths breaking up and generally towns becoming untidy.

There are suitable areas across the Town and District where wildflowers could be planted if our local authorities had the vision. Highway maintenance and safety should be our focus as the weeds growing from within our pavements will lead them to deteriorate quicker than usual, and the lack of cutting across some verges makes vision at junctions very poor for drivers, cyclists and pedestrians.

Council Resolves to ask the Leader of the Council to:

1. Write to Oxfordshire County Council requesting that:
 - o The Council review their grass cutting policies to include:-
 - Cutting grass verges at junctions more regularly;
 - Cutting grass verges one meter between the carriageway and the rest of the verge.
2. Ensure that the Council works with Witney Town Council/Oxfordshire County Council to develop a weeding policy so:
 - There is regular maintenance on pavements, kerbs and drains so that fewer potholes are created;

- Kerbs do not break away from the pavement;
 - Our District can look tidy and we see an improvement in our street scene.
3. Request that officers bring forward proposals to the Executive as part of the budget process for providing the Climate and Biodiversity Team with funding to ensure we see more wildflower meadows in appropriate areas.

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WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the Meeting of the Council

Held in the Council Chamber at 2.00pm on **Wednesday 19 July 2023.**

PRESENT

Councillors: Andrew Coles (Chair), Elizabeth Poskitt (Vice-Chair), Alaa Al-Yousuf, Lidia Arciszewska, Thomas Ashby, Hugo Ashton, Andrew Beaney, Michael Brooker, David Cooper, Julian Cooper, Rachel Crouch, Colin Dingwall, Jane Doughty, Duncan Enright, Phil Godfrey, Andy Goodwin, Andy Graham, Jeff Haine, David Jackson, Edward James, Mark Johnson, Natalie King, Liz Leffman, Dan Levy, Andrew Lyon, Charlie Maynard, Martin McBride, Michele Mead, David Melvin, Lysette Nicholls, Mathew Parkinson, Rosie Pearson, Andrew Prosser, Geoff Saul, Sandra Simpson, Alaric Smith, Ruth Smith, Harry St. John, Tim Sumner, Dean Temple, Liam Walker, Mark Walker, Adrian Walsh, Alex Wilson and Alistair Wray.

Officers: Giles Hughes (Chief Executive), Elizabeth Griffiths (Chief Finance Officer, Deputy Chief Executive and Section 151 Officer), Andrea McCaskie (Director of Governance and Monitoring Officer), Frank Wilson (Executive Finance Director - Publica), Bill Oddy (Assistant Director - Commercial Development), Andrew Brown (Business Manager - Democratic Services), Max Thompson (Senior Democratic Services Officer), Anne Learmonth (Democratic Services Officer), Maria Harper (Democratic Services Assistant), Barry Clack (Communications Officer), Elise Chowdhury (Communications Officer), Georgina Dyer (Chief Accountant) and Hannah Kenyon (Climate Change Manager).

Other Councillors in attendance: Nil.

CL.87 Apologies for Absence

Apologies for Absence were received from the following Members:

Carl Rylett, Rizvana Poole, Nick Leverton and Joy Aitman.

CL.88 Declarations of Interest

There were no Declarations of Interest made by Members of the Council.

CL.89 Minutes of Previous Meeting

The minutes of the previous meeting, held on Wednesday 24 May 2023, were agreed unanimously by Council, and signed by the Chair as a correct & accurate record.

CL.90 Receipt of Announcements

The Chair of the Council, Councillor Andrew Coles, detailed the civic and local engagements that he had undertaken since the last meeting of the Council in May 2023. These included the official opening of the 2nd Witney Pride parade, and a further Pride parade, which took place in Chipping Norton.

The Chair had also visited Libyan refugees at a location near to Ducklington, and highlighted the people who he had met, and the stories & experiences he had encountered during the visit, such as living conditions, food provision, access to dental care and the prevention of boredom. The Chair praised the work of Phil Martin, Assistant Director for Business Services, for his thorough work on the project, and also the work of St. Mary's Church and St. Bartholomew's in Witney and Ducklington respectively.

Council

19/July2023

The Chair had also made a visit to United States Air Force Base in Fairford, Gloucestershire. The Chair had been invited to a ceremony with 501st Combat Support Wing, where command of the Unit had been handed over to a new incumbent. US Colonel Phillips had taken command of the base during the ceremony, and the Chair made reference to, and highlighted the strong connections West Oxfordshire has with the Armed Forces community, most notably with personnel from Royal Air Force Station Brize Norton in the West Oxfordshire District.

The Chair also paid tribute to the work of the Council's Vice-Chair, Councillor Elizabeth Poskitt, who had also undertaken a number of recent engagements.

The Chair congratulated Hannah Bourne-Taylor, a resident of West Oxfordshire, who had recently ensured that a Parliamentary petition relating to Swift Bricks and New Housing Developments, was debated in the House of Commons, having achieved almost 110,000 signatures. The subject had also been considered at WODC Committee meetings.

The Chair welcomed Hannah Lee and John Slaveykov, who had undertaken a work experience placement from Woodgreen School with Council's Democratic Services and Communications team respectively. The Chair stated that he hoped the students would gain vital experience during their placements with the Council.

The Chair also announced that he had invited all Members to a self-hosted fundraising event at Woodgreen. The event would include Afternoon Tea in the Committee Rooms, a tour of the Woodgreen Council Chamber, and a tour of the underground Bunker.

The Chair advised Council that the meeting of the Audit and Governance Committee, which had been cancelled on 29 June 2023, was rearranged for 10 August 2023 at 6.00pm, and would take place in Committee Room 1. An Audit training session for Members had also been arranged for the same date at 5.00pm. The Chair advised that further information would be cascaded to Members in due course.

The Chair asked Members of the Council to regularly check their mail 'pigeon holes' in the Members' Room at Woodgreen, to prevent excess mail build up.

The Chair advised Council that Agenda Item 8, "Appointment of Director of Finance (Section 151 Officer)", would be considered as the last item of business of the meeting, as there was possibility of Council having to enter private session.

The Leader of the Council, Councillor Andy Graham, paid tribute to the Chair and Vice-Chair for all the work they had undertaken, and said that they were promoting the Council in the best regard.

The Leader paid tribute to the Council's Chief Finance Officer, Elizabeth Griffiths, who would leave the Council ahead of the next meeting of Council to take up a position at Royal Borough of Windsor and Maidenhead Council. The Leader stated that the Chief Finance Officer would leave with the warmest wishes of the entire Council and its staff, and thanked her for all her hard work during her time in office.

The Executive Member for Climate Change, Councillor Andrew Prosser, introduced and gave an overview of a recent online platform hub called 'Greenlight'. The Executive Member noted that Greenlight would bring people together to share ideas, best practise, challenge each other through competition, to become involved in activities around climate change and nature, by seeking advice on creating a space in their garden for pollinators to thrive, or finding an environmental group to get involved with.

Council

19/July2023

CL.91 Participation of the Public

There was no public participation at the meeting.

CL.92 Questions by Members

Questions by Members, as listed on the agenda, and the responses to those questions, which had been circulated in advance, were taken as read. The Chair invited the questioners to ask a supplementary question and then invited the relevant Executive Members to respond. The questions and responses were as follows:

Q1 – Councillor Thomas Ashby, to Councillor Joy Aitman, Executive Member for Stronger, Healthy Communities.

For some time, it has been the belief that both the play area and recreation ground on Raleigh Crescent would be transferred to Witney Town Council. It is disappointing that only the play area has been transferred. There is a significant amount of Section 106 Money from the Windrush Place development which is designated for an “Offsite MUGA” and the current location of the basketball court and green shelters would be ideal.

Enabling Witney Town Council to undertake a design and build procurement would mean that our young people in West Witney would have a new fantastic outdoor space built reasonably quickly. Now that West Oxfordshire District Council have not transferred the land, what are the plans to procure a MUGA for Raleigh Crescent?

A1 – Officers meet with Officers from Witney Town Council every month to monitor progress transferring playgrounds and sports facilities to the Town Council as well as using s.106 funding to deliver new facilities like the proposed MUGA (Multi Use Games Area) in West Witney. Because of the nature of the s.106 agreement for the proposed MUGA, Officers from the District and Town Council are working together to deliver this facility. The intention is for West Oxfordshire District Council to transfer the land of the proposed MUGA to Witney Town Council in the future.

Q1a – When the play area was transferred to Witney Town Council, the Raleigh Crescent Recreation Field was not transferred also. Can a date be given for when this will be done, so that the dedicated Section 106 money can be spent quicker than it would be here at WODC?

A1a (answered by Councillor Andy Graham, Leader of the Council) – I believe a written reply is needed to full address this detailed question, and that it needs a very precise answer. So we will get that to you very quickly, in light of what you said about expedition, and on that basis, a written reply will come.

Q2 – Councillor Julian Cooper, to Councillor Duncan Enright, Deputy Leader and Executive Member for Economic Development.

Can the Executive portfolio holder for Tourism (Visitor Economy) please update the Council as to what progress is being made to commemorate the 150th Anniversary of Sir Winston Churchill’s birth in November 2024?

Council

19/July2023

A2 – As of yet, we are not aware of any plans to commemorate the anniversary locally or nationally. Blenheim Palace have indicated that they intend to run related activity - though as yet no information is available.

The Tourism and/or Communications Teams will promote any relevant events.

Q2a – I would like to ask the Deputy Leader of the Council to assist to try and pressurise the leader of the Estate, as it would appear that the estate are going to do virtually nothing to commemorate the 150th Anniversary of Churchill's birth. My intention is try and get people into West Oxfordshire hotels, and also to do an education programme about this great man. I realise that we are battling against the Estate, but I wonder if the Deputy Leader will assist in that effort?

A2a – Thank you Councillor Cooper, the second most famous resident of Woodstock, 150 years after Councillor Cooper himself. I would be happy to contact the Chief Executive of the Blenheim Estate and find out if there is more we can do.

Q3 – Councillor Jane Doughty, to Councillor Alaric Smith, Executive Member for Leisure and Major Projects.

The Town Centre office has been closed since May with no indication displayed on the window as to when the office is reopening. Please can you tell me the reopening date? and in the meantime, what provision is being made for residents who do not have access to the internet and need to speak to an officer in customer service face to face?

A3 – Customer Services have relocated to Woodgreen whilst the work is being carried out at Welch Way, and the team are available to speak to customers face to face, do scanning of evidence/documents, collect recycling containers and provide similar services. Customer Services are providing the same services as at Welch Way, so there has not been any impact on the customer other than needing to visit a different location. There is a poster in the window at Welch Way advising customers that Customer Services are currently based at Woodgreen, or alternatively to telephone Customer Services to obtain help over the telephone. A reopening date will be made available to residents and councillors around the time of the Full Council meeting.

Q3a – We have recently had an email at Witney Town Council, telling us that our town offices are going to be open again on 24 July. Is that still going to happen?

I have also looked through the finances, and can you tell me how much exactly the alterations and renovations to our town Council offices are going to cost?

A3a – I can confirm that the offices will reopen on Monday 24 July 2023. The teams have been moving back into the offices ahead of this date. I am not able to confirm those numbers, but will be happy to get back to you on those.

Q4 – Councillor Martin McBride, to Councillor Joy Aitman, Executive Member for Stronger, Healthy Communities.

The District Council owned Kilkenny Country Park is still closed to the public. Many people used to travel to this park and it had a fantastic reputation as a great destination to visit. This has very quickly changed and is disappointing that after several site visits by officers and members, the park is still out of use. Can you give a date for when the repairs will be carried out?

A4 – Kilkenny Country Park in the Parish of Brize Norton has never been closed. An estimated 100,000 people visit the play park in the Country Park every year. A press release was published on 5 July 2023 updating Members and the Community that the Executive has committed over £80,000 of Section 106 funding for improving the play park with new equipment and the refurbishment of some of the existing apparatus.

Q4a – I would like to thank Councillor Joy Aitman for the written response, and it was quite useful to get that. I think it is important for the residents to see progress is being made.

What are the three most important lessons that the Executive Member has learnt from this situation, so that moving forward into the future, we don't end up with similar situations where significant parts of play parks are out of action for such a long period?

A4a (answered by Councillor Andy Graham, Leader of the Council) – I do understand the tenor of what Councillor McBride is saying. I will come back on that one as it asks the question in a different way. We will come back with a more detailed answer, if helpful to you.

Q5 – Councillor Michele Mead, to Councillor Lidia Arciszewska, Executive Member for the Environment.

Carterton has suffered with many streets not having their bins collected. This has gone on for four consecutive weeks. Why has this problem gone on for so many weeks, and what action are you taking to improve the service?

A5 – The overall performance of the waste collection service remains very high with over 99% of household bins being collected when they are scheduled. The current collection vehicles are in the final stages of their usable life, which is leading to increased numbers of vehicle breakdowns. When this happens collection crews in the surrounding area are sent in to assist, but it's not always possible to make all of the collections on the scheduled day due to vehicle capacity and HGV driving hour restrictions - This leads to them being delayed. There has been increased oversight by the management team who recognise the issues and there were fewer service failures last week. The increased monitoring will continue.

Q5a – As you may have realised by this, this is personal to me as it was my bin that was missed 4 weeks in a row. I live on the straightest, longest road in Carterton. A third of the town was missed 4 weeks in a row. You say that 99% of the household bins are collected when scheduled, so you're rescheduling our bins. Take that word away, what is the percentage of bins being missed? Are you registering them? As soon as our bins are missed, I go online, it states that missed collections are known, so we don't then have the right to register our bins as being missed, because you've already decided that you're not coming. That can happen at 10 o'clock in the morning. You've already decided that you're not coming that day. So how are you registering the statistics for the ones you're rescheduling, because as far as I am concerned, that's my bin being missed?

A5a – The bins are occasionally missed, yes. We are tracing which bins are being missed. We currently have some problems with our waste and recycling service resilience, and if the bins are missed, it may not necessarily be possible for the collection crews to return the next day due to other collection patterns. We are working very hard to resolve these issues as soon as possible. Part of the problem here is that the National Government is delaying provisions in the Environment Bill, where councils would be able to go and plan a waste and recycling collection service properly. Therefore, we have a fleet that is ageing. When there is a

Council

19/July2023

breakdown, it is difficult to catch up. If you would like any data, I would have to provide this to you in writing.

Q6 – Councillor Hugo Ashton, to Councillor Andy Graham, Leader of the Council.

With regards to the requirement for Voter ID at last May's elections, please could the Leader of the Council provide any data obtained on the following:

- The number and age profile of voters who were turned away from polling booths because they had not brought the appropriate ID with them?;
- The proportion of those turned away who subsequently returned to vote with their ID?;
- The number of polling stations where WODC employed somebody to address residents before they reached the polling area asking whether they had the necessary ID?;
- How many people were turned away by these greeters before being formally registered as being without the required ID?

A6 – 54 electors applied for a ballot paper and were initially refused, 35 of these electors later returned with accepted ID and were issued with a ballot paper. The Returning Officer is not required to record age profiles of voters, either in the polling station or by way of 'greeters'.

The proportion of those initially turned away, who subsequently returned to vote with their ID, was 64.8%.

The Returning Officer employed 26 additional staff members to 'greet' voters. These included all multi stations and those with a greater proportion of electors.

The Returning Officer is not required to record the number of voters turned away by the polling station 'greeter' and therefore no information is available in this regard.

Q6a – Thank you for the full answers on the data. My question relates to the lack of recording of the number of voters turned away before they enter the polling booth areas. It states that the Returning Officer is not required to record that number, however is the Returning Officer permitted to record that number, as if it were possible, there would be a fuller estimation of the impacts of Voter ID?

A6a – As we all know, the Voter ID has actually disenfranchised a number of people who weren't able to actually produce the necessary photo ID, and this has been a serious problem for those who couldn't do it. Whilst the staff did themselves follow the guidance and the processes that were set and laid out by the Electoral Commission, we don't have that discretion, so we are following the guidelines as set.

What it does underpin, however, is the inaccuracies of data when it is produced, because you are only counting those who got to the point of being in the polling station and are about to vote, and there are those people, as you say, who came to the door and were turned away and not recorded.

We also have those people who didn't even go to the polling station at all, as they felt they were disenfranchised, and that quite frankly, from a Council point of view, is not good enough. The principles of democracy are based on the fact that we can all vote, and that we all that equality of opportunity, to make our views known when at the ballot box.

The way forward, I would suggest, and that it may be for a future Council meeting, is that we do make these views known to the Secretary of State, because it is them who actually set this

Council

19/July2023

up more than the Electoral Commission, who set the guidance following a directive from the Secretary of State.

So that's the answer, Chair, and although it is unsatisfactory, we feel for those who felt that they were unable to go to the ballot box and express their vote.

CL.93 Recommendations from the Executive

Councillor Andy Graham, Leader of the Council, introduced the report, which detailed recommendations made by the Executive, since the Council's last meeting on 24 May 2023.

The Leader advised members that the first two recommendations had arisen from the Executive meeting held on 21 June 2023, and that the remainder had arisen from the most recent Executive meeting, held on 12 July 2023. The Leader highlighted that the agenda and papers for Full Council had been published before the meeting of the Executive on 12 July 2023, and that the updated, remaining recommendations, for consideration by Council, were found in a supplementary paper circulated to Members prior to the meeting.

In debate, the carry forward of £2,372,557 from the Capital Budget, was stated as being related to surplus funds from the previous financial year, and that it was not uncommon for a capital budget to have an underspend, because of the perceived difficulty in spending the entire capital budget. The amount carried forward related to the Council's purchase of Marriott's Walk in Witney, and the decarbonisation of Carterton Leisure Centre.

Councillor Andy Graham proposed that Council agree the Recommendations from the meeting of the Executive, held on 21 June 2023. This was seconded by Councillor Duncan Enright, was put to a vote, and was agreed unanimously by Council.

Council Resolved to:

1. Adopt the final version of the West Oxfordshire District Council Developer Contributions Supplementary Planning Document (SPD);
2. Amend the delegation arrangements to give authority to the Chief Finance Officer, in consultation with the Executive Member for Finance and the Executive Member for Economic Development, to approve future lettings at Marriott's Walk.

Councillor Andy Graham proposed that Council agree the Recommendations from the meeting of the Executive, held on 12 July 2023. This was seconded by Councillor Duncan Enright, was put to a vote, and was agreed unanimously by Council.

Council Resolved to:

1. Approve the carry forward of the Capital Budget of £2,372,557;
2. Approve the transfers to and between earmarked reserves as detailed in the report, and to include an additional adjustment from the bad debt provision of £670,207 to be placed in a budget deficit smoothing reserve as explained by the Chief Finance Officer for reasons set out at the meeting;
3. Adopt the final version of the Combe Village Design Statement as a Supplementary Planning Document (SPD);
4. Agree to proceed with investment in roof mounted solar PV based on the business cases in the Executive report;
5. Agree that funding for contingency costs of £27,634 is approved, with delegation to the Section 151 Officer for expenditure of contingency subject to the business case still

Council

19/July2023

being viable or expenditure being unavoidable due to structural condition of the building;

6. Add £125,000 to the Capital Programme for this item to be financed from the Property Improvement and Incentive Reserve.

CL.94 Appointment of Director of Finance (Section 151 Officer)

Councillor Andy Graham, Leader of the Council, introduced the report, which considered the appointment of a Director of Finance (Section 151 Officer) for West Oxfordshire District Council, following interviews undertaken by the Performance and Appointments Committee. The report further outlined interim arrangements to cover the anticipated period between the departure of the Chief Finance Officer, and arrival of the Director of Finance.

The Leader gave a detailed overview of the processes taken by the Performance and Appointments Committee, and explained to Council how the Committee had reached its decision to recommend the appointment of the subject candidate to the post of Director of Finance (Section 151 Officer) to Council. The Leader gave a further overview of the working and personal characteristics associated with the subject candidate, and how they would fit the role of Director of Finance for West Oxfordshire District Council. The Leader also thanked the work of Officers for their support during the recruitment process.

The Chief Executive gave Members a brief overview of the anticipated timeline for the period between the meeting and the subject candidate commencing employment with West Oxfordshire District Council. It was anticipated that the subject candidate would commence employment at the end of October 2023.

Councillor Andy Graham proposed that Council agree recommendations 3 to 6, as listed within the supplementary Council paper, agreeing to the recommendations made to Council by the Performance and Appointments Committee, at its meeting held on Monday 17 July 2023. This was seconded by Councillor Duncan Enright, was put to a vote, and was unanimously agreed by Council.

Council **Resolved** to:

1. Delegate authority to the Chief Executive, in consultation with the Chair of the Performance and Appointments Committee, to appoint Madhu Richards to the role of Director of Finance (Section 151 Officer), subject to two references, medical clearance and eligibility check (BPSS check) in accordance with the Council's policies;
2. Agree that the appointment will be made on a salary of up to £85,000 per annum plus pending pay award;
3. Agree that the appointment commences on a date to be mutually agreed between the Chief Executive and the successful candidate;
4. Confirm the appointment of an Interim Director of Finance, James Howse, who will undertake the role of Section 151 Officer, until the appointed, permanent Director of Finance is able to take up post.

CL.95 Establishment of Local Plan Cross Party Member Working Group

Councillor Andy Graham, Leader of the Council, introduced the report, giving an overview of the proposals which considered the establishment of a cross-party Member Working Group, to help inform the preparation of the new WODC Local Plan 2041.

Council

19/July2023

The Leader highlighted the importance of the Working Group, and said that it would ensure that the views of Members are taken fully into account during the formative stage of plan preparation. The Group would discuss the emerging Local Plan as it takes shape, including the consideration of technical supporting evidence as it is produced and the development of plan content and policies. The Group would be chaired by the Executive Member for Planning and Sustainable Development and primarily supported by the Council's Planning Policy Manager. The Leader proposed an increase to the size of the Group from that set out in the paper to 11 Members (4 Lib Dem, 4 Con, 2 Lab, 1 Green).

It was highlighted that the quorum could remain at 3 members even with the increased size of the Group, as the Group would not take decisions, and that the Chair of the Working Group would be taken from the allocation of the Liberal Democrat membership.

Councillor Andy Graham proposed that Council agree to the establishment of a new Local Plan Cross Party Member Working Group, in accordance, with the Draft Terms of Reference, with the group membership levels amended and increased as set out by the Leader, having obtained prior agreement from Group Leaders. This was seconded by Councillor Michele Mead, was put to a vote, and was unanimously agreed by Council.

Council Resolved to:

- I. Agree the establishment of a new Local Plan Cross Party Member Working Group, in accordance with the Draft Terms of Reference, with the following, amended group membership levels:
 - 4 Conservative;
 - 4 Liberal Democrats;
 - 2 Labour;
 - 1 Green.

CL.96 Climate Bi-Annual Report

Councillor Andrew Prosser, Executive Member for Climate Change, introduced the report, which updated Council on the climate action taken by West Oxfordshire District Council, in response to the climate and ecological emergency, over the previous 12 months (July 2022 to June 2023 inclusive).

The Executive Member paid tribute to the work of Hannah Kenyon, the Council's Climate Change Manager for her work and the work of her team more generally in responding to the climate emergency, declared by the Council in 2019.

In debate, Council paid tribute to the work of the Climate Change team in engaging with local Town and Parish Councils on climate change action and that good feedback had been received from Members. Council also made reference to a High Court legal challenge to the Planning Inspector's decision to water down the net zero ambitions of the Council in its plan for Salt Cross Garden Village, and that the challenge was independent of the Council.

The next Climate Bi-Annual report would be considered by the Climate and Environment Overview and Scrutiny Committee. Oxfordshire County Council also conducted carbon literacy training, and it was highlighted that Council would explore to the possibilities of adopting a similar approach in due course.

Council

19/July2023

Ideas of geo-thermal technology and local cycling & walking infrastructure were also highlighted by members, identifying the benefits these ideas could bring to the Council and the wider local area. Members also praised work invested into improvements in the Deer Park South area of Witney regarding wildflower planting, thanked Officers and the enhancement it had made to the area. Extra resourcing ideas would be explored with Council partners.

The Director of Governance and Monitoring Officer, Andrea McCaskie, stated she had attended training regarding Carbon Literacy, and that ideas around member training on the matter would be explored in due course.

Councillor Andrew Prosser proposed that Council note the contents of the Bi-Annual report on climate action for West Oxfordshire. This was seconded by Councillor Elizabeth Poskitt, was put to a vote, and was unanimously agreed by Council.

Council **Resolved** to:


1. Note the contents of the Bi-Annual report on climate action for West Oxfordshire.

CL.97 Motions on Notice

There were no motions considered by Council at the meeting.

The meeting closed at 2.49 pm

CHAIR

 <p>WEST OXFORDSHIRE DISTRICT COUNCIL</p>	<p>WEST OXFORDSHIRE DISTRICT COUNCIL</p>
<p>Name and Date of Committee</p>	<p>COUNCIL – 27 SEPTEMBER 2023</p>
<p>Subject</p>	<p>RECOMMENDATIONS OF THE CONSTITUTION WORKING GROUP INCLUDING THE STRUCTURE OF OVERVIEW AND SCRUTINY COMMITTEES</p>
<p>Wards Affected</p>	<p>None</p>
<p>Accountable Member</p>	<p>Councillor Mathew Parkinson, Chair of the Constitution Working Group Email: mathew.parkinson@westoxon.gov.uk</p>
<p>Accountable Officer</p>	<p>Andrea McCaskie, Director of Governance Email: democratic.services@westoxon.gov.uk</p>
<p>Report Author</p>	<p>Andrew Brown, Democratic Services Business Manager Email: democratic.services@westoxon.gov.uk</p>
<p>Summary/Purpose</p>	<p>To present the recommendations of the Constitution Working Group meetings held on 23 June 2023 and 11 August 2023, including a recommendation to replace the three existing overview and scrutiny committees with a single new overview and scrutiny committee.</p>
<p>Annexes</p>	<p>Annex A – Part 2: Articles (updated with changes shown) Annex B – Part 3C: Committee Functions extract (updated with changes shown)</p>
<p>Recommendation(s)</p>	<p>That Council Resolves to:</p> <ol style="list-style-type: none"> 1. Agree to include in the Constitution that the Chair of an Overview and Scrutiny Committee must be an opposition member; 2. Agree to replace the three current overview and scrutiny committees with a single Overview and Scrutiny Committee with 24 Members with effect from 5 October 2023, and in doing so: <ol style="list-style-type: none"> a) Agree to update Part 2: Articles and Part 3C: Committee Functions as shown in Annex A and Annex B respectively; b) Authorise the Director of Governance to make other consequential amendments to the Constitution (at parts 1A, 3A, 3D, 5A, 5B, 5C, 5F, 5G, 6E, and 6H);

- c) Delegate authority to the Director of Governance to appoint members to the Overview and Scrutiny Committee with effect from 5 October 2023 in accordance with political proportionality and the wishes of political groups;
 - d) Agree that the Overview and Scrutiny Committee will meet monthly on the dates set out in paragraph 3.7, with the first meeting being held on Wednesday 8 November 2023 at 5.30pm;
 - e) Request that the Council's Independent Remuneration Panel considers whether the Vice-Chair of the Overview and Scrutiny Committee should be paid a special responsibility allowance, and if so, at what level and any backdating to be applied, and report back to Council;
 - f) Note that a programme of member briefings is being developed as an alternative to officers providing information to members through verbal updates and presentations at overview and scrutiny committee meetings.
3. Agree to include in the Constitution (at Part 5A: Council Procedure Rules, paragraph 6.2) that the Monitoring Officer is authorised to cancel meetings and to reschedule meetings with reasons and in consultation with the Chief Executive and the relevant Chair of Council, a Committee or Sub-Committee, provided that the agenda for the meeting has not been published.
 4. Agree to include in the Constitution (at Part 3C: Committee Functions) how the parish areas within the Brize Norton and Shilton ward and the Hailey and Minster Lovell and Leafield ward are split between the Lowlands and Uplands areas.
 5. Agree to replace the requirement (at Part 3C: Committee Functions) that there are 13 seats on the Lowlands Sub-Committee and 11 seats on the Uplands Sub-Committee with a rule that the Lowlands and Uplands sub-committees must have a minimum of 11 members, with the Chair of the Development Control Committee being appointed to both sub-committees and all other members of the Development Control Committee being appointed to either the Uplands or Lowlands sub-committee, depending on the ward they represent. Where wards cross the Lowlands and Uplands boundary the ward member may be appointed to either sub-committee.
 6. Note that the Constitution Working Group agreed for the Director of Governance to address a number of items on the Constitution Working Group's work plan under delegated authority, as set out in paragraph 7.1.

	7. Note that future versions of the Constitution will be published to the website using the Modern.gov system in order to improve transparency, ease of updating and version control.
Corporate priorities	<ul style="list-style-type: none"> Working Together for West Oxfordshire
Key Decision	NO
Exempt	NO
Consultees/ Consultation	Constitution Working Group

1. BACKGROUND

- 1.1** The Council's Constitution sets out how the Council operates, how decisions are taken and the procedures which are followed to ensure that decision-making is efficient, transparent and accountable to local people.
- 1.2** The Council has a legal duty to publish a Constitution and it should be reviewed at least annually. The Council has established a cross-party Constitution Working Group which meets regularly and makes recommendations to Council about amendments to the Constitution to keep up to date with changes to legislation, governance practice and the wishes of the Council.
- 1.3** The Constitution Working Group held meetings on 23 June 2023 and 11 August 2023 and the recommendations arising from those meetings are detailed in this report.
- 1.4** This report proposes changes to the structure of overview and scrutiny committees but the structure of other committees e.g. Audit and Governance Committee would remain as is.

2. OVERVIEW AND SCRUTINY CHAIRS (RECOMMENDATION 1)

- 2.1** The Council's three overview and scrutiny committees are currently chaired by opposition members. While this is not a legal requirement, it is considered to be good practice because, in addition to presiding at meetings, overview and scrutiny chairs have an important role in providing democratic checks and balances where the Executive intends to take a decision, or enter into a private meeting, without having provided 28 days' notice on the Executive Forward Plan. It is proposed that this be included in the Articles of the Constitution (Part 2) as a requirement going forwards.

3. OVERVIEW AND SCRUTINY COMMITTEE STRUCTURE (RECOMMENDATION 2)

- 3.1** The Council currently has three Overview and Scrutiny Committees, which have an equal standing in the Constitution and each have 15 members. In summer 2022 the Leader of the Council asked the newly appointed Democratic Services Business Manager to review the Council's overview and scrutiny function and present options for improving how the function operates. A paper was produced which was shared informally with Members of the Executive, group leaders and the Constitution Working Group. A number of improvement measures were implemented and it was proposed that further improvements could be facilitated by simplifying the committee structure i.e. replacing the three overview and scrutiny committees with a single overview and scrutiny committee in order to:
 - a) Properly embed pre-decision scrutiny as part of the work of overview and scrutiny and the executive decision making process;
 - b) Ensure effective scheduling of meetings;
 - c) Facilitate effective work planning and improve efficiency e.g. removing the need for reports to be presented to multiple committees, or for joint meetings of two committees to be held.
- 3.2** The Constitution Working Group on 23 June 2023 considered a proposal for a single committee of 15 Members and expressed reluctance about proceeding in the absence of a

broad consensus. Members raised concerns about the reduced opportunities for non-executive and opposition members to participate in overview and scrutiny, as well as concerns about the time commitment involved in attending monthly committee meetings.

- 3.3** An alternative proposal for a 24 Member Overview and Scrutiny Committee was considered by the working group on 11 August 2023 and this proposal was agreed unanimously.
- 3.4** There is a separate item on the Council agenda which sets out the allocation of seats on committees. Annex B to that report shows the allocation of seats on a 24 member overview and scrutiny committee.
- 3.5** The Constitution Working Group considered what the transitional arrangements would look like for moving from the existing structure of overview and scrutiny committees to the new model. It was considered that the scheduled meeting of the Economic and Social Overview and Scrutiny Committee on 4 October 2023 should go ahead because the agenda for that meeting was due to be published before the 27 September 2023 Council meeting.
- 3.6** For this reason, it was considered that should Council agree the recommendation to move to a single Overview and Scrutiny Committee, there would need to be a delegation to the Director of Governance to appoint members to the new committee in accordance with the political proportionalities shown in the report which is a separate item on the Council agenda and the wishes of political groups. Substitute members on overview and scrutiny committees can be any Member of Council apart from Members of the Executive.
- 3.7** It is proposed that a meeting of the Overview and Scrutiny Committee is scheduled to take place in the week prior to each meeting of the Executive, to enable timely pre-decision scrutiny of Executive decisions. Where possible meetings of the new Overview and Scrutiny Committee will be held on dates that are already allocated for meetings of the of the existing overview and scrutiny committees. The Constitution Working Group felt that start times would be important as daytime meetings every month would be an issue for many Members. 5.30pm was considered to be a reasonable start time but the Committee will be able to determine its own start time at its first meeting. The following meetings dates and times are therefore proposed:
 - Wednesday 8 November 2023, 5.30pm
 - Wednesday 6 December 2023
 - Wednesday 10 January 2024
 - Wednesday 7 February 2024
 - Thursday 29 February 2024 (Council meets on the Wednesday)
 - Wednesday 10 April 2024
- 3.8** Currently there are no provisions for paying a special responsibility allowance to the Vice Chair of an overview and scrutiny committee. The Constitution Working Group agreed that it was appropriate to consider the Vice Chair receiving a special responsibility allowance, given the enhanced responsibilities and increased number of meetings of a single committee. This is a matter that would need to be referred to the Council's Independent Remuneration Panel, which would report back to Council and make recommendations on the level of any such allowance and any backdating to be applied.

3.9 The Constitution Working Group noted that the Overview and Scrutiny Committee would expect to receive written reports rather than presentations and verbal updates, which would create more time for questions. The updates were considered to be important and should not be lost altogether so it is proposed that officers facilitate a regular programme of member briefing sessions, which should take place virtually and be recorded where appropriate. A programme will be worked up but could include briefings on the following topics:

26 October 2023 (2.00pm) – Local Plan

1 November 2023 – Housing Associations

TBC November / December 2023 – Draft Budget

29 November 2023 (after Council) – Elections Act 2022 second tranche

TBC December 2023 – Flood Management Action Plan

TBC January/February 2024 – Health

TBC March 2024 - Police

4. CANCELLATION AND RESCHEDULING OF MEETINGS (RECOMMENDATION 3)

4.1 The Constitution Working Group noted that it was current practice for officers to consult with chairs on the cancellation of meetings (e.g. due to lack of business) but that this was not formalised in the Constitution. The working group recommend including in the Constitution an authorisation for the Monitoring Officer to cancel and reschedule meetings in consultation with the Chief Executive and the relevant chair, provided that reasons are given and the agenda for the meeting has not already been published.

5. LOWLANDS AND UPLANDS SUB-COMMITTEE WARD AREAS (RECOMMENDATION 4)

5.1 The Constitution Working Group noted that when the local wards within the Lowlands and Uplands Sub-Committee areas were listed in the Constitution earlier in the calendar year, the fact that two wards crossed the boundary was not specified. It is recommended that clarity is provided in the Constitution (Part 3C – see Annex B) how the parish areas within the Brize Norton and Shilton Ward and the Hailey and Minster Lovell and Leaffield ward are split between the Lowlands and Uplands areas. This is due to certain parishes within those wards falling within the Cotswolds Area of Natural Beauty.

6. LOWLANDS AND UPLANDS SUB-COMMITTEE MEMBERSHIP (RECOMMENDATION 5)

6.1 This item was referred to the Constitution Working Group for consideration at a meeting of the Development Control Committee held on 24 May 2023. The size requirements for the Lowlands (13 members) and Uplands (12 members) sub-committees were considered to be quite restrictive and due to the nominations made by political groups, the Development Control Committee had this year appointed 14 and 11 members respectively.

6.2 The Constitution Working Group noted that the members representing the Brize Norton and Shilton Ward and the Hailey and Minster Lovell and Leaffield ward should be able to sit

on either sub-committee but this did not necessarily solve the issue if the Members representing those wards did not sit on the Development Control Committee.

- 6.3** The Constitution Working Group recommend to Council that the Lowlands and Uplands sub-committees must have a minimum of 11 members, with the Chair of the Development Control Committee being appointed to both sub-committees and all other members of the Development Control Committee being appointed to either the Uplands or Lowlands sub-committee, depending on the ward they represent. Where wards cross the Lowlands and Uplands boundary the ward member may be appointed to either sub-committee.

7. USE OF MONITORING OFFICER’S DELEGATED AUTHORITY (RECOMMENDATION 6)

- 7.1** The Constitution Working Group noted its work plan on 11 August 2023 and in doing so agreed that the Director of Governance (Monitoring Officer) should use their delegated authority to make changes to the Constitution that were considered to be minor and non-controversial, such as the updating of post titles and the inclusion of certain adopted policies within the Constitution. These changes are set out in the table below for transparency.

#	Item	Reference	Description
1	Admin	Whole constitution	All links in the Constitution need checking to ensure they are correct.
2	Officer Code of Conduct	Part 6	The Business Manager for Continuity, Governance and Risk is working on an updated Employee Code Conduct which is not currently part of the Constitution and should be included after being formally adopted.
3	Members Code of Conduct	Part 6A	Need to amend Appendix C of the code – for clarity and consistency as agreed with other Oxfordshire Monitoring Officers. Should now read: Any Body of which you are a member or in a position of general control or management which is: <ul style="list-style-type: none"> • Exercising functions of a public nature; • Directed to charitable purposes; or • One of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union). References to Cabinet at Page 6 paras 7.1 – 7.3 to be revised to Executive.
4	Whistle-blowing Policy	Part 6	The Council already has a whistleblowing policy but it’s not part of the Constitution and should be included.
5	Anti-Fraud & Corruption Policy	Part 6	WODC already has an Anti-Fraud and Corruption Policy but it is not part of the Constitution and should be included.
6	Officer Employment Rules	Part 5J	In compliance with The Local Authorities (Standing Orders) England Regs. 2001 Page 175 Para 3.2 Consultation Procedure for Appointment. The first line needs to include ‘Statutory Chief Officers’ and the table at Para 3.3 under column 3 Conditions insert the words in the first 3 rows for Head of

			Paid Service, Chief Finance Officer, Monitoring Officer “Requires consultation with Executive Members and requires Council approval.”
7	Contract Rules	Part 5H	<ul style="list-style-type: none"> • 20.3 & 20.4 replace Borough with Authority’s • 22.1 Replace relevant Director with Head of Paid Service • 4.2.10 replace reference to Council’s with Authority’s • Para 4.4, 6.14, 6.2.1 replace reference to Cabinet to Executive • Para 11.3 remove last bullet point symbol • Typo on Page 7 replace ‘but’ with ‘by’.
8	Delegations	Part	<ul style="list-style-type: none"> • Page 68 re Chief Executive Officer’s Urgency & Emergency powers – should also be included in Part 4 Officer Delegations in full on Page 73 between paras 4 and 5. • Remove reference after the Chief Finance Officer ‘who also holds the position of Deputy Chief Executive’.

8. PUBLICATION OF THE CONSTITUTION (RECOMMENDATION 7)

- 8.1 The Constitution is available to view on the Council’s website. Currently it is available to view as eight separate PDF documents; contents, glossary of terms and the six parts of the Constitution. When updates to the Constitution are approved the relevant parts are changed and replaced with a new version on the website.
- 8.2 Going forwards Democratic Services will use the Modern.gov system publish the Constitution to the Council website. This will enable users to open either the full Constitution document or individual sections or protocols within in. This is intended to make the Constitution easier to use (and update), and will also assist with strengthening version control.

9. FINANCIAL IMPLICATIONS

- 9.1 A reduction in the number of overview and scrutiny chairs from three to one would result in a small saving in the special responsibility allowances paid to members (at currently 2x £2,611). This saving would be partially offset if a special responsibility allowance was introduced for the Vice Chair following receipt of the advice of the Council’s Independent Remuneration Panel (currently estimated to be in the region of £1,305 to £2,611). There are no other financial impacts arising from this report.

10. LEGAL IMPLICATIONS

- 10.1 The Council is required to publish a constitution and to appoint at least one overview and scrutiny committee.

11. RISK ASSESSMENT

11.1 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.

12. EQUALITIES IMPACT

12.1 The Constitution is made available to all Members and the Public via the Council's website. Use of the Modern.gov system to manage publication is intended to improve accessibility but where accessibility difficulties are encountered, the Council can provide a copy of the Constitution in different formats.

13. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

13.1 There are no climate or ecological implications.

14. BACKGROUND PAPERS

14.1 None.

(END)

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Part 2: Articles of the Constitution

2A Article I – The Council

2A.1 The Role of the full Council

Full Council is the policy-making body from which the policy framework will be established. Council has responsibility for ensuring that the correct structures are in place for the effective implementation and delivery of its services. Once the structures are agreed and appointments made, the Executive (also known as the Cabinet) will be delegated the responsibility of policy implementation and effective service delivery.

The election of the Leader and the establishment and appointment to non-Executive Committees will be the responsibility of full Council.

On an annual basis full Council will elect a Chair, who shall not then be a member of the Executive. On an annual basis full Council will appoint a Deputy Chair, who shall not then be a member of the Executive.

2A.2 Functions of the full Council

Only the Council will exercise the functions set out in [Part 3B](#) of this Constitution.

Full Council will determine the responsibilities for the Council's functions which are not the responsibility of the Executive, also known as Local Choice Functions, and have determined that all functions of the Council that are not reserved to full Council are deemed to be Executive functions (see Part 3D.1).

2A.3 Council meetings

There are four types of Council meeting – the annual meeting; ordinary meetings; extraordinary meetings and special meetings. They will be conducted in accordance with the Council Procedure Rules in [Part 5A](#) of this Constitution.

There will be at least three ordinary meetings plus the annual meeting each year. Extraordinary meetings will be called as and when necessary, as provided for in this Constitution. Special meetings will be called, for a specific purpose, where necessary in accordance with the law and the Council Procedure Rules.

2A.4 Responsibility for functions

The Council will maintain the lists in [Part 3](#) of this Constitution setting out the responsibilities for the Council's functions that are not the responsibility of the Executive.

2B Article 2 – Chairing the Council

2B.1 Role and function of the Chair of the Council

The Chair of the Council is elected to be the Civic Head of the Council, representing the Council as a whole in all civic and ceremonial matters, and to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the Community.

The Chair and Deputy Chair of the Council will be elected and appointed by the Council annually. They are both accountable to the full Council and may only be removed during their term by full Council.

The Chair, and, in their absence, the Deputy Chair will have the following roles and functions:

Chairing meetings of the Full Council

- to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary, having taken advice from the Monitoring Officer or their representative;
- to preside over meetings of the Council in an impartial manner so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
- to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not on the Executive nor are Committee Chairs are able to hold the Executive and Committee Chairs to account;
- to promote public involvement in the Council's activities;
- to be the independent conscience of the Council.

Civic and Ceremonial Role

- to attend such civic and ceremonial functions as the Council determine appropriate in order to promote the Council and its interests;
- to promote the Council as a whole and act as a focal point for the Community;
- to host such civic and ceremonial functions as the Council determines appropriate in order to promote the Council and its interests.

Charity

- The Chair may promote a Chair's Charity for the charity or charities of their choice during their term of office and will make external arrangements for

the provision of all the support necessary in relation to their involvement with or support of that charity appeal.

2B.2 Non-Eligibility for membership of the Executive

Neither the Chair nor the Deputy Chair can be a member of the Executive.

2C Article 3 – Overview and Scrutiny Committees

2C.1 Terms of reference

The Council will appoint the Overview and Scrutiny Committees ~~set out in the table below~~ to discharge the functions conferred by section 21 of the Local Government Act 2000 or regulations proposed under section 32 of the Local Government Act 2000.

Committee Name	Scope
Economic & Social	Policies and strategies of the Council and other bodies which affect the economic and social well-being of the district and its residents. The provision of services by the Council and other bodies which affect the economic and social well-being of the district and its residents Scrutiny of crime and disorder partnerships imposed by Sections 19 and 21 of the Police and Justice Act 2006
Climate & Environment	Policies and strategies of the Council and other bodies which affect the environmental well-being of the district and its residents The provision of services by the Council and other bodies which affect the environmental well-being of the district and its residents
Finance & Management	The Council's budget, the management of its budget, treasury management, property and asset management, IT, staffing and other internal management arrangements, including the Constitution of the Council

In relation to the scrutiny of Health functions, the Council participates in County wide arrangements primarily administered by the Oxfordshire County Council and appoints members / deputies to serve on a county-wide Health Scrutiny Joint Committee in accordance with arrangements approved by all the principal Councils in Oxfordshire.

2C.2 General Role

Overview and Scrutiny is an important element of the Council's Constitution. The Overview and Scrutiny Committees ~~represent~~ ~~is a~~ powerful public forums through which Councillors can monitor the implementation of the Council's policies and the quality of its services; make recommendations on the discharge of the Council's functions and/or other matters affecting the District and hold the Executive to account for their decisions and actions. Overview and Scrutiny is concerned with the overall wellbeing of the District and all factors affecting this and is an important mechanism for Councillors to represent their Wards and are a focus for stakeholder and community involvement.

The Overview and Scrutiny Committees will be responsible for the functions and powers set out in [Part 3C](#) of this Constitution.

2C.3 Annual Report

The Overview and Scrutiny Committees must report annually to full Council on ~~their~~ its workings and make recommendations for future work programmes and amended working methods if appropriate.

2C.4 Proceedings of Overview and Scrutiny Committees

The Overview and Scrutiny Committees will conduct ~~their~~ its proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in [Part 5C](#) of this Constitution.

2C.5 Power to co-opt people onto the Committee

The Overview and Scrutiny Committees will have the power to co-opt any person or persons ~~they~~it thinks appropriate (except for a member of the Executive) onto the Committee, on whatever basis they think appropriate. Co-opted members may speak in debates but not vote.

2C.6 Chair of Overview and Scrutiny Committee

The Chair of an Overview and Scrutiny Committee must be an opposition Member.

2D Article 4 – The Executive

2D.1 Role

The Executive, also known as the Cabinet, carry out all of the local authority's functions as set out in [Part 3D](#) of this Constitution.

2D.2 Form and composition

The Executive will consist of the Executive Leader together with at least four, but not more than nine, Councillors, appointed to the Executive by the Leader.

2D.3 Leader

The Leader will be a Councillor elected by the Council at the annual meeting. Under the terms of the Local Government and Public Involvement in Health Act the Leader will hold office until the day following their normal day of retirement when they may seek re-election, or until:

- (i) they resign from the office; or
- (ii) they cease to be a Councillor other than on the normal day of their retirement as a Councillor; or
- (iii) the day of the next Annual Council Meeting after the Leader's normal day of retirement as a Councillor; or
- (iv) they are removed from office by resolution of the Council, in accordance with Council Procedure Rules.

The Leader shall appoint a Member of the Executive to be the Deputy Leader, who shall have all the powers, duties and responsibilities of the Leader in their absence.

2D.4 Other Executive Members

Only Councillors may be appointed to the Executive. There may be no co-optees and no deputies or substitutes for Executive members (other than the Deputy Leader who may deputise for the Leader in their absence). Neither the Chair nor Deputy Chair of the Council may be appointed to the Executive and members of the Executive (including the Leader) may not be members of an Overview and Scrutiny Committee nor act as Chairs of Regulatory Committees.

Other Executive members shall be appointed annually by the Leader who shall advise the Council formally of their appointments at the annual meeting. They will hold office until the next annual meeting, when they may be reappointed, or until:

- (i) they resign from office; or
- (ii) they are no longer Councillors; or

- (iii) they are removed from office by the Leader who must give written notice of any removal to the proper officer. The removal will take effect two clear working days after receipt of the notice by the proper officer and will be notified to full Council at the next ordinary meeting.

2D.5 Members of the Council who are not on the Executive

Members of the Council who are not on the Executive may attend meetings of the Executive. At the discretion of the Leader, they may ask questions and/or join in debates, but they may not vote.

2D.6 Proceedings of the Executive

Proceedings of the Executive shall take place in accordance with the Executive Procedure Rules set out in [Part 5B](#) of this Constitution.

2D.7 Responsibility for functions

The Leader will maintain a list in [Part 3D](#) of this Constitution setting out which individual members of the Executive, Committees of the Executive, officers or joint arrangements are responsible for the exercise of particular Executive functions. The Leader will notify the Monitoring Officer of any changes which shall take affect two clear working days after such notification is received.

2D.8 Policy Advisors

Policy Advisors, who are Members of the Council, may be appointed by the Leader to advise Executive Members on any area for which they are responsible. An Executive Member may consult a Policy Advisor before making a decision but a Policy Advisor shall not have the power to take Executive decisions on behalf of or affecting the Council.

2E Article 5 – Regulatory and Other Committees

2E1. Council Committees

The Council will establish and appoint to the following Committees as set out in [Part 3](#) of this Constitution.

- ~~Finance and Management~~ Overview and Scrutiny Committee
- ~~Climate and Environment Scrutiny Committee~~
- ~~Economic and Social Scrutiny Committee~~
- Development Control Committee
- Licensing Committee
- Audit and Governance Committee
- Performance and Appointments Committee

2E.2 Committee Membership

The appointment of members to these Committees will be made in accordance with the Council Procedure Rules in [Part 5A](#) of this Constitution. Appointments will be made by the Council, in accordance with the rules relating to political balance, having received nominations from Group Leaders. However, where a Group Leader confirms to full Council that he is making no such nomination for a seat that his party is entitled to, appointment to that seat on a Committee will be made by the Council, in accordance with the Council's decision, regardless of political balance.

The Committee, at its first meeting following Annual Council, will elect its Chair for the year and consider the establishment and appointment to any sub-Committees.

2E.3 Sub-Committees

Several Committees, in accordance with Part 3 of the Constitution, have the power to establish Sub-Committees and to appoint to their membership from the membership of the 'parent' Committee.

The Development Control Committee has the power to establish Sub-Committees and generally establishes:

- Uplands Sub-Committee, and
- Lowlands Sub-Committee

The Audit and Governance Committee has the power to establish Sub-Committees and generally establishes:

- Standards Sub-Committee

The Licensing Committee has the power to establish Sub-Committees and generally establishes:

- Miscellaneous Licensing Sub-Committee
- Licensing Panel Sub-Committee

2E.4 Appointments to Sub-Committees

Appointments to Sub-Committees are made by the 'parent' Committee; the body that established the Sub-Committee. The appointments are made by that Committee, from its own membership, in accordance with political balance. The only exception is where the Group Leader has confirmed to the Chair of the 'parent' Committee that no members of his political group on that Committee are nominated for appointment, in which case the parent Committee will appoint to that seat on the Sub-Committee, from its own membership but not necessarily in accordance with political balance.

A Sub-Committee will elect its own Chair at its first meeting.

2E.5 Training

Members of the Council wishing to serve on the Development Control Committee, the Uplands Sub-Committee or the Lowlands Sub-Committee, including as a substitute member, when they sit to determine Planning Applications, are required to attend mandatory Planning Training prior to participating in any such meeting. All Members sitting on the Development Control Committee, the Uplands Sub-Committee or the Lowlands Sub-Committee, when determining Planning Applications, are also required to attend any update training as may be identified by the Senior Officer with responsibility for Planning. Failure to attend update training may result in the member being removed from the Committee or Sub-Committee, as appropriate, when a Planning Application is being determined.

Members of the Council wishing to serve on the Licensing Committee, its Licensing Panel Sub-Committee or Miscellaneous Licensing Sub-Committee, are required to attend Licensing training prior to participating in a meeting of the Panel. Members of the Licensing Panel Sub-Committee are also required to attend any update training as may be identified by the Senior Officer with responsibility for Licensing. Failure to attend training may result in the member being removed from the Committee or Sub-Committee.

Members of the Council wishing to serve on the Standards Sub-Committee of the Audit and Governance Committee, either as Sub-Committee members or as substitutes (from the Audit and Governance Committee) must have undertaken mandatory Standards Training prior to participating in any Standards Sub-Committee meeting to determine a standards hearing for a code of conduct complaint.

Members of the Performance and Appointments Committee are not required to undertake any mandatory training but are required to take into account the advice of a professional officer allocated to support them when dealing with recruitment, appointment, performance, capability, disciplinary or dismissal matters.

2F Article 6 – Area Committees

2F.1 General

The Council may appoint area Committees as it sees fit, if it is satisfied:

- a) that to do so will ensure improved service delivery in the context of best value and more efficient, transparent and accountable decision making; and/or
- b) that to do so will enable the views of local people to be better taken into account in decision-making.

The Council will consult with relevant parish and town Councils and the chairmen of relevant parish meetings when considering whether and how to establish area Committees.

2F.2 Delegation of decision-making powers to area Committees

The Council may delegate decision-making powers to area Committees for functions which are not the responsibility of the Executive.

The Executive may delegate decision-making powers to area Committees for functions which are the responsibility of the Executive.

The Council and the Executive will include details of the delegations to area Committees in [Part 3](#) of this Constitution, including the functions delegated, showing which are the responsibility of the Executive and which are not, the composition and membership of the Committees, budgets and any limitations on delegation.

2F.3 Conflicts of interest – membership of area Committees and Overview and Scrutiny Committees

6.3.1 **Conflict of Interest** – If ~~an~~ **the** Overview and Scrutiny Committee is scrutinising specific decisions or proposals in relation to the business of the area Committee of which the Councillor concerned is a member, then the Councillor may not speak or vote at the Overview and Scrutiny Committee meeting unless a dispensation to do so is given by the Standards Committee, in accordance with Regulations and guidance issued by the Secretary of State, or unless participation would be in accordance with the Council's Code of Conduct set out in [Part 6A](#) of the Constitution.

6.3.2 **General Policy Reviews** – where the Overview and Scrutiny Committee is reviewing policy generally the member must declare their interest before the relevant agenda item is reached. Under the Council's Code of Conduct this would be a personal interest but would not be prejudicial.

2F.4 Area Committees – access to information

Area Committees will comply with the Access to Information Rules in [Part 5G](#) of this Constitution.

Agendas and notices for area Committee meetings which deal with both functions of the Executive and functions which are not the responsibility of the Executive will state clearly which items are which

2F.5 Executive members on area Committees

A member of the Executive may serve on an area Committee if otherwise eligible to do so as a Councillor.

2G Article 7 – Joint Arrangements

2G.1 Joint Committees

The Council may establish joint arrangements with one or more local authorities to exercise functions that are not executive functions in any of the participating authorities. Such arrangements may involve the appointment of a Joint Committee with these other local authorities and the delegation of functions to the Joint Committee.

The Leader may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of Joint Committees with these other local authorities and the delegation of functions to the Joint Committee.

A list of any joint arrangements entered into will be held by Democratic Services.

Any member who represents the Council on a Joint Committee or in any joint arrangement will be required to provide a written annual report, for consideration by Council at its meeting in April each year, detailing the work of the Joint Committee/arrangement over the past year and identifying key work streams for the forthcoming year. In addition the member has an ongoing duty to update relevant ward members of any work which impacts on their ward.

2G.2 Delegation to and from Other Local Authorities

The Council may delegate non-Executive functions to another Local Authority or, in certain circumstances, the Executive of another Local Authority. And the Executive may delegate Executive functions to another Local Authority or the Executive of another Local Authority in certain circumstances.

The decision whether or not to accept such a delegation from another Local Authority shall be reserved to full Council.

2G.3 Contracting Out

The Executive may contract out, to another body or organisation, functions which may be exercised by an Officer and which are subject to an Order under section 70 of the Delegation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision-making. Such decision to contract out shall be reserved to full Council.

2H Article 8 – Decision Making

2H.1 Responsibility for decision making

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in [Part 3](#) of this Constitution.

2H.2 Principles of decision making

Any decision taken must be in accordance with the terms of this Constitution.

Under the Constitution decisions are likely to be taken by the full Council, the Executive (both collectively and by individual members of the Executive), Committees and Sub-Committees, and by officers.

Whichever body or individual is responsible for taking a decision, it should be taken so far as possible in accordance with the following principles:-

- There should be a presumption in favour of decision-making being open and transparent, with members of the public being afforded effective access to relevant information and the processes by which decisions are taken;
- Due consultation should take place with those likely to be affected by a decision. So far as practicable, decision taking should be planned in advance and the public given due notification of forthcoming decisions;
- Where a decision is likely to have wide-ranging or significant impact on the community, additional time and emphasis should be given to consultation and members of the public actively encouraged to contribute their views;
- Decisions must be taken reasonably, with regard to all relevant considerations, and ignoring all irrelevant matters;
- Decisions should be taken on the basis of clear aims and desired outcomes from the resultant action;
- All realistic alternatives should be evaluated prior to the decision being taken;
- Appropriate professional advice should be obtained from suitably qualified officers of the authority;
- Decisions must be taken with regard to proportionality – ie the action must be proportionate to the desired outcome;
- Decisions must be taken with regard to any relevant statutory requirements and with respect for human rights;
- Decisions must be taken with regard to the Equality Act 2010 and the associated policy of the Council;
- Decisions must have regard to any relevant approved policies or procedures of the Council;
- Any decision taken must be formally recorded in accordance with the requirements of this Constitution. Where the decision is taken by the Executive, or a member of the Executive, the formal record should state

what alternative options were considered and the reasons for the decision that was taken

In some cases (eg where urgent action is necessary, or confidential matters are under discussion) it may not be practicable to fully comply with all these principles, but decision-makers should satisfy themselves that they have been complied with so far as reasonably practicable in the circumstances. Decision-makers may be held to account for any failure to comply with the principles.

2H.3 Types of decision

2H.3.1 Decisions reserved to full Council – Decisions relating to the functions listed in [Part 3B](#) will be made by the full Council and not delegated.

2H.3.2 Key decisions –

A “key decision” means an Executive decision which, is likely either:

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

A decision shall be regarded as financially significant if it is a decision which either commits the Council to more than £150,000 in expenditure or would result in savings greater than £150,000.

A decision shall be regarded as significant in terms of its effects on two or more wards if any of the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer, consider that the decision will fall within the statutory definition.

Key decisions can and may only be taken in accordance with the requirements of the Executive Procedure Rules set out in [Part 5B](#) and the Access to Information Procedure Rules, set out in [Part 5G](#).

2H.3.3 **Decision making by the full Council** – the Council meeting will follow the Council Procedures Rules set out in [Part 5A](#) of this Constitution when considering any matter.

2H.3.4 **Decision making by the Executive** – the Executive will follow the Executive Procedures Rules set out in [Part 5B](#) of this Constitution when considering any matter.

2H.3.5 **Decision making by Overview and Scrutiny Committees** – The Overview and Scrutiny Committees will follow the Overview and Scrutiny Procedures Rules set out in [Part 5C](#) of this Constitution when considering any matter.

2H.3.6 Decision making by other Committees and sub-Committees established by Council – all other Council Committees and sub-Committees will follow those parts of the Council Procedures Rules set out in [Part 5A](#) of this Constitution as apply to them. For example, the Standards Sub-Committee will follow the Standards Procedure Rules.

2H.3.7 Decision making by Council bodies acting as tribunals – The Council, a Councillor or an officer acting as a tribunal or in a quasi-judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

21 Article 9 – Finance, Contracts and Legal Matters

21.1 Financial Management

The management of the Council's financial affairs will be conducted in accordance with the financial rules set out in [Part 5I](#) of this Constitution.

21.2 Contracts

Every contract made by the Council will comply with the Contracts Procedure Rules set out in [Part 5G](#) of this Constitution.

21.3 Legal Proceedings

The Head of Legal Services is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Head of Legal Services considers that such action is necessary to protect the Council's interests.

21.4 Authentication of documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Head of Legal Services or other person authorised by them, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

Any contract with a value exceeding £10,000 entered into on behalf of the local authority in the course of the discharge of an Executive function shall be made in writing. In accordance with the Council's Contracts Procedure Rules set out in this Constitution such contracts must be signed in accordance with the Contract Procedure Rules. Any Contract with a value exceeding £100,000 shall be under the common seal of the Council.

21.5 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Head of Legal Services. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The affixing of the Common Seal will be attested by either the Chief Executive, Monitoring Officer, Chief Finance Officer, the Head of Legal Services or the Chair of the Council.

2J Article 10 – The Constitution

This constitution, and all of its appendices, is the **CONSTITUTION OF WEST OXFORDSHIRE DISTRICT COUNCIL**

2J.1 Powers of the Council

The Council will exercise all its powers and duties in accordance with the law and this Constitution. Should there be a conflict between the two, the law shall prevail.

2J.2 Purpose of the Constitution

The purpose of the Constitution is to:

- Enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
- Support the active involvement of citizens and encourage all sections of the District's communities to be involved in the Council's decision-making processes;
- Help Elected Members represent their constituents more effectively;
- Enable decisions to be taken efficiently and effectively;
- Create a powerful and effective means of holding decision-makers to public account;
- Ensure that no one will review or scrutinise a decision in which they were directly involved;
- Ensure that those responsible for decision-making are clearly identified to local people and that they explain the reasons for their decisions;
- Provide a means of improving the delivery of services to the community;
- Balance speedy and reasoned decision-making with adequate checks and balances;
- Place high standards of conduct and probity at the centre of decision-making.

2J.3 Structure and Interpretation of the Constitution

The Constitution is divided into Parts covering differing themes as follows:

- Part 1 Summary
- Part 2 Articles of the Constitution
- Part 3 Responsibility for Functions, Key Decisions and Executive Work Plan
- Part 4 Officer Scheme of Delegations
- Part 5 Policy & Procedure Rules
- Part 6 Codes & Protocols
- Part 7 Members' Allowance Scheme

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is most appropriate given the purposes stated above.

2J.4 Review of the Constitution

A key role of the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council and to make recommendations for the ways in which it could be amended in order to better achieve the purposes set out at 2J.2 above. In undertaking this task the Monitoring Officer may:

- Observe meetings of different parts of the Member and Officer structure;
- Undertake an audit of a sample of decisions;
- Record and analyse issues raised with them by Members, Officers, the public and other relevant stakeholders; and
- Compare practices in this Council with those in other comparable Councils, or with national examples of best practice.

2J.5 Changes to the Constitution

Changes to the constitution arising either from a review, a motion from Council, or from the Monitoring Officer, will only be approved by the full Council after consideration by the Monitoring Officer, and will usually be considered by a Constitution Working Group who may make recommendations to full Council.

The Monitoring Officer has delegated authority to update the Constitution arising from decisions of the Council or Executive or where legislation requires a change in wording or terminology. The Monitoring Officer also has delegated authority to make minor and/or consequential changes to the Constitution.

Where a delegation is made to an Officer by the Council, to last 12 months or more, that delegation may need to be reflected in Part 3 of the Constitution, in which case the Monitoring Officer has the authority to update the Constitution to reflect that change.

The Monitoring Officer has the authority to amend the Constitution in relation to matters that are predominantly managerial in their nature where there is agreement from the other two statutory officers, and where the matter has been subject to consultation with the Leader of the Council, or other appropriate member.

The Monitoring Officer has authority to amend the Constitution to implement decisions of the Leader in relation to the delegation by the Leader of Executive functions to the Executive, or to implement decisions of the Leader in relation to the composition and appointments to the Executive.

The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals to change from Leader and Executive structure to mayoral style Executive and must hold a binding referendum.

2J.6 Suspension or Waiver of the Constitution

The Articles of this Constitution may not be suspended or waived. The Procedure Rules may only be suspended by full Council, the Executive or a Committee, to the extent permitted within those Procedure Rules, and within the law.

The procedure to suspend any Council Procedure Rule will be by way of a motion; such motion will not be moved without notice unless at least one half of the membership of full Council or the relevant Committee are in attendance and present. The extent and duration of any suspension must be proportionate to the result to be achieved, taking into account the purposes of the Constitution as set out in this article.

The following matters may be suspended in accordance with the above provision:

- The Council's procedural rules apart from those relating to quorums, declarations of interests, disturbances by the public and notice of motions;
- Financial procedure rules

A motion to suspend a particular rule shall state the particular purpose and require a majority of at least half the total number of members appointed to that Committee.

2J.7 Interpretation

The Chair at any meeting shall take into account advice from the Monitoring Officer, or their representative, or legal advisor to the Committee, in interpreting the Constitution. The ruling of the Chair at any meeting as to the construction or application of the Constitution shall not be challenged at that meeting. Any dispute as to the operation of the Constitution should be referred in the first instance to the Monitoring Officer who will try to resolve the dispute between the parties involved.

2J.8 Publication

An electronic version of the Council's constitution shall be made available to all Members on being elected.

The Monitoring Officer shall ensure that a copy of the Constitution is published on the Council's website and that paper copies of the Constitution are available for inspection at Council Offices and available to purchase by members of the public on payment of a reasonable fee.

2K Article 11 – Roles and Responsibilities of all Councillors

2K.1 Role of Councillors

Councillors will participate constructively in the good governance of the District in the interests of all residents, businesses and communities. They will contribute actively to the formation and scrutiny of the Council's policies, budget, strategies, plans and service delivery.

Councillors will deal with the constituents' enquiries and representations, and will effectively represent the interests of the Ward for which they were elected and views of the constituents.

Councillors may also be required to represent the Council on an outside body, such as a governing body or charitable trust.

2K.2 Composition & Election

The Council comprises 49 Members, otherwise called Councillors. Councillors are elected by the voters of the Wards in the District in accordance with a scheme approved by the Secretary of State. Each member either represents a single Ward of electors where the number of electors is small or may share the representation of one Ward with one or more other Councillors where the number of electors is large. The division of the District into electoral wards is undertaken by the Local Government Commission and approved by the Secretary of State. Details of individual members and their Wards are available on the Council's website.

Only registered voters of the District or those living or working within the District are eligible to hold the office of Councillor.

The ordinary election of a third of all Councillors will be held on the first Thursday in May in each year, in three years out of four. A Councillors term of office is four years starting on the fourth calendar day after being elected and finishing on the fourth calendar day after the date of the election four years later, unless they have been elected by a by-election when the term is the remainder of the vacated office they have filled.

2K.3 Duties of Councillors

The Duties of all Councillors include:

- To fulfil the statutory and locally determined requirements of an elected Member of the Council;
- To participate effectively as a Member of any working group to which the Councillor is appointed;

- To participate in the activities of an outside body to which the Councillor is appointed;
- To participate, as appointed, in the scrutiny of the services and policies of the Council and their effectiveness in meeting the strategic objectives of the Council and the needs of its residents.
- To participate in Working Groups;
- To represent the Council to the community and the community to the Council and to other relevant bodies. To provide a voice and advice for local individuals and interest groups in their dealings with the Council and, where appropriate, to advise them on the pursuit of complaints;
- To develop and maintain a working knowledge of the Council's services, management arrangements, powers and duties and constraints and to develop good working relationships with relevant officers of the Council;
- To develop and maintain a working knowledge of the organisations, services, activities and other factors which impact upon the Community's well-being and identity, including developing and maintaining good working relationships with local Town and Parish Councils and with local County Councillors.
- To contribute constructively to open government and democratic renewal through active encouragement to the community to participate generally in the government of the area.
- To keep up to date with all developments affecting the District and the Council including Government policies and prospective legislation.

2K.4 Rights of Councillors

- Councillors will have rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law;
- Councillors will not make public information which is confidential or exempt without the consent of the Council or the Monitoring Officer or divulge information given in confidence to anyone other than a Councillor or Officer entitled to know it;
- Councillors shall not request to inspect any document or have access to any information relating to any matter in which they have a disclosable pecuniary interest unless they have received a dispensation from the Monitoring Officer;
- No Councillor shall have any claim by virtue of their position to enter any land or buildings occupied by the Council to which the public do not have access except with the permission of the management team; to exercise any power of the Council to enter or inspect other land or buildings, except where specifically authorised by the Council; to exercise any other powers of the Council.

2K.5 Conduct

Councillors will, when acting in their capacity as a Councillor, observe the Members Code of Conduct at Part 6A of this Constitution, and observe the Member / Officer Protocol in Part 6B of the Constitution.

2K.6 Allowances

Councillors will be entitled to receive allowances in accordance with the Members Allowance Scheme adopted by full Council.

2K.7 Political Groups

Councillors may belong to political groups. The groups are entitled to nominate Councillors to fill a proportion of the seats on certain Committees of the Council.

At meetings of the full Council, the Executive and Committees, individual Councillors may have regard to the views of their political group on policy matters, provided that they also take into account all other considerations. However, this would not apply to the determination of individual regulatory matters.

2L Article 12 – Officers of West Oxfordshire District Council

2L.1 Employment of Staff

The Council may employ such staff (referred to as ‘officers’) as it considers necessary to undertake the day-to-day operations arising out of the functions for which the Council is responsible. However, the Council acknowledges that upon the transfer of services to Publica on 1 November 2017, Publica will become the main responsible body for the employment of staff. Staff employed by a body other than the Council may, by law, be Officers of the Council.

2L.2 Statutory Officers

There are three officers which statute states must be appointed to the staff of the Council, namely the Head of Paid Service, the Chief Finance Officer (section 151 Officer) and the Monitoring Officer. These officers have special protection of employment rights and are known as the Council’s Statutory Officers.

2L.3 Functions of the Head of Paid Service (Chief Executive)

- This Officer is responsible as the employer of the salaried staff employed directly by the Council. The Head of Paid Service will report to Full Council on the manner in which the discharge of the Council’s functions is co-ordinated, the number and grade of Officers required for the discharge of functions and the organisation of Officers.
- The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if they are a qualified accountant.

2L.4 Functions of the Chief Finance Officer (s151 Officer)

- This role has a personal responsibility, which requires the Officer to act independently of the Council but in the best interests of the Council. They have the responsibility of ensuring the lawfulness and financial prudence of decision making. After consulting the Chief Executive and the Monitoring Officer, the Chief Finance Officer will report to the Full Council and the Council’s external auditor if they consider that any proposal, decision or course of action is likely to cause a loss or a deficiency or if the Council is about to enter an item of account unlawfully.
- They have responsibility for the administration of the financial affairs of the Council.
- They contribute to the corporate management of the Council, in particular through the provision of professional finance advice.

- They provide financial information to the media, members of the public and the community.

2L.5 Functions of the Monitoring Officer

- This role has a personal responsibility, which also applies to the Deputy Monitoring Officer, and requires the Officer to act independently of the Council but in the best interests of the Council.
- Their role is to promote and maintain high standards of conduct within the Council by Officers and members.
- They must maintain an up-to-date version of the constitution and will ensure that it is widely available for consultation by members, officers and the public.
- They must ensure the lawfulness and fairness of decision-making. After consultation with the Chief Executive and Chief Finance Officer, the Monitoring Officer will report to Full Council if they consider that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being given effect to until the report has been considered.
- They must promote ethical governance to Parish councillors and the operation of the Code of Conduct for councillors.
- They contribute to the promotion and maintenance of high standards of conduct.
- They receive and act upon complaints made in respect of breaches of the Code of Conduct and undertake or arrange investigations where necessary.
- They manage the Standards regime and complaints into allegations of misconduct by councillors.
- They are the Proper Officer for access to information.
- The Monitoring Officer will ensure that decisions together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- They contribute to the corporate leadership team of the Council
- They provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity to all councillors and will support and advise councillors and officers in their respective roles.
- They appoint their own Deputy Monitoring Officer, to act as the Monitoring Officer, in their absence.

2L.6 Provision of sufficient resources to the Chief Executive, Chief Finance Officer and Monitoring Officer

The Council will provide the Chief Executive, the Chief Finance Officer and the Monitoring Officer with such Officers, accommodation and other resources as are, in the statutory officers' opinion, sufficient to allow their duties to be performed.

The core roles of the Corporate Leadership Team shall be exercised in accordance with the principles of political neutrality and service to the whole Council, are as follows:

- Overall corporate and strategic management and ultimate operational responsibility (including overall management responsibility for all officers).

- Responsibility for regularly liaising with the Leader of Council to identify, review and prioritise the corporate agenda for the medium term of three years and specifically the key strategic and financial issues which the Council will be considering over each four month period.
- Responsibility for publishing regularly the key strategic policy issues and financial proposals
- Provision of professional advice to all parties in the decision making process (Full Council, **Strategie** Overview and Scrutiny Committee and policy and regulatory committees).
- Responsibility for ensuring the provision of sufficient resources to undertake the functions of the Council to the standard of service identified in corporate objectives.
- Responsibility for a system of record keeping for all the Council's decisions.
- Representing the Council on partnership and external bodies (as required by statute or the Council).

2L.7 Conduct

Officers will comply with the Member / Officer Protocol found at Part 6B of the Constitution and with the Officer Code of Conduct.

2L.8 Employment

The recruitment, selection and dismissal of Officers, including the Statutory Officers, will comply with the Officer Employment Procedure Rules found in Part 5K of the constitution.

2M Article 13 – The Public and the Council

2M.1 Voting and Petitions

The electoral register for the area will contain those members of the public who are eligible to have the right to vote in the elections of councillors and to sign a petition to request a referendum for an elected mayoral form of constitution.

2M.2 Information

Members of the public have the right to:

- (i) Attend meetings of the Council and its Committees and Sub-committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- (ii) Attend meetings of the Executive except where confidential, exempt information is likely to be disclosed, and the meeting is therefore held in private;
- (iii) Be made aware through the Executive Work Plan what and when key decisions will be considered by the Executive;
- (iv) See reports and background papers, and any records of decisions made by the Council, the Executive and any Committees;
- (v) Obtain a copy of the Constitution (for a reasonable fee);
- (vi) Inspect the Council's accounts and make their views known to the external auditor;
- (vii) Request disclosure of information in accordance with the provisions of the Freedom of Information Act 2000, Environmental Information Regulations 2005 and General Data Protection Regulations and any other legislation which is subsequently enacted to add to or replace this legislation;
- (viii) Raise questions at public meetings of the Council, Executive and Committees.

2M.3 Participation

Members of the public have the opportunity to participate in question time at Full Council meetings and may be invited to contribute to investigations and inquiries by the scrutiny and review committees. Interested persons in a planning application may request an opportunity to address the relevant planning committee on the application in accordance with the adopted [public speaking protocol](#) but this does not give any one the absolute right to be heard by the committee.

2M.4 Complaints

Members of the public have the right to complain to:

- (i) The Council itself, under its adopted [customer feedback procedures](#);

- (ii) An elected Member;
- (iii) The Local Government and Social Care Ombudsman, although the Ombudsman may request that the Council's internal complaints process is exhausted first;
- (iv) The Council's External Auditor.

2M.5 Councillor Call For Action

Members of the public have the right to ask a local councillor to refer an issue to one of the Council's **Strategic Overview and Scrutiny Committees** for consideration. This is called 'Councillor Call For Action' and details of how this operates are set out at [Part 5C](#).

2M.6 Local Petition Scheme

The Council has agreed a local petitions scheme. This is set out in [Part 6E](#) of the Constitution. It provides details as to how the Council will respond to petitions.

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3C Committee Functions (extract)

- 3C.1 Council has established the Committees set out in the table below to discharge certain functions but retains the right to a concurrent and overriding exercise of all functions in the table below. Unless otherwise required by law, a Committee or Sub-Committee may determine not to exercise a function delegated to it and refer that function upwards for determination by Council or the ‘parent’ Committee
- 3C.2 The Council must have at least one Overview and Scrutiny Committee, ~~however the Council currently operates a model of three Overview and Scrutiny Committees which cover the following areas:~~
- ~~— Finance and Management~~
 - ~~— Climate and Environment~~
 - ~~— Economic and Social~~
- 3C.3 A Committee may establish such Sub-Committee(s) as it sees fit to undertake certain of its functions and the Table below include such Sub-Committees. (If applicable)

Scrutiny Committees: Finance and Management Overview and Scrutiny Committee, Climate and Environment Overview and Scrutiny Committee and Economic and Social Overview and Scrutiny Committee	
To perform a broad-based overview and scrutiny role across all areas of the Council, while discharging the functions conferred by the Local Government Act 2000 as amended and any associated regulations, including:	
1	Co-ordinate, champion, and lead on the scrutiny of Council and Executive decisions. Ensure consistency and compatibility between the policies and strategies of the Council contributing to the Continuous Improvement of Public Services.
2	Have all of the functions, powers and duties conferred by Section 21 of the Local Government Act 2000 (as amended) including: <ul style="list-style-type: none"> - To review and scrutinise decisions - To make reports and recommendations to Council or Executive in relation to the discharge of any functions - To make reports and recommendations to Council or Executive on matters which effect the Council’s area or its residents

3	Determine the allocation of work in the event that the scope of the subject matter of a scrutiny study or investigation overlaps the role of more than one Sub-Committee or Working Group.
4	Review the operation of the scrutiny process and work programmes of the Overview & Scrutiny Sub Committees and Working Groups and inform and advise Council in relation to priorities and the allocation of resources.
5	Oversee and review the resources, support, training, and development of Overview & Scrutiny Members.
6	Develop a positive “critical friend” approach to the role of scrutiny of the Council and Community issues and Review and scrutinise decisions made, or other action taken, by the Executive collectively or by individual Executive Members.
7	Provide and co-ordinate the input to an annual report to Full Council on such issues or topics as the Committee sees fit and Produce special interest reports following topic reviews.
8	Consider the management of matters called in for review under the Overview and Scrutiny Rules.
9	Consider matters referred to it by the Councillors’ Call for Action.
10	Finance & Management Overview & Scrutiny Committee only: Review and scrutinise the work of the Executive and consider, and comment, on the Corporate Plan, Community Strategy; and the draft Medium Term Financial Strategy, and annual Budget.
11	Review and scrutinise the content of the Executive Work Plan and monitor that actions required arising out of decisions made are implemented and evaluate the impact of decisions made.
12	Review and scrutinise the decisions and policies of the Council (N.B. This does not apply to decisions made on quasi-judicial matters but can apply to the process by which such decisions are made).
13	Consider any matters which affect the authority, the District, or its residents. Liaise with other external organisations operating in the District, whether national, regional or local, to ensure that the interests of local people are protected or enhanced by collaborative working.
14	Overview the development of policies and strategies within the Council and scrutinise the effectiveness of the Council’s policies and strategies, in particular in achieving defined outcomes or objectives. Assist in the development of new policies and strategies, or the review of existing ones.

15	Review and assess the Council's overall performance in relation to its policy objectives, performance targets and budgets and/or particular service areas, and make recommendations thereon to the Executive and/or the Council.
16	Review and assess the quality of service delivery, performance and efficiency across the Council, identify and promote best practice and make recommendations thereon to the Executive and/or the Council.
17	Consider and comment on service reviews/transformation.
18	Participate in county-wide joint scrutiny arrangements. Liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.
19	Review and scrutinise the performance of other public bodies in the area (inviting reports from them by requesting them to address the Committee and local people about their activities and performance).
20	Economic & Social Overview & Scrutiny Committee only: Act as the Council's Crime and Disorder Committee, having all the powers and functions, powers and duties conferred by Section 19 of the Crime and Justice Act 2006.
21	Finance & Management Overview & Scrutiny Committee only: To consider reports on the Council's Treasury Management function including: <ul style="list-style-type: none"> ● Recommending the Treasury Management Strategy to Council ● Recommending the half-year and outturn Treasury Management performance reports to Council Receiving updates from the Council's Treasury Management advisor and providing guidance to the S.151 Officer in exercising delegations under the Treasury Management Strategy
Powers	
22	The Committee has the power to: Require the attendance of any Council Officer and/or Elected or Co-opted Members in order to respond directly to any issue under consideration; Report and make recommendations to Council and/or to the Executive; To review any issues referred to it by the Chief Executive, other Statutory Officer, or any other Council body;

	<p>To call expert witnesses from outside the Council to give advice on matters under review or discussion; and</p> <p>To establish Sub-Committees and Working Groups</p> <p>Where a matter falls within the remit of more than one Overview & Scrutiny Committee, the Chairs of the three Committees, will decide whether it shall be considered by one Committee, and which one, or by more than one, either consecutively or concurrently. If such agreement cannot be reached, the Chief Executive, in consultation with the Leader, will determine arrangements.</p>
<p>Membership</p>	
<p>23</p>	<p>There are 15 24 seats on the Finance and Management Overview and Scrutiny Committee. Appointment to such seats shall be by full Council in accordance with the regulations regarding political balance, unless a Group Leader confirms that a political group does not wish to take up their allocation of seats.</p> <p>There are 15 seats on the Economic and Social Overview and Scrutiny Committee. Appointment to such seats shall be by full Council in accordance with the regulations regarding political balance, unless a Group Leader confirms that a political group does not wish to take up their allocation of seats.</p> <p>There are 15 seats on the Climate and Environment Overview and Scrutiny Committee. Appointment to such seats shall be made by full Council in accordance with the regulations regarding political balance, unless a Group Leader confirms that a political group does not wish to take up their allocation of seats.</p> <p>The quorum for a meeting of any of the Overview and Scrutiny Committees is 4 6 members.</p> <p>No member of the Executive may be allocated a seat on any of the Overview and Scrutiny Committees. Any other Member is permitted to be allocated a seat on one or more Overview and Scrutiny Committee.</p> <p>Subject to Part 5A paragraph 2.3.8, substitute Members are permitted from all Members of the Council, other than Executive Members who may not act as a substitute Member on an Overview and Scrutiny Committee.</p> <p>Each of The Overview and Scrutiny Committees shall elect their its own Chair.</p> <p>Each of The Overview and Scrutiny Committees has the power to establish a Sub-Committee, from the membership of the Committee, to appoint members to that Sub-Committee, and to establish its terms of reference. Any such Sub-Committee shall elect its own Chair and shall report back to its 'parent' Committee. The powers of any Sub-Committee are also exercisable by its 'parent' Committee.</p>

Development Control Committee

The Council separates its Planning decision making into four areas;

- decisions which are delegated to officers
- decisions in relation to the wards in the Uplands area of the District
- decisions in relation to wards in the Lowlands area of the District; and
- decisions of the Development Control Committee (such decisions relate to applications which in the opinion of the Senior Officer with Responsibility for Planning, are of significant local importance e.g. major housing development, or where either the Uplands or Lowlands Committee propose to make a decision which would be unlawful, seriously undermine policy, set adverse precedent or result in substantial costs being awarded against the Council)

The responsibilities detailed below relate to the Development Control Committee:

1	To determine planning applications, including those of strategic significance that affect the District as a whole, the terms of planning agreements and such other matters as are considered appropriate from time to time, excluding matters relating to policy.
2	To determine matters relating to planning as a Local Planning Authority excluding strategic planning matters such as the preparation, adoption and review of the Council's statutory Local Development Plan and representation of the Local Planning Authority's view to other bodies as appropriate on strategic planning matters.
3	Without prejudice to the above roles and the Council's Scheme of Delegation, the Development Control Committee shall be responsible for those matters set out in Part A (Functions relating to Town and Country Planning and Development Control) of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.
4	<p>To determine:</p> <ul style="list-style-type: none"> • Applications submitted by or on behalf of the District Council, or for development on Council owned land or where the Council has a direct interest, except where no objections are received or any application required in connection with flood prevention/alleviation schemes. For purposes of clarity, once the principle of development has been established by Committee, subsequent applications to discharge conditions or for minor variations may be determined in accordance with the Non-Executive Officer Scheme of Delegation. • Applications submitted by a serving Member or Officer of the Council or a consultant employed by the Council, or in which they have a beneficial interest (i.e. they own the land or are a prospective purchaser), or submitted by an immediate relative to the above; with the exception of applications made by non-Planning staff (excluding those in politically restricted posts) for householder development.

	<ul style="list-style-type: none"> • Applications, which constitute a significant departure from the most up to date Local Plan that is formally approved or adopted by the Council for Development Management purposes. • Applications which involve an agreement under S.106 of the Town & Country Planning Act 1990, or the proposed variation or discharge of a Section 106 deed, that materially differs from the Council's standard models or departs from the reasons for the original imposition of the obligation. • Applications which are accompanied by an Environmental Statement. • Applications for the felling of a tree(s) protected by a Tree Preservation. • Order (except where exempted by the Act) and not associated with an application for planning permission, where there are objections received.
	<p>Powers</p>
5	<p>The Development Control Committee has the power to:</p> <ul style="list-style-type: none"> • Make recommendations to the Executive on the budget for the Committee; • To report and make recommendations to Council; • Make recommendations to Full Council in terms of the level of delegation to Officers; and • To establish Sub-Committees and Working Groups.
	<p>Membership</p>
6	<p>There are 24 seats on the Development Control Committee. Appointments to those seats shall be made by full Council in accordance with the regulations regarding political balance, unless a Group Leader confirms to Council that the political group does not wish to take up their allocation of seats.</p> <p>The quorum for a meeting of the Development Control Committee shall be 6 Members.</p> <p>The Development Control Committee shall elect its own Chair from its membership. No Member of the Executive may be elected to the position of Chair of the Development Control Committee, but they may be allocated a seat on the Committee.</p> <p>No Member may have a seat on the Development Control Committee, whether as a Member of the Committee or a substitute Member, when they meet to determine a planning application, unless they have undertaken mandatory training.</p> <p>Subject to Part 5A paragraph 2.3.8, substitute members are permitted from amongst any Elected Members of the Council, subject to compliance with the training provisions.</p> <p>The Development Control Committee has the power to establish Sub-Committees, and to appoint members to those Sub-Committees from the membership of the Committee, and to establish the terms of reference for any such Sub-Committee. Any such Sub-Committee shall elect its own Chair and shall report back to its 'parent' Committee. The powers of any Sub-Committee are also exercisable by its 'parent' Committee.</p>

	<p>The Development Control Committee has established 2 Sub-Committees:</p> <ul style="list-style-type: none"> • The Uplands Sub-Committee, and • The Lowlands Sub-Committee
	<p>The Uplands Sub-Committee</p>
	<p>Powers</p>
I	<p>The responsibilities detailed below relate to the Uplands Sub-Committee who shall have the following power in respect of decisions in relation to wards in the Uplands area of the District, which includes the Wards of:</p> <ul style="list-style-type: none"> • Kingham, Rollright & Enstone • Chipping Norton • The Bartons • Stonesfield & Tackley • Chadlington & Churchill • Ascott & Shipton • Charlbury & Finstock • Woodstock & Bladon • Milton-under-Wychwood • Burford • Freeland & Hanborough • Brize Norton and Shilton (Asthal parish area and Swinbrook and Widford parish area only) • Hailey, Minster Lovell and Leafield (Leafield parish area only) <p>To determine planning applications, other than those of strategic significance that affect the District as a whole, the terms of planning agreements and such other matters as are considered appropriate from time to time, excluding matters relating to policy.</p> <p>To refer planning applications to the Development Control Committee where appropriate.</p> <p>To determine matters relating to planning as a Local Planning Authority excluding strategic planning matters such as the preparation, adoption and review of the Council's statutory Local Development Plan and representation of the Local Planning Authority's view to other bodies as appropriate on strategic planning matters.</p> <p>Without prejudice to the Council's Scheme of Delegation, the Uplands Sub-Committee shall be responsible for those matters set out in Part A (Functions relating to Town and Country Planning and Development Control) of schedule 1 to the Local Authorities (Functions and Responsibilities)(England) Regulations 2000.</p> <p>To determine:</p> <ul style="list-style-type: none"> • Applications submitted by or on behalf of the District Council, or for development on Council owned land or where the Council has a direct interest, except where no objections are received or any application required in connection with flood

	<p>prevention/alleviation schemes. For purposes of clarity, once the principle of development has been established by Committee, subsequent applications to discharge conditions or for minor variations may be determined in accordance with the Officer Scheme of Delegation.</p> <ul style="list-style-type: none"> • Applications submitted by a serving Member or Officer of the Council or a consultant employed by the Council, or in which they have a beneficial interest (ie they own the land or are a prospective purchaser) or submitted by an immediate relative to the above; with the exception of applications made by non-Planning staff (excluding those in politically restricted posts) for householder development. • Applications, which constitute a significant departure from the most up to date Local Plan that is formally approved or adopted by the Council for Development Management purposes. • Applications which involve an agreement under s106 of the Town and Country Planning Act 1990, or the proposed variation or discharge of a section 106 deed, that materially differs from the Council's standard models or departs from the reasons for the original imposition of the obligation. • Applications which are accompanied by an Environmental Statement. • Applications for the felling of a tree or trees protected by a Tree Preservation Order (except where exempted by the Act) and not associated with an application for planning permission, where there are objections received.
	<p>Membership</p>
<p>2</p>	<p>There are 12 seats on the Uplands Sub-Committee.</p> <p>The Uplands and Lowlands sub-committees must have a minimum of 11 members, with the Chair of the Development Control Committee being appointed to both sub-committees and all other members of the Development Control Committee being appointed to either the Uplands or Lowlands sub-committee, depending on the ward they represent. Where wards cross the Lowlands and Uplands boundary the ward member may be appointed to either sub-committee.</p> <p>Quorum for meetings of the Uplands Sub-Committee shall be 3 Members.</p> <p>Membership of the Uplands Sub-Committee must be from the membership of the Development Control Committee. Members are allocated to the Sub Committee by the Development Control Committee. Allocation of seats on the Uplands Sub Committee shall be in accordance with the regulations relating to political balance of Committees and Sub-Committees, unless political groups confirm that they do not wish to take up their allocation of seats on the Sub-Committee. If so, that would allow the Development Control Committee to appoint to the Uplands Sub-Committee without regard to political balance, but only from within its own membership. Usual custom and practice has resulted in appointments being made on the basis of Ward Members of the Uplands area of the District.</p> <p>Subject to Part 5A paragraph 2.3.8, substitutes on the Uplands Committee are permitted from any Member of the Council. No Member may sit on the Uplands Sub Committee, either as a Member or a substitute Member, unless they have undertaken the mandatory training.</p>

	The Uplands Sub-Committee shall elect their own Chair from their membership. An Executive member may not be the Chair of the Uplands Sub-Committee, but may be a member of that Sub-Committee.
	Lowlands Sub-Committee
	Powers
I	<p>The responsibilities detailed below relate to the Lowlands Sub-Committee who shall have the following powers in respect of decisions in relation to Wards in the Lowlands area of the District, which includes the Wards of:</p> <ul style="list-style-type: none"> • Hailey, Minster Lovell & Leaffield (except for the Leaffield parish area) • Witney Central • Witney North • North Leigh • Brize Norton & Shilton (except for the Asthal parish area and the Swinbrook and Widford parish area) • Witney West • Witney East • Eynsham & Cassington • Witney South • Carterton North West • Carterton North East • Carterton South • Ducklington • Alvescot & Filkins • Bampton & Clanfield • Standlake, Aston & Stanton Harcourt <p>To determine planning applications, other than those of strategic significance that affect the District as a whole, the terms of planning agreements and such other matters as are considered appropriate from time to time, excluding matters relating to policy.</p> <p>To refer planning applications to the Development Control Committee where appropriate.</p> <p>To determine matters relating to planning as a Local Planning Authority excluding strategic planning matters such as the preparation, adoption and review of the Council's statutory Local Development Plan and representation of the Local Planning Authority's view to other bodies as appropriate on strategic planning matters.</p> <p>Without prejudice to the Council's Scheme of Delegation, the Lowlands Sub-Committee shall be responsible for those matters set out in Part A (Functions relating to Town and Country Planning and Development Control) of schedule 1 to the Local Authorities (Functions and Responsibilities)(England) Regulations 2000.</p>

	<p>To determine:</p> <ul style="list-style-type: none"> • Applications submitted by or on behalf of the District Council, or for development on Council owned land or where the Council has a direct interest, except where no objections are received or any application required in connection with flood prevention/alleviation schemes. For purposes of clarity, once the principle of development has been established by Committee, subsequent applications to discharge conditions or for minor variations may be determined in accordance with the Officer Scheme of Delegation. • Applications submitted by a serving Member or Officer of the Council or a consultant employed by the Council, or in which they have a beneficial interest (ie they own the land or are a prospective purchaser) or submitted by an immediate relative to the above; with the exception of applications made by non-Planning staff (excluding those in politically restricted posts) for householder development. • Applications, which constitute a significant departure from the most up to date Local Plan that is formally approved or adopted by the Council for Development Management purposes. • Applications which involve an agreement under s106 of the Town and Country Planning Act 1990, or the proposed variation or discharge of a section 106 deed, that materially differs from the Council's standard models or departs from the reasons for the original imposition of the obligation. • Applications which are accompanied by an Environmental Statement. • Applications for the felling of a tree or trees protected by a Tree Preservation Order (except where exempted by the Act) and not associated with an application for planning permission, where there are objections received.
<p>Membership</p>	
<p>2</p>	<p>There are 13 seats on the Lowlands Sub-Committee.</p> <p>The Lowlands and Uplands sub-committees must have a minimum of 11 members, with the Chair of the Development Control Committee being appointed to both sub-committees and all other members of the Development Control Committee being appointed to either the Uplands or Lowlands sub-committee, depending on the ward they represent. Where wards cross the Lowlands and Uplands boundary the ward member may be appointed to either sub-committee.</p> <p>Quorum for meetings of the Lowlands Sub-Committee shall be 4 Members.</p> <p>Membership of the Lowlands Sub-Committee must be from the membership of the Development Control Committee. Members are allocated to the Sub Committee by the Development Control Committee. Allocation of seats on the Lowlands Sub Committee shall be in accordance with the regulations relating to political balance of Committees and Sub-Committees, unless political groups confirm that they do not wish to take up their allocation of seats on the Sub-Committee. If so, that would allow the Development Control Committee to appoint to the Lowlands Sub-Committee without regard to political balance, but still from within its own membership. Usual custom and practice has resulted in appointments being made on the basis of Ward Members of the Lowlands area of the District.</p>

Subject to Part 5A paragraph 2.3.8, substitutes on the Lowlands Committee are permitted from any Member of the Council. No Member may sit on the Lowlands Sub Committee, either as a Member or a substitute Member, unless they have undertaken the mandatory training.

The Lowlands Sub-Committee shall elect their own Chair from within their membership. An Executive Member may not be the Chair of the Lowlands Sub-Committee, but may be a member of the Sub-Committee.

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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 – 27 SEPTEMBER 2023</p>
<p>Subject</p>	<p>STRATEGIC PARTNERSHIP UPDATE</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>Giles Hughes – Chief Executive. Email: Giles.Hughes@westoxon.gov.uk</p>
<p>Report Author</p>	<p>Giles Hughes – Chief Executive. Email: Giles.Hughes@westoxon.gov.uk</p>
<p>Summary/Purpose</p>	<p>To enable the Leader to provide an update to Council on his portfolio responsibility for Strategic Partnerships.</p>
<p>Annexes</p>	<p>Nil.</p>
<p>Recommendation(s)</p>	<p><i>That Council Resolves to:</i></p> <p><i>1. Note the contents of the Strategic Partnership Report.</i></p>
<p>Corporate Priorities</p>	<ul style="list-style-type: none"> ● Putting Residents First ● A Good Quality of Life for All ● A Better Environment for People and Wildlife ● Responding to the Climate and Ecological Emergency ● Working Together for West Oxfordshire
<p>Key Decision</p>	<p>NO</p>
<p>Exempt</p>	<p>NO</p>
<p>Consultees/ Consultation</p>	<p>Nil.</p>

1. BACKGROUND

- 1.1** The Leader has portfolio responsibility for Strategic Partnerships. These strategic partnerships include the Oxford to Cambridge Pan-Regional Partnership, the Future Oxfordshire Partnership, South East Councils and OxLEP.
- 1.2** The West Oxfordshire Council Plan recognises that in order for the Council to deliver on its aspirations it is essential to work collaboratively with others. Strategic partnerships provide opportunities to tackle issues of common interest, share best practice, and provide a strong voice back to Government on areas of concern.

2. MAIN POINTS

Future Oxfordshire Partnership

- 2.1** The Council has been a longstanding member of the Future Oxfordshire Partnership alongside the other Principal Councils in Oxfordshire and other key partners. The purpose of the Future Oxfordshire Partnership is to build collaboration across the county to deliver the bold aims of the Oxfordshire Strategic Vision for Sustainable Development, which all six Principal councils have adopted.
- 2.2** The Leader sits on the Future Oxfordshire Partnership and the Council is also represented by Executive Members on the four Advisory Groups that report to the Partnership (Infrastructure, Housing, Environment and Planning), and by Members on the Scrutiny Panel. Each of the Advisory Groups is chaired by a Council Leader. Cllr Andy Graham chairs the Planning Advisory Group.
- 2.3** Also linked to the Future Oxfordshire Partnership and the Strategic Vision are the Oxfordshire Local Nature Partnership and the Oxfordshire Inclusive Economy Partnership. The Local Nature Partnership aims to radically enhance nature, its positive impact on our climate and the priority it's given, helping to make Oxfordshire a county where people and nature thrive. The Oxfordshire Inclusive Economy Partnership is working to create a more equal and sustainable region that creates opportunities and benefits for all people within the county.
- 2.4** A new Future Oxfordshire Partnership website is close to completion and is expected to be launched in October. This help inform interested parties about the work of the Partnership. Websites for the Local Nature Partnership and the Oxfordshire Inclusive Economy Partnership will follow later in the Autumn
- 2.5** The Future Oxfordshire Partnership has been responsible for oversight of several programmes, including the Oxfordshire Housing & Growth Deal, City Deal, and Strategic Economic Plan. As the Oxfordshire Housing & Growth Deal and other programmes come to an end the Partnership is considering its focus for the future.
- 2.6** A workshop is planned for the 26th September to consider the Future Oxfordshire Partnership's forward work programme. The focus will be on those activities that make sense to deliver at an Oxfordshire scale, that add value to the individual actions of the partners and that are supported by all of the partners. The workshop will also consider the economy

theme and consider how best this could link into the work of the partnership given the Government initiated changes to the arrangements for Local Enterprise Partnerships.

- 2.7** One important item on the existing Future Oxfordshire Partnership work programme is a refresh of the Oxfordshire Infrastructure Strategy (OXIS). This strategy identifies the strategic infrastructure requirements needed to support the planned growth in Local Plans. Earlier versions of this key strategy have helped support successful funding bids to Government through the Oxfordshire Housing and Growth Deal and the Housing Infrastructure Fund.

Oxford to Cambridge Partnership

- 2.8** In January 2023, Council resolved that the Council should be a participant in the proposed pan-regional partnership for the Oxford to Cambridge area. This new partnership was then formed by a group of leaders from local government, Local Enterprise Partnerships, the Arc Universities Group and England's Economic Heartland, and with government support.
- 2.9** The Oxford to Cambridge partnership's mission is to secure a future in which communities prosper from the very best in environmentally sustainable ways of living and working. The partners will collaborate to accelerate economic opportunities created through the region's innovation strengths, to achieve significant environmental enhancements, and to unlock investment for inclusive, high quality sustainable development.
- 2.10** The Partnership includes two key workstreams on the Environment & Sustainability, and also on Innovation & Economy. The Council Leader is a member of the Environment & Sustainability Group. Early activity includes an Environment Agency Integrated Water Management Project that is underway for the Oxford to Cambridge Area. The intention is to use West Oxfordshire as one of three case studies alongside Milton Keynes and Cambridgeshire. The Integrated Water Management project seeks to create an interconnected water (resource, quality, environment) and flood risk approach to planning and decision making, this aligns with the ambition to 'join up management of the water system' and 'manage the water system in a holistic way'.

South East Councils

- 2.11** South East Councils was established in April 2009 to represent the views of local authorities in the South East region. With most local authorities in the South East as members, the partnership aims to work in partnership to make the region a great place to live, work and do business. Each member council nominates a senior councillor to SEC, with elected representatives actively assisting in making the case on priority issues to, and through, Government, Parliament, Industry, and the media.
- 2.12** South East Councils is endeavouring to promote and maintain the South East's position as a leading global economy, seek fair funding for the South East region, and monitor and highlight the economic pulse of the South East.

Oxfordshire Local Enterprise Partnership (OxLEP)

- 2.13** OxLEP in common with other Local Enterprise Partnerships elsewhere in England is a partnership between local authorities and businesses. It was set up in 2011 to help determine local economic priorities and lead economic growth and job creation within Oxfordshire. The Council Leader sits on the OxLEP Board alongside other Oxfordshire Council Leaders and business representatives.
- 2.14** OxLEP is currently preparing a new Strategic Economic Plan for Oxfordshire. This will provide a post-pandemic statement of economic priorities for Oxfordshire and sets out a strategy to 2033. The Strategic Economic Plan links to the Oxfordshire Strategic Vision for Sustainable Development. The draft plan will be presented to the Future Oxfordshire Partnership on the 26th September for consideration. The Strategic Economic Plan acknowledges that Oxfordshire has a world class innovation ecosystem and a knowledge economy of international renown but that this is linked to a wider foundational economy that accounts for the majority of jobs. The foundational economy is therefore important to the extent to which Oxfordshire thrives.
- 2.15** OxLEP is also preparing a Destination Management Plan for Oxfordshire. This recognises the importance of the visitor economy to the County. The plan will provide a framework supporting the work of the two new Local Visitor Economy Partnerships covering Oxfordshire (Cotswold Plus and Experience Oxfordshire). The Destination Management Plan is due to be presented to the Future Oxfordshire Partnership in November for endorsement.
- 2.16** Earlier this year the Government announced that it would cease the direct funding of Local Enterprise Partnerships from April 2024. Instead funding will be routed through County Councils in two tier areas like Oxfordshire as part of a transfer of economic functions (business representation, strategic economic planning, and the delivery of government programmes) to Local and Combined authorities. The Government notes that some Local Enterprise Partnerships may choose to continue operations without core funding, and states that where an upper tier local authority wishes to continue using the Local Enterprise Partnership as a vehicle they are free to do so. The nature and status of such arrangements are a decision for upper tier local authorities to make.
- 2.17** This decision has prompted discussion in Oxfordshire on the future role of OxLEP and its relationship to the Future Oxfordshire Partnership, which provides a partnership vehicle that could help coordinate future economic activity between the Councils and OxLEP. This issue will be explored at the Future Oxfordshire Partnership workshop planned for the 26th September.

Other Key Partnerships

- 2.18** The Council works with a number of other key partnerships. In particular the Council delivers a wide range of its services through Publica and through Ubico, both of which are local authority owned companies of which the Council is a shareholder.
- 2.19** The four Publica shareholder councils have commissioned an external review to help us improve the partnership and outcomes for each of the partner councils. Publica was formed

in 2017, and 6 years after the formation is a good time to review how the partnership is working.

2.20 This review will look at a range of topics including how to achieve best value for money, how to improve services for residents and the governance of the organisation. It is a strategic review of the company operation. The outcomes of the review are expected to be reported to Executive in November.

2.21 The Council also works closely with other Councils in Oxfordshire on refugee and asylum seekers as part of the Oxfordshire Migration Partnership. This has enabled close working between the Councils and other partners to support a range of people in need including Ukrainian Refugees, Afghan Refugees and also those asylum seekers placed in the County by the Home Office. A Silver Group of Officers coordinates the activities of partners on this programme and reports through to the Council Chief Executives and Leaders.

3. ALTERNATIVE OPTIONS

3.1 The Council could choose not to participate in strategic partnership activity, however this would limit its ability to tackle cross boundary issues and share best practice.

4. FINANCIAL IMPLICATIONS

4.1 The Council provides funding to help support the work of the Future Oxfordshire Partnership and its associated bodies. For 2023/24 the Council has budgeted £92,000 in total for the partnership, the Local Nature Partnership and Inclusive Economy Partnership. Over the years the partnership has attracted significant Government investment into Oxfordshire, including the £215 million Housing and Growth Deal.

4.2 The annual membership cost for the Oxford to Cambridge Partnership is currently £10,000. This Partnership has also attracted significant revenue support from the Government.

4.3 South East Councils membership is currently £2,000.

4.4 The Council does not provide core funding for OxLEP.

5. LEGAL IMPLICATIONS

5.1 None from this report.

6. RISK ASSESSMENT

6.1 A partnership approach helps mitigate some of the risks facing the Council, although there are potential impacts on the Council if one of these partnerships should fail both in terms of direct services and reputational risk. Partnership risks are addressed in the Council's risk register.

7. EQUALITIES IMPACT

7.1 None from this report.

7.2 The Oxfordshire Inclusive Economy Partnership is working to create a more equal and sustainable region that creates opportunities and benefits for all people within the county.

8. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

8.1 None from this report

8.2 The Future Oxfordshire Partnership, Oxfordshire Local Nature Partnership, and Oxford to Cambridge Partnership provide valuable forums to help the Council address the climate and ecological emergencies.

9. BACKGROUND PAPERS

9.1 None

(END)

 <p>WEST OXFORDSHIRE DISTRICT COUNCIL</p>	<p>WEST OXFORDSHIRE DISTRICT COUNCIL</p>
<p>Name and Date of Committee</p>	<p>COUNCIL – 27 SEPTEMBER 2023</p>
<p>Subject</p>	<p>REVIEW OF POLITICAL PROPORTIONALITIES</p>
<p>Wards Affected</p>	<p>None</p>
<p>Accountable Member</p>	<p>N/A</p>
<p>Accountable Officer</p>	<p>Andrea McCaskie, Director of Governance Email: democratic.services@westoxon.gov.uk</p>
<p>Report Author</p>	<p>Andrew Brown, Democratic Services Business Manager Email: democratic.services@westoxon.gov.uk</p>
<p>Summary/Purpose</p>	<p>To review the political proportionalities on committees following receipt of a notice that a member has joined a group.</p>
<p>Annexes</p>	<p>Annex A – Political proportionalities on committees with three overview and scrutiny committees (to follow) Annex B – Political proportionalities on committees with one overview and scrutiny committee (to follow)</p>
<p>Recommendation(s)</p>	<p>That Council resolves to:</p> <ol style="list-style-type: none"> 1. Agree the political proportionalities as set out in either Annex A (political proportionalities with three overview and scrutiny committees) or Annex B (political proportionalities with one overview and scrutiny committee), depending on the previous decision of Council on the number of Overview and Scrutiny Committee. 2. Note that group leaders are asked to confirm any changes to committee membership to the Monitoring Officer. 3. Note that any vacancies on committees shall be appointed to by the Monitoring Officer in accordance with the wishes of the political group to which the vacant seat is allocated and that Council will be asked to ratify and note the appointments at the next ordinary Council meeting.

Corporate priorities	<ul style="list-style-type: none"> Working Together for West Oxfordshire
Key Decision	NO
Exempt	NO
Consultees/ Consultation	Chief Executive

1. BACKGROUND

- 1.1 The Local Government and Housing Act 1989 (“the Act”) requires the Council to allocate Committee seats to political groups, in proportion to the size of those groups on the Council. The requirement is for the representation of each group to be proportional on each committee, and on the total number of seats on committees overall.
- 1.2 Under Section 17 of The Local Government (Committees and Political Groups) Regulations 1990, the Council has a duty to review the allocation seats on committees as soon as practicable after a notice is received by the Proper Officer confirming that a member has joined a political group and that a review of the allocation of seats is requested, provided the notice is received at least one month after the previous review.

2. CHANGE OF GROUP MEMBERSHIP

- 2.1 On Monday 18 September 2023 a notice was received by the Proper Officer confirming that Councillor Mathew Parkinson had joined the Labour Group on the Council and that a review of the political proportionalities on committees was requested. Councillor Parkinson was previously a member of the Liberal Democrat Group on the Council.

3. ALLOCATION OF SEATS ON COMMITTEES

- 3.1 There are two annexes setting out the updated allocations of seats on committees. Annex A shows the proportionalities on committees under the existing committee structure. Annex B shows the proportionalities on committees with a single overview and scrutiny committee. Council is asked to agree to the allocation of seats in either Annex A or Annex B, depending on the earlier decision taken by Council on 27 September as to whether or not to change the structure of overview and scrutiny committees.
- 3.2 Where there are changes to be made to the membership of committees, the relevant group leaders are asked to notify the Monitoring Officer.
- 3.3 The Monitoring Officer will use their delegated authority to appoint to vacancies on committees in accordance with the wishes of political groups (Constitution Part 5A, rule 2.4). Such appointments will be reported to the next meeting of Council for noting and ratification.

4. ALTERNATIVE OPTIONS

- 4.1 The Council has a duty to review the allocation of seats on committees when a review is triggered, and to appoint to committees based on political proportionality.

5. FINANCIAL IMPLICATIONS

- 5.1 There are no financial implications.

6. LEGAL IMPLICATIONS

- 6.1 The legal issues are set out in the body of the report.

7. RISK ASSESSMENT

7.1 There is a risk that if committees and sub-committee are not properly appointed this could result in a delay in decision making for the Council or increase the risk of decisions being successfully challenged.

8. EQUALITIES IMPACT

8.1 There are no impacts on equalities.

9. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

9.1 There are no climate or ecological implications.

10. BACKGROUND PAPERS

10.1 None.

(END)