
3C Committee Functions

- 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
- 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)

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.

ANNEX D
Constitution of West Oxfordshire District Council

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	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.

ANNEX D
Constitution of West Oxfordshire District 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	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.
Powers	
21	<p>The Committee has the power to:</p> <p>Require the attendance of any Council Officer and/or Elected or Co-opted Members in order to respond directly to any issue under consideration;</p> <p>Report and make recommendations to Council and/or to the Executive;</p> <p>To review any issues referred to it by the Chief Executive, other Statutory Officer, or any other Council body;</p> <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>
Membership	
22	There are 15 seats on the 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.

ANNEX D
Constitution of West Oxfordshire District Council

The quorum for a meeting of the Overview and Scrutiny Committee is 4 members.

No member of the Executive may be allocated a seat on the Overview and Scrutiny Committee.

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.

The Overview and Scrutiny Committee shall elect its own Chair.

The Overview and Scrutiny Committee 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.

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 the Council's response to Nationally Significant Infrastructure Projects within the District. The Committee will also consider other planning 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

ANNEX D

Constitution of West Oxfordshire District Council

	<p>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.</p>
	<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.
Powers	
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.
Membership	
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>

ANNEX D

Constitution of West Oxfordshire District Council

	<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
	The Uplands Sub-Committee
	Powers
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 (Asthall parish area and Swinbrook and Widford parish area only)• Hailey, Minster Lovel and Leaford (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>

ANNEX D

Constitution of West Oxfordshire District Council

	<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 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>The Uplands and Lowlands sub-committees must have a minimum of 10 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 4 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</p>

ANNEX D
Constitution of West Oxfordshire District Council

	<p>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> <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.</p>
	<p>Lowlands Sub-Committee</p>
	<p>Powers</p>
<p>I</p>	<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 & Leafield (except for the Leafield 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>

ANNEX D

Constitution of West Oxfordshire District Council

	<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>The Lowlands and Uplands sub-committees must have a minimum of 10 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 Uplands or</p>

ANNEX D

Constitution of West Oxfordshire District Council

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.

Quorum for meetings of the Lowlands Sub-Committee shall be 4 Members.

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.

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.

Licensing Committee	
1	<p>To undertake all matters in relation to the statutory licensing and registration functions of the Council (save to the extent that such responsibility has been delegated to another sub-committee of this Committee or Officer by the Council) such duties to include liquor, entertainment and late night refreshment licensing and the Gambling Act 2005. The Committee's role includes the formulation and approval of policy guidelines with the exception of the following which are dealt with by the Council:</p> <ul style="list-style-type: none"> • Licensing Policy Statement - Licensing Act 2003 • Gambling Policy - Statement of Principles - Gambling Act 2005.
2	To hear and determine licence applications that are contentious and/or where objections have been lodged by statutory consultees, residents, other third parties or where officers have reservations about the appropriateness of an application or the suitability of an applicant.
3	Without prejudice to the above roles and the Council's Scheme of Delegation the Licensing Committee shall be responsible for those matters set out in Parts B and C (Licensing and Registration functions) of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, the Licensing Act 2003 and the Gambling Act 2005.
4	The Licensing Committee shall be empowered to set up a sub- committee or sub-committees to discharge functions and act in accordance with powers delegated by the Committee. In the context of the Committee's powers under the Gambling Act 2005, sub delegation may extend to the permitted discharge of functions by an officer.
5	To receive reports and determine policy in relation to street trading.
6	To approve policy and to determine fees in relation to scrap metal dealer licensing.
Powers	
7	<p>The Licensing Committee has the power to:</p> <p>Report and make recommendations to Council; and</p> <p>Establish and appoint to Sub-Committees and Working Groups</p>

Membership	
8	<p>There are 11 seats on the Licensing 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 Licensing Committee shall be 3 Members.</p> <p>The Licensing Committee shall elect its own Chair from its membership.</p> <p>No Member may have a seat on the Licensing Committee, whether as a Member of the Committee or a substitute Member, when they meet to determine a licensing 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 Licensing 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 Licensing Committee has established 2 Sub-Committees:</p> <ul style="list-style-type: none"> • The Miscellaneous Licensing Sub-Committee, and • The Licensing Panel Sub-Committee
Miscellaneous Licensing Sub-Committee	
Responsible for determining taxi, private hire and street trading applications in certain circumstances including when the applicant has previous convictions.	
Powers	
1	To determine applications where relevant offences feature on the Disclosure Barring Service (DBS) check.
2	To consider representations as made or to review a licence

Membership	
3	<p>There are 5 seats on the Miscellaneous Licensing Sub-Committee.</p> <p>Quorum for meetings of the Miscellaneous Sub-Committee shall be 3 Members.</p> <p>Membership of the Miscellaneous Licensing Sub-Committee must be from the membership of the Licensing Committee. Members are allocated to the Sub-Committee by the Licensing Committee. Allocation of seats on the Miscellaneous Licensing 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 Licensing Committee to appoint to the Miscellaneous Licensing Sub-Committee without regard to political balance, but still from within its own membership.</p> <p>Subject to Part 5A paragraph 2.3.8, substitutes on the Miscellaneous Licensing Sub-Committee are permitted from any Member of the Licensing Committee. However, no Member may sit on the Miscellaneous Licensing Sub Committee, either as a Member or a substitute Member, unless they have undertaken the mandatory training.</p> <p>The Miscellaneous Licensing Sub-Committee shall elect their own Chair from within their membership.</p>

Licensing Panel Sub Committee	
Responsible for determining Personal Licenses and Premises Licenses where representations are received, and for considering whether to grant Temporary Event Notices where objections are received from the Police or Environmental Health.	
Powers	
1	To determine applications where representations are made, or to determine a review application.
2	To review a personal licence.
Membership	
3	<p>There are 3 seats on the Licensing Panel Sub-Committee. Quorum for meetings of the Licensing Panel Sub-Committee shall be 3 Members.</p> <p>Membership of the Licensing Panel Sub-Committee must be from the membership of the Licensing Committee. Members are allocated to the Sub-Committee by the Licensing Committee. Allocation of</p>

seats on the Licensing Panel Sub-Committee does not need to be in accordance with the regulations around political proportionality, nor fixed for a specified period of time.

Usual practice is for the Chair or Vice-Chair of the Licensing Committee to sit on the Licensing Panel Sub-Committee, together with two other Members from the Licensing Committee. Such two other members to be drawn on an alphabetical rota basis from the remaining members of the Licensing Committee. In the event of a Member being unable to sit for a particular meeting, the next Member on the rota would be appointed, with the former eligible to sit at the next meeting instead. In the event of neither the Chair nor the Vice-Chair being able to sit, the third member of the Licensing Panel Sub-Committee would be drawn from the membership of the Licensing Committee under the usual rota system.

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

The Chair or Vice-Chair of the Licensing Committee will act as Chair of the Licensing Panel Sub-Committee. However, in their absence, the Licensing Panel Sub-Committee shall elect the Chair for that particular meeting from their membership.

Audit and Governance Committee

Governance, risk and control

I	<p>Monitor the adequacy and effectiveness of the Council's governance arrangements including:</p> <ul style="list-style-type: none"> ● Monitoring the effectiveness of the Chief Finance Officer's responsibility for ensuring an adequate internal control environment; ● To approve the Risk Management Policy Statement and monitor its operation; ● Monitoring the arrangements for the identification, monitoring and control of strategic and operational risk within the Council; ● Monitoring the adequacy and effectiveness of the arrangements in place for combating fraud and corruption; ● Providing an annual report to Council that its systems of governance are operating effectively, which includes the Committee's performance in relation to the terms of reference; ● Reviewing and approving the annual Statement of Accounts, Annual Governance Statement and its associated assurance framework; ● Considering the Council's arrangements to secure value for money and review
---	--

ANNEX D
Constitution of West Oxfordshire District Council

	<p>assurances and assessments on the effectiveness of these arrangements;</p> <ul style="list-style-type: none"> ● Ensuring that Internal Audit has the right of independent access to the Committee and its Chair; ● As part of the annual budget setting process, review and assess that the Treasury Management, Capital and Investment Strategies are prepared in accordance with CIPFA’s Prudential Code and the Treasury Management Code of Practice (2021 editions), and the Ministry of Housing, Community and Local Government (MHCLG) revised Guidance on Local Government Investments. ● Considering and advising changes to the Council’s Constitution in respect of Contract Standing Orders and Financial Regulations; ● Formulating and keeping under review a Code of Conduct to promote high ethical standards amongst Officers and doing anything that is considered to promote and maintain high standards of conduct by Officers; ● Formulating and keeping under review the Council’s ‘whistle-blowing’ policy; ● Formulating and keeping under review the Council’s arrangements for handling complaints and investigations by the Local Government Ombudsman, and ● Monitor the adequacy and effectiveness of cyber security arrangements (the protection of information systems, hardware, software and associated infrastructure, the data on them, and the services they provide, from unauthorised access, harm or misuse). This includes harm caused intentionally by the operator of the system, or accidentally, as a result of failing to follow security procedures.
<p>Ethics and Behaviours</p>	
<p>2</p>	<p>To promote, maintain and assist the achievement of high standards of conduct by Councillors and co-opted members in accordance with the Council’s Code of Conduct for Members.</p> <ul style="list-style-type: none"> ● To monitor the operation of the Code of Conduct for Members; ● To advise the Council on any amendment or revision of the Code; ● To secure adequate and appropriate training of Councillors and co-opted Members on the Code of Conduct for Members; ● To give general guidance and advice to Councillors on Members’ interests and keep under review the Register of Members’ Interests maintained by the Monitoring Officer; and ● To give general guidance and advice to Councillors and employees on gifts and hospitality; ● To receive a report, at least annually, from the Council’s Monitoring Officer with a summary of conduct complaints received, trends and key issues arising.
<p>External Audit</p>	

3	<p>Monitor the adequacy and effectiveness of the Council’s external audit service and respond to its findings. Specifically:</p> <ul style="list-style-type: none"> ● Considering the appointment, nature and scope of the external audit of the Council’s services and functions; ● Receiving and considering all external audit reports including the annual plan, annual audit letter and governance report; and ● Monitoring management’s response to the external auditor’s findings and the implementation of external audit recommendations.
Internal Audit	
4	<p>Monitor the adequacy and effectiveness of the Internal Audit service. Specifically:</p> <ul style="list-style-type: none"> ● Approving the Internal Audit Charter; ● Approving the annual risk based Internal Audit Plan; ● Receiving communications from the Chief Internal Auditor on the internal audit activity’s performance relative to its plan and other matters, including the annual report and opinion; ● Receiving and considering major Internal Audit findings and recommendations; ● Monitoring management’s response to Internal Audit findings and the implementation of the recommendations; ● Making appropriate enquiries of management and the Chief Internal Auditor to determine whether there are inappropriate scope and resource limitations; ● Agreeing the scope and form of the external assessment as part of the quality assurance and improvement plan; ● Receiving the results of internal and external assessments of the quality assurance and improvement programme, including areas of non-conformance with professional standards; and ● Approving significant consulting services not already included in the audit plan, prior to acceptance of the engagement, if this materially impacts on core assurance activity.
Powers	
5	<ul style="list-style-type: none"> ● The Committee has the right to require the attendance of any Council officers and/or members in order to respond directly to any issue under consideration; ● To review any issues referred to it by the Chief Executive, other statutory officer or any Council body; ● The power to report and make recommendations to Council; ● The power to call expert witnesses from outside the Council to give advice on matters under review or discussion; ● The ability to raise issues at a meeting of the Executive; and ● The power to establish Sub-Committees.

Membership	
6	<p>There are 11 seats on the Audit and Governance Committee. Appointments to those seats shall be made by full Council in accordance with the regulations regarding political proportionality, unless a Group Leader confirms to Council that the political group does not wish to take up their allocation of seats. No members of the Executive may sit on the Audit and Governance Committee.</p> <p>The membership of the Audit and Governance Committee may also include up to two Independent Persons as non-elected co-opted members (without voting rights).</p> <p>The quorum for a meeting of the Audit and Governance Committee shall be 4 Members.</p> <p>The Audit and Governance Committee shall elect its own Chair from its membership.</p> <p>Subject to Part 5A paragraph 2.3.8, substitute members are permitted from amongst any Elected Members of the Council.</p> <p>The Audit and Governance 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, subject to when exercising the function of determination of a code of conduct complaint, the mandatory training must have been completed by all Members.</p> <p>The Audit and Governance Committee has established 1 Sub-Committee:</p> <ul style="list-style-type: none"> • The Standards Sub-Committee
Standards Sub-Committee	
Powers	
1	<p>The Standards Sub-Committee is responsible for determining, in conjunction with the Independent Person, allegations that Members of the Council, and Members of Town and Parish Councils where West Oxfordshire District Council is the Principal Authority, have failed to comply with their Member's Code of Conduct. Specifically to determine allegations of breach of the code of conduct referred to it by the Monitoring Officer, and to, where appropriate, impose sanctions upon Members of West Oxfordshire District Council, and, where appropriate, recommend sanctions to the relevant Town or Parish Council in</p>

ANNEX D
Constitution of West Oxfordshire District Council

	respect of their Members. Any such determination by the Standards Sub-Committee should be made in accordance with the Standards Sub-Committee Procedure Rules as set out in Part 5E of the Constitution.
	Membership
2	<p>There are 5 seats on the Standards Sub-Committee. Quorum for meetings of the Standards Sub-Committee shall be 3 Members.</p> <p>Membership of the Standards Sub-Committee must be from the membership of the Audit and Governance Committee. Members are allocated to the Sub-Committee by the Audit and Governance Committee. Allocation of seats on the Standards Sub-Committee shall be in accordance with the regulations relating to political proportionality 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 Audit and Governance Committee to appoint to the Standards Sub-Committee without regard to political balance, but still from within its own membership.</p> <p>Subject to Part 5A paragraph 2.3.8, substitutes on the Standards Sub-Committee are permitted from any Member of the Audit and Governance Committee. However, no Member may sit on the Standards Sub-Committee, either as a Member or a substitute Member, when determining a code of conduct complaint, unless they have undertaken the mandatory training.</p> <p>The Standards Sub-Committee shall elect their own Chair from within their membership.</p>

Performance & Appointments Committee	
1	To recommend the appointment of the Chief Executive, Chief Financial Officer and Monitoring Officer to Council.
2	To consider all relevant matters relating to the salaries and contractual terms of the Chief Executive/Head of Paid Service and Statutory Officers.
3	To approve terms for the retirement of the Chief Executive/Head of Paid Service.
4	To conduct grievance and disciplinary matters in respect of the Statutory Officers in accordance with the statutory procedures and the Officer Employment Procedure Rules as set out at Part 5J of the Constitution.

ANNEX D
Constitution of West Oxfordshire District Council

5	To suspend the Chief Executive and/or Statutory Officers whilst an investigation takes place into alleged misconduct.
6	To conduct appraisals of the Chief Executive
7	To manage and consider any disciplinary and/or capability and/or any grievance matters arising in relation to the conduct or performance of the Statutory Officers
8	<p>To carry out the function of an Investigating & Disciplinary Committee as set out in the JNC Conditions of Service for Chief Executives and the JNC Conditions of Service for Chief Officers.</p> <p>In respect of Statutory Officers to:</p> <ul style="list-style-type: none"> (a) decide whether the issues require any formal action; and if so, (b) whether the issue should be referred to an Independent Person; (c) be responsible for the appointment and terms of reference of the Independent Person; (d) receive and consider the report of the Independent Person; and (e) hold a capability or disciplinary hearing. <p>Following receipt of any Independent Person's report, to determine a course of action (up to and including dismissal) within the Council's powers under law and in accordance with the Council's procedures including the procedures set out in the Officer Employment Procedure Rules. To make recommendations to Council in respect of the proposed dismissal of a Statutory Officer.</p>
9	To adopt and amend employment and health and safety policies.
Powers	
10	<p>The Performance and Appointments Committee has the power to:</p> <p>Make recommendations to Council on the appointment or dismissal of Statutory Officers;</p> <p>To report to and make recommendations to Council;</p> <p>To suspend statutory officers whilst an investigation is pending; and</p> <p>To appoint an independent person, or panel of independent persons to report to them.</p> <p>The Performance and Appointments Committee also has the power to establish Sub-Committees.</p>

ANNEX D
Constitution of West Oxfordshire District Council

	<p>In undertaking their duties the Performance and Appointments Committee must comply with the Officer Employment Procedure Rules set out at Part 5J of the Constitution.</p> <p>In undertaking their role in respect of recruitment, dismissal, conduct or performance, the Committee will be advised by an appropriate Officer with specialist knowledge of such matters, acting as advisor to the Committee.</p>
Membership	
11	<p>There are 5 seats on the Performance and Appointments Committee. Appointments to those seats shall be made by full Council in accordance with the regulations regarding political proportionality, unless a Group Leader confirms to Council that the political group does not wish to take up their allocation of seats. By practice and protocol, political groups usually appoint their most senior Members to the Performance and Appointments Committee, including the Group Leader.</p> <p>The quorum for a meeting of the Performance and Appointments Committee shall be 3 Members.</p> <p>The Performance and Appointments Committee shall elect its own Chair from its membership.</p> <p>Subject to Part 5A paragraph 2.3.8, substitute members are permitted from amongst any Elected Members of the Council.</p> <p>The Performance and Appointments 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>

Urgency and Emergency Decisions

1	<p>The Chief Executive, or in their absence the Director of Governance in consultation with the Director of Finance (or in the absence of the Director of Governance, the Director of Finance in consultation with the Head of Legal Services, may take any necessary decision in cases of emergency.</p> <p>Emergency shall mean any situation in which the officer believes that immediate action is necessary and any failure to act would seriously prejudice the Council's or the public's interests.</p>
---	--

ANNEX D

Constitution of West Oxfordshire District Council

	<p>Such interests are to be interpreted widely and include (but are not limited to) the risk of loss of life, serious injury to any person, significant damage to or loss of property, or serious threat to the health or wellbeing of an individual. A decision to take action includes the power to commence or defend legal proceedings in any court or tribunal</p> <p>Any decision under the above provisions shall be recorded on an Officer Decision Notice, regardless of value, and published, unless confidential or exempt. The decision shall be reported to Council, the Executive or the appropriate Committee or Sub-Committee, at the next reasonable opportunity, and such report shall include the reasons that the powers needed to be used.</p>
2	<p>The Chief Executive in consultation with the Chief Finance Officer and the Monitoring Officer, may take a decision in relation to any function of the Council, Executive or of a Committee or Sub-Committee where the matter is urgent and cannot reasonably await the next meeting of that body. In doing so, the Officer shall also consult with the Leader of the Council, or in their absence, the Deputy Leader of the Council and the Chair, or in their absence the Vice-Chair, of any relevant Committee or Sub-Committee, as the case may be.</p> <p>Any decision under the above provisions shall be recorded on an Officer Decision Notice, and published, unless exempt or confidential. The decision shall be reported to Council, the Executive or the appropriate Committee or Sub-Committee, such report to include the reasons that the powers needed to be used.</p>

Working Groups

1	Working Groups may be formed by the Council, Executive, Executive Members, or by Committees, for ad hoc, project-specific tasks. Their work should be scoped upon formation, and time-limited and business to be discussed at any meeting will be prescribed in advance by terms of reference.
2	Whilst Members of the Council will be invited to participate, other persons may be invited to attend at the discretion of the 'body' that formed the working group.
3	Working Groups are designed to facilitate discussion and the exchange of ideas on specific topics, which could include policy development but are not decision-making bodies.
4	Working Groups will be serviced by subject matter expert officers and a record will be kept of the issues considered and the outcome of the Group's discussions will be circulated to body that formed the working group.
5	Working Groups may be formed to consider a cross-cutting issue, or to assist a scrutiny inquiry.