



## Constitution

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## Glossary of Terms

Article 4 Direction	A direction which restricts permitted development rights in a particular area
Cabinet	A number of elected Council members appointed by the Leader of the Council and who, together with the Leader, act as the body which is responsible for most formal decisions.
Cabinet Member	A councillor who has been appointed by the Leader of the Council as a Member of the Cabinet. Cabinet Members remain in office until the next election unless they resign, are suspended, are no longer a member of the Council or are removed from office by the Leader.
Cabinet Work Plan	A plan to be published by the Cabinet and updated on a monthly basis in accordance with Regulations 13 and 14 of the 2000 Regulations, setting out Key Decisions which the Cabinet plans to take over the coming months
Call-in	The consideration by Overview & Scrutiny committee of a decision made, but not yet implemented, which may result in the recommendation that the decision be reconsidered by the person or persons who made that decision or that Full Council be recommended that the decision be reconsidered.
Chair	The person appointed to preside at meetings of Council or any Committee
Chief Executive	The officer with overall management and operational responsibility (including overall management responsibility for all officers). This post holder is also the “Head of Paid Service” as appointed in accordance with Section 4 of the Local Government and Housing Act 1989
Chief Finance Officer	The officer appointed by the Council under Section 151 of the Local Government Act 1972, to exercise the proper administration of the Council’s financial affairs, with specific responsibilities under the Local Government Act 1972 (currently the Deputy Chief Executive)
Clear working day	A clear working day excludes Saturday, Sunday and bank and public holidays (and in the case of committee agenda excludes the date of publication of the agenda and the date of the meeting)
Committee	A committee of the Council
Council	West Oxfordshire District Council
Deputy Leader	A Cabinet Member who has been nominated to act in the absence of the Leader. For the avoidance of doubt the Deputy Leader can exercise all the powers of the Leader in their absence
Exempt	Information to be considered at a Council or Committee meeting in respect of which the public may be excluded (as defined by Schedule 12A of the 1972 Act (as amended). Categories of exempt information are: <ul style="list-style-type: none"> <li>- Information relating to any individual</li> <li>- Information which is likely to reveal the identity of an</li> </ul>

	<p>individual</p> <ul style="list-style-type: none"> <li>- Information relating to the financial or business affairs of any particular person (including the authority holding that information)</li> <li>- Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.</li> <li>- Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</li> <li>- Information which reveals that the authority proposes – <ul style="list-style-type: none"> <li>(a) To give under any enactment a notice under or by virtue of which requirements are imposed on a person or task</li> <li>(b) To make an order or direction under any enactment</li> </ul> </li> <li>- Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime</li> </ul>
Executive	The Cabinet
Executive Functions	Functions which may be discharged by the Leader, or delegated by the Leader to the Cabinet, a committee of the Cabinet, an individual member of the Cabinet, an officer or another local authority.
Head of Paid Service	The officer appointed in accordance with Section 4 of the Local Government and Housing Act 1989, i.e. the Chief Executive.
Key Decision	<p>A decision which is significant. This Council has previously determined the definition of a “key decision”, which is:</p> <ul style="list-style-type: none"> <li>(i) any Cabinet decision which requires a budget expenditure, or generates savings, of £50,000 or more;</li> <li>(ii) any executive decision where the outcome will have a significant impact on communities living or working in an area comprising two or more District</li> </ul>
Leader of a Political Group	The leader of a political group as defined in the Local Government (Committee etc.) Regulations 1990
Leader	Such person as the Council elects to be the Leader with powers outlined in the Local Government Act 2000 and Local Government and Public Involvement in Health Act 2007
Local Choice Functions	As defined by Regulation 3 and Schedule 2 to the Local Authority (Functions and Responsibilities) (England) Regulations 2000, where the authority has decided which functions are to be the responsibility of the Cabinet
Meeting	A meeting of the Council, Cabinet, a committee or sub-committees or task groups as the case may be
Member	In relation to the Council, an elected Councillor; in relation to any other body, a person appointed as a member of that body, whether or not entitled to vote

Monitoring Officer	The officer appointed by the Council in accordance with Section 5 of the Local Government and Housing Act 1989, to promote and maintain high standards of ethical conduct and ensure lawfulness and fairness of decision making or, if they are unable to act owing to absence or illness, the person nominated as their deputy
Overview and Scrutiny Committee	Committee or Committees of the Council established in accordance with Section 21 of the Local Government Act 2000, to assist in the development of policy and to review and scrutinise the decisions made by the Cabinet, committees and council officers (there is currently one Overview and Scrutiny Committee which also acts as the Council's Crime and Disorder Committee)
Personal Explanation	Where something material that was raised by a member in an earlier speech appears to have been misunderstood, a member may be permitted to correct that misunderstanding by way of personal explanation. The ruling of the Chair on the admissibility of a personal explanation will be final.
Political Balance Rules	As defined in the Local Government and Housing Act 1989 relating to proportional representation of political groups; on committees, sub-committees and certain other bodies
Political Groups	Any two or more councillors notifying the Monitoring Officer in the appropriate form is considered a political group for the purpose of seat allocation
Portfolio Holder	A Cabinet Member with a specific and detailed area of responsibility, and who may be delegated to take executive decisions
Proper Officer	An officer, appointed in accordance with the terms of Section 270(3) of the Local Government Act 1972, to carry out specified actions of the performance of certain specified duties on behalf of the Council
Regulation 3 and Regulation 4 proposals	Means applications made by the County Council themselves for example schools
Regulatory Committee	A committee undertaking quasi-judicial functions of the Council such as Planning or Licensing
Requisition	A document signed by five (5) elected members requesting that the Chair of council calls an extraordinary meeting of council
Task & Finish Group	a small working group of interested elected members who review specific issues of concern to Overview and Scrutiny in depth
The 1972 Act	The Local Government Act 1972
The 1989 Act	The Local Government and Housing Act 1989
The 2000 Act	The Local Government Act 2000
The 2007 Act	The Local Government and Public Involvement in Health Act 2007
Vice-Chair	The person appointed to preside in the absence of the Chair, at meetings of any properly constituted body

## Part I: Summary

### IA Summary and Explanation

- IA.1 West Oxfordshire District Council ('the Council') is the local authority for the administrative area of the West Oxfordshire, which comprises an area of around 714 km<sup>2</sup> within Oxfordshire. The district has a population of approximately 109,800.
- IA.2 The Council operates a Leader and Cabinet structure.
- IA.3 This constitution sets out the processes and procedures of how West Oxfordshire District Council will govern itself and make decisions.
- IA.4 The Council seeks to be cost effective and efficient in its operation and in delivering services, ensuring that it is open and transparent and accountable for its actions.
- IA.5 The Council appoints the Leader of Council, who may then appoint up to nine cabinet members to form a cabinet. The functions for which the Cabinet will be responsible are identified in [Part 3D](#). It is responsible for most decisions that affect the day-to-day operations of the Council.
- IA.6 The Development Control, Uplands, Lowlands Licensing Committees will undertake the regulatory functions of the Council relating to determining planning applications and applications for public licences, e.g. caravan sites, gambling, liquor and public entertainment licenses, hackney carriages, etc. Meetings of all committees will be in public except where personal or confidential information is to be discussed.
- IA.7 The Council has also appointed three Strategic Overview and Scrutiny Committees that supports the work of the Cabinet and the Council as a whole. The Strategic Overview and Scrutiny Committees may be consulted by the Cabinet on forthcoming decisions and on the development of policies. The Strategic Overview and Scrutiny Committees will allow citizens to have a greater say in Council matters by holding inquiries into matters of local concern, which can lead to reports and recommendations which advise the Cabinet and the Council. The Strategic Overview and Scrutiny Committees are able to 'call-in' certain categories of decisions made by the Cabinet but not yet implemented, and may recommend that the Cabinet reconsiders the relevant decision.
- IA.8 Citizens, without prejudice to other legal rights and remedies, may complain to the local government and social care ombudsman if they believe that the Council has not followed the procedures or processes properly, or to the Monitoring Officer if they believe that there is evidence which shows that a councillor has not followed the members' code of conduct. The Council has adopted a customer feedback process that enables the citizen to seek remedies locally before referring the matter to the ombudsman.
- IA.9 This document comprising the constitution contains mandatory provisions required by central government and other relevant provisions, which have been modified to suit the circumstances relating to the Council.

## **IB The Constitution**

**IB.1** This constitution, and all its appendices, is the **CONSTITUTION OF WEST OXFORDSHIRE DISTRICT COUNCIL**.

**IB.2** The Council will exercise its powers and duties in accordance with the law and this constitution. The constitution has and will continue to evolve and where the constitution permits the Council to choose between different courses of action it will always choose that option which it thinks is closest to the purposes stated below. The Council will monitor and evaluate the operation of the constitution.

**IB.3** The purpose of the constitution is to:

- enable the Council to provide clear leadership to the community in partnership with its members of the public, business and other organisations;
- confirm that its powers and duties will be exercised in accordance with law and with the procedures and processes of the constitution;
- enable members of the public to understand how the Council operates and support the active involvement of the community in the process of local authority decision-making;
- help members represent their constituents 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 identifiable to local people and that the decision-makers explain the reasons for the decisions; and
- provide a means of improving the delivery of services to the community including the speed and efficiency of the decision making process.

**IB.4** This document also details how the organisation known as West Oxfordshire District Council is composed, how it is structured, the functions it discharges, how it discharges those functions, the responsibilities of members and officers and the rights, liabilities and obligations of the community, members and officers.

**IB.5** The constitution is divided into parts covering themes

### **IB.6 Review and revision of the constitution**

A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the constitution, and to make recommendations for ways it could be improved and enhanced in order to better achieve the purposes of the constitution. They may:

- a) Observe meetings of members (other than political group meetings) and officers.
- b) Undertake an audit trail of a sample of decisions.
- c) Record and analyse issues raised with them by members, officers, the public and other relevant stakeholders.
- d) Compare practices in this authority with those adopted by other authorities, or national examples of best practice.

## **IB.7 Changes to the constitution**

**Approval:** Only Full Council may approve changes to the constitution (save for those identified in this Constitution as not requiring such approval) after consideration of the proposal by the Chief Executive in consultation with the Monitoring Officer.

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

**Minor corrections and amendments:** Where the changes to the constitution do not affect the substance of the content but identify changes in titles, responsibilities, typing or grammatical corrections, these may be undertaken by the Monitoring Officer and reported to all members.

## **IB.8 Suspension, interpretation and publication of the constitution**

### **a) Suspension of the constitution:**

**Limit to suspension:** The rules of procedure contained in this Constitution may only be suspended to the extent as detailed herein and within the law.

**Procedure to suspend:** A motion to suspend any rule of procedure or matter falling within this constitution 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 will be proportionate to the result to be achieved and in accordance with the purposes of the constitution.

**Rules capable of suspension:** 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 interest, disturbances by the public and notices of motions;
- financial procedure rules

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

### **b) Interpretation**

The ruling of the Chair of the Council as to the construction or application of this constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this constitution.

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



Any dispute as to the operation or interpretation of the Constitution should be referred in the first instance to the Chief Executive, the Chief Finance Officer, or the Monitoring Officer, who together will try to resolve the dispute between the parties involved. In the event that they are unable to reach a resolution satisfactory to the parties involved, and if they are satisfied that a genuine issue of operation or interpretation of the Constitution exists, they will report on the issue to the Council (if necessary convening a Special Meeting for the purpose) who will resolve the dispute.

#### **c) Publication**

The Chief Executive will ensure access to this constitution for each member of the authority and will identify where this constitution can be accessed upon delivery to them of an individual member's declaration of acceptance of office on the member being first elected to the Council.

### **IC Members of West Oxfordshire District Council**

- IC.1 The Council is made up of 49 elected members. 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 [website](#).
- IC.2 Persons who may be elected to the Council need not be a member of any political party but must satisfy the eligibility criteria of the Local Government Act 1972 as amended. It is also possible that persons may be co-opted to sit on the Council committees in special circumstances.
- IC.3 The ordinary election of a third (or as near as may be) of all Councillors will be held on the first Thursday in May in each year, except that in 2017 and every fourth year after there will be no regular election.
- IC.4 The term of office of all Councillors elected at a regular, May election will be four years starting on the fourth day after being elected and finishing on the fourth day after the date of the regular election four years later.

#### **IC.5 Key roles of members**

- Collectively to be the ultimate policy-makers
- Effectively represent their communities and bring their views into the Council's decision making process.
- Provide community leadership.
- Contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making.
- Deal with individual casework and respond to enquiries and representations fairly and impartially and act as an advocate for individual constituents in helping to resolve particular concerns or grievances.

- Balance different interests identified within the ward and represent the ward as a whole, responding to their constituents' enquiries and representations, fairly and impartially.
- Be involved in decision making having regard to the best interests of the whole community represented by the West Oxfordshire District Council.
- Be available to represent the Council on other bodies.
- Maintain the highest standards of conduct and ethics in undertaking their roles and to promote the reputation of the Council in all their actions.

#### **IC.6 Rights and duties of members**

- Members will have such 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.
- Members will not make public information that is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a member or officer entitled to know it.
- For these purposes, 'confidential' and 'exempt' information is defined in the access to information rules in [Part 5F](#) of this constitution.
- The Members will be entitled to receive training and development to enable them to better perform their roles in the Council and in the community. Members of regulatory committees, are required to undergo appropriate training in the specific discipline relevant to the committee before they can take part in deciding any application.
- Members will have the impartial support and advice from all officers of the Council but will not be able to direct the officers' actions or decisions save those directions to officers arising from Council, the Cabinet or committee decisions.

#### **IC.7 Members and political groups**

- The Council has adopted a political groups' scheme and members may align themselves with a political group that will then be used for the allocation of seats on committees.
- Each political group will appoint a leader of the group.
- The political groups may appoint spokespersons on any theme, interest or committee who will be the media contact person if there is a request for a comment on any policy issue from the political group.

#### **IC.8 Allowances**

Councillors will be entitled to receive an allowance in accordance with the [Members' Allowance Scheme](#).

#### **ID Officers of West Oxfordshire District Council**

- ID.1** 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 2025, Publica will become the main responsible body for the employment of staff.

**ID.2** 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.

**ID.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.

**ID.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.

**ID.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.

#### **ID.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, Strategic 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).

## **IE The Public and the Council**

### **IE.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.

### **IE.2 Information**

Members of the public have the right to:

- (i) Attend meetings of the Council and its committees and subcommittees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private.
- (ii) Attend meetings of the Cabinet except where confidential, exempt information is likely to be disclosed, and the meeting is therefore held in private
- (iii) Be made aware through the Cabinet Work Plan what and when key decisions will be considered by the Cabinet.
- (iv) See reports and background papers, and any records of decisions made by the Council, the Cabinet and any Committees.
- (v) Obtain a copy of the constitution
- (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 and Cabinet

### **IE.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.

### **IE.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

## **IE.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](#).

## **IE.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.

**Part 2: Articles of the Constitution**

## **Article I – The Council**

### **I.1 Functions of the full Council**

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

### **I.2 Council meetings**

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

### **I.3 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 Cabinet.



## **Article 2 – Chairing the Council**

### **2.1 Role and function of the Chair of the Council**

The Chair and vice-Chair of the Council will be elected by the Council annually. The Chair, and, in their absence, the Vice-Chair will have the following roles and functions:

- to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
- 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;
- 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 Cabinet are able to hold the Cabinet to account;
- to promote public involvement in the Council's activities;
- to be the independent conscience of the Council; and
- to attend such civic and ceremonial functions as the Council and they determine appropriate

### **2.2 Non-Eligibility for membership of the Cabinet**

Neither the Chair nor the vice-Chair can be a member of the Cabinet.

## Article 3 – Overview and Scrutiny Committees

### 3.1 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	<p>Policies and strategies of the Council and other bodies which affect the economic and social well-being of the district and its residents</p> <p>The provision of services by the Council and other bodies which affect the economic and social well-being of the district and its residents</p> <p>Scrutiny of crime and disorder partnerships imposed by Sections 19 and 21 of the Police and Justice Act 2006</p>
Environment	<p>Policies and strategies of the Council and other bodies which affect the environmental well-being of the district and its residents</p> <p>The provision of services by the Council and other bodies which affect the environmental well-being of the district and its residents</p>
Finance & Management	<p>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.</p>

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.

### 3.2 General Role

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

### 3.3 Annual Report

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

### 3.4 Proceedings of Overview and Scrutiny Committees

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

### **3.5 Power to co-opt people onto the Committee**

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

## **Article 4 – The Cabinet**

### **4.1 Role**

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

### **4.2 Form and composition**

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

### **4.3 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 are no longer a Councillor; or
- (iii) they are removed from office by resolution of the Council.

### **4.4 Other Cabinet Members**

Only Councillors may be appointed to the Cabinet. There may be no co-optees and no deputies or substitutes for Cabinet members. Neither the Chair nor vice Chair of the Council may be appointed to the Cabinet and members of the Cabinet (including the leader) may not be members of an Overview and Scrutiny Committee or act as Chairs or Regulatory Committees.

Other Cabinet members shall be appointed annually by the leader 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 working days after receipt of the notice by the proper officer.

### **4.5 Members of the Council who are not on the Cabinet**

Members of the Council who are not on the Cabinet may attend meetings of the Cabinet. At the discretion of the Cabinet they may join in debates, but may not vote.

### **4.6 Proceedings of the Cabinet**

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

#### **4.7 Responsibility for functions**

The Leader will maintain a list in [Part 3D](#) of this Constitution setting out which individual members of the Cabinet, Committees of the Cabinet, officers or joint arrangements are responsible for the exercise of particular Cabinet functions.

## **Article 5 – Regulatory and Other Committees**

The Council will appoint the Committees and sub-Committees set out in [Part 3](#) of this Constitution.

### **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 and the rules relating to political balance.

Members of the Council wishing to serve on the Development Control Committee or an Area Planning Sub-Committee, including as a substitute member, are required to attend planning induction training prior to participating in a Development Control or Area Planning Sub-Committee meeting where planning decisions are taken.

All members of the Development Control Committee and Area Planning Sub-Committees 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.

Members of the Council wishing to serve on a Licensing Panel are required to attend Licensing training prior to participating in a meeting of the Panel.

Members of the Licensing Panel are also required to attend any update training as may be identified by the Senior Officer with responsibility for Licensing. Failure to attend update training may result in the member being removed from the Panel.

## Article 6 – Area Committees

### 6.1 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.

### 6.2 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 Cabinet.

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

The Council and the Cabinet 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 Cabinet and which are not, the composition and membership of the Committees, budgets and any limitations on delegation.

### 6.3 Conflicts of interest – membership of area Committees and Overview and Scrutiny Committees

**6.3.1 Conflict of Interest** – If an 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.

### 6.4 Area Committees – access to information

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

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

**6.5 Cabinet members on area Committees**

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



## **Article 7 – Joint Arrangements**

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.

## **Article 8 – Decision Making**

### **8.1 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.

### **8.2 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 Cabinet (both collectively and by individual members of the Cabinet), 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 Cabinet, or a member of the Cabinet, 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.

### 8.3 Types of decision

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

#### 8.3.2 Key decisions –

- (i) A “key decision” means a Cabinet 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.
- (ii) A decision shall be regarded as financially significant if it is a decision which either commits the Council to more than £50,000 in expenditure or would result in savings greater than £50,000.
- (iii) 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 may only be taken in accordance with the requirements of the Cabinet Procedure Rules set out in [Part 5B](#) and the Access to Information Procedure Rules, set out in [Part 5F](#).

8.3.3 **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.

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

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

8.3.6 **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.

- 8.3.7 **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.

## **Article 9 – Finance, Contracts and Legal Matters**

### **9.1 Financial Management**

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

### **9.2 Contracts**

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

### **9.3 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.

### **9.4 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 a Cabinet 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.

### **9.5 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 Council.

## Part 3: Responsibility for Functions, Key Decisions and Cabinet Work Plan

### 3A Principles of Decision Making

3A1. All decisions will be made in line with the Budget and Policy Framework and in accordance with the following principles:

- consideration of all relevant information
- compliance with finance, contract, and all other procedure rules
- ensure proper advice is taken and considered before decisions are reached
- where appropriate, consult with stakeholders and consider their responses before decisions are reached
- impartiality and an absence of bias or pre-determination
- any interests are properly declared
- decisions are properly recorded and published
- decisions are proportionate to the desired outcome
- respect for human rights
- equality impacts assessments are undertaken and considered
- climate change impacts are fully assessed and understood before decisions are made
- approach decision making on a transparent and open basis and decisions will be taken in a public forum wherever possible.
- consideration of alternative options
- reasons are given for decisions

3A2. The Council has arranged for some of its functions to be carried out by officers employed by Publica Group (Support) Limited, which is a company operated by the Council in partnership with Forest of Dean District Council, Cheltenham Borough Council and Cotswold District Council. Where it is necessary for delegated functions to be carried out by the Council, these will be delegated to officers who have a joint contract of employment with the Council. A “joint contract” is a contract of employment for Officers employed to undertake functions by both Publica and West Oxfordshire District Council.

The Council has also arranged for some of its functions to be carried out by the South West Audit Partnership and Counter Fraud Unit employed by Cotswold District Council. In cases where any of those functions need to be carried out by the Council a similar process in relation to the use of a joint employment contract will be utilised.

### 3A.3 Introduction

The Council consists of several distinct elements which are allocated certain functions by law. The most important elements are:

- Council (all councillors)
- Committees (undertaking specific functions delegated by Council / specified in law)
- The Executive (Leader and Cabinet)

These are the primary decision-making bodies within the Council, and they exercise different powers and functions. To assist the efficient working of the Council these bodies have delegated some of their functions to other parts of the Council including Sub-Committees and Officers.

- 3A.4 This part of the Constitution describes the way in which the Council's powers and functions are distributed amongst the various parts of the Council and who may lawfully exercise those powers within any limits or in accordance with any conditions.
- 3A.5 The law provides a framework under which functions:
- must not be the responsibility of the Cabinet – Non-Executive or Council Functions (see part 3B)
  - may or may not be the responsibility of the Cabinet – Local Choice Functions
  - must be the responsibility of the Cabinet – Cabinet functions (see part 3D)
- 3A.6 Functions which are not the responsibility of the Cabinet (called 'non-Executive Functions') are the responsibility of Council, Committees (and Sub-Committees) or Officers (exercising non-Executive Functions) Delegation of non-Executive Functions is set out in:
- [Part 3B 'Council Functions'](#),
  - [Part 3C 'Committee Functions'](#) and
  - [Part 4 'Officer Non-Executive Functions'](#).
- 3A.7 Functions which are the responsibility of the Cabinet (called "Executive Functions") may be delegated by the Leader of the Council to a Committee of the Cabinet, an individual Cabinet Member or an Officer. Executive Functions may also be delegated to another local authority or exercised jointly through a joint committee or Officer of another authority. The delegation of Executive Functions is set out in Part 3D 'Executive Functions' below.
- 3A.8 Any reference in this Part 3 of the Constitution to any Function, and any delegation of power includes all action associated with that Function or power and all related enforcement actions.

### **Key Decisions and Cabinet Work Programme**

#### **3A9. Key Decisions**

A Key Decision is a Cabinet decision that is likely to:

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

- 3A10. The Council has decided that something is financially significant for these purposes if it is a Cabinet decision which requires a budget expenditure of £50,000 or more or generates savings of £50,000 or more.
- 3A11. Key Decisions shall only be taken by Cabinet, unless such a decision has been specifically delegated by the Leader to a Cabinet Member or an Officer or unless the Leader, Chief Executive (or, in their absence or where they are unable to act, the Deputy Chief Executive) is making an urgent decision (as set out in the Council Procedure Rules).
- 3A12. The Chief Executive will decide whether a decision will have a significant impact on two or more wards.
- 3A13. A decision-taker may only make a Key Decision in accordance with the requirements of the [Access to Information rules](#).
- 3A14. It is for the Chief Executive to decide which decisions are Key, subject to guidance from the Monitoring Officer who may require that a decision be treated as a Key Decision.
- 3A15. In considering whether a decision is likely to be 'significant', the decision-maker should consider the strategic nature of the decision and whether the outcome will have an impact, for better or worse, on the amenity of a community or quality of service provided by the council to a significant number of people living or working in the locality affected. The following should be considered:
- the effect on businesses and communities
  - the expectation of the public and councillors as to whether the decision should be taken by the Cabinet
  - the anticipated interest of the public and of councillors
  - the effect on other council services and functions

**3A16. Cabinet Work Plan**

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 say that the Council must publish a notice containing information about any key executive decision which will be taken. This must be published 28 calendar days before the date of the decision and must contain information about any executive decision which will be taken by the Cabinet or an individual member of Cabinet in private session. The Cabinet Work Plan enables elected members, members of the public and the Scrutiny committees to consider which items they wish to examine and consider in good time before they are determined.

**3A17. The plan includes details of:**

- items to be debated by the Cabinet which relate to policy or budget formulation
- items which will be subject to a recommendation to Council
- other matters to be considered by the Cabinet (when known)
- the names and responsibilities of current members of the Cabinet



- 3A18. The Cabinet Work Plan is updated and published as a minimum monthly and covers all decisions proposed to be made by the Council, Cabinet, individual Cabinet members and Key Decisions made by officers within the following four months. In order to promote transparency of decision making it will also include details of any decisions that may be made within the next 12 months. Not all decisions will be known four months in advance and so advance notice of decisions will be included as soon as they become known
- 3A19. There is also a requirement to publish details at least 28 calendar days in advance of any meeting if there is an intention to consider in private a Key Decision or any other executive decision - even if not a Key Decision. Both these requirements are achieved through the Cabinet Work Plan
- 3A20. There may be occasions where it has not been possible to give notice of a Key Decision. When this occurs the following process must be followed:
- At least five clear working days before the decision is to be made the Monitoring Officer must inform (by written notice) the Chair of the Finance and Management Overview & Scrutiny Committee. A copy of the notice shall also be provided to the Chair of the Economic and Social and Environment Overview and Scrutiny Committee Chairs.
  - A copy of the notice must be placed on the website and made available for public inspection.
  - The Monitoring Officer will prepare and publish a notice on the website setting out the reasons why the item did not appear on the Cabinet Work Plan.
- 3A21. In accordance with Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, if less than five clear working days' notice of a Key Decision has to be given, or if an item has not appeared on the Cabinet Work Plan and a decision needs to be taken before the next edition of the Cabinet Work Plan is published, then the agreement of the Chair of the Finance and Management Overview & Scrutiny Committee (or, in their absence, the Vice-Chair of Finance and Management Overview & Scrutiny) that the making of the decision is urgent and cannot reasonably be deferred must be obtained in writing before the decision can be made. Their views must be included in the report alongside the explanation as to why the matter is urgent, why it cannot await the next edition of the Cabinet Work Plan and why it missed the last edition of the Cabinet Work Plan.
- 3A22. In either case, the Chair of the Finance and Management Overview & Scrutiny Committee must report on such consultations/agreements at the next meeting of Finance and Management Overview & Scrutiny committee.

### Call-in

- 3A23. Call-in is the process which enables scrutiny to call-in a Key Decision to revisit it and delay its implementation. The process is intended to be used in exceptional circumstances for decision which are believed to be contrary to the Council's decision making principles. More information regarding call-in can be found in Part 5 of the Constitution, Overview and Scrutiny Procedure Rules.

3A24. As call-in delays the implementation of a decision there may be occasions, for example where it is necessary to protect the interest of the Council or public, where it is necessary to state in advance that call-in will not apply. In such circumstances the following process will apply:

- the Monitoring Officer will discuss the reasons for not applying the call-in rules with the Chair of the Finance and Management Overview and Scrutiny Committee
- the decision making report will include details of the fact that the decision will not be subject to the rules of call-in and the views of the Chair of the Finance and Management Overview and Scrutiny Committee

### 3B Council Functions

The functions which may only be exercised by the Council are set out in the table below:

Council Functions	
1.	Determine which plans, strategies and policies shall comprise the Council's Policy Framework and from time to time approve, adopt and amend those plans, strategies and policies.
2.	Determine and amend the Council's Budget.
3.	Approve a departure from the approved Policy Framework and / or the approved Budget.
4.	Appoint and remove the Leader.
5	Change the executive arrangements of the Council.
.6	Establish, abolish, and decide the terms of reference and the composition of Council, Committees and make appointments including co-opted members to them and other non-Executive bodies.
7.	Make and amend Procedural Rules, Financial Rules and Contract Rules.
8.	Change the name of the District or a parish.
9.	Elect a Council Chair and Vice-Chair
10	Promote or oppose parliamentary or private members bills
11.	Where it is the function of the Council, divide Parliamentary Constituencies and local government electoral divisions into polling districts.
12.	Appoint an Electoral Registration Officer and Returning Officer for local government elections.
13.	Make, amend, revoke, or re-enact by-laws.
14.	Fill Council or Parish Council vacancies in the event of insufficient nominations.

15.	Change ordinary year of election of parish councillors.
16.	Confirm the appointment of the Head of Paid Service (Chief Executive) and designate officers as the Monitoring Officer and the S151 Officer.
17.	Make a scheme for the payment of allowances to Members and determine the amount of all allowances payable to Members of the Council.
18.	Establish and abolish Joint Committees (in respect of non-Executive functions).
19.	Approve the Pay Policy Statement.
20.	In addition to annual approval of appointments to outside bodies, to appoint or nominate individuals to outside bodies in respect of non-Executive Functions and revoke or withdraw such appointment or nomination where there is no Group Leader consensus on the decision to be taken.
21.	Adopt or amend the Code of Members' Conduct and the Arrangements for investigating allegations
22.	Receive and consider statutory reports from the Head of Paid Service, the Section 151 Officer, and the Monitoring Officer.
23.	Authorise virements from the Council's approved Annual Revenue and Capital Budgets in excess of £150,000.
24.	Certain functions of local authorities are classified as "Local Choice" functions under the Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) Regulations 2000, Schedule 2. The Council can decide which of these decisions should be taken by the Full Council and which should be taken by the Cabinet.
25.	Approval and allocation of the Council's annual borrowing limit
26.	The power to submit proposals to the Secretary of State for an Order under Section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000
27.	Any resolution for whole Council elections
28.	Any change in the name of electoral areas

29.	Any decision as to whether a casino should be in the District
30.	To undertake the function of Trustee in respect of all Trusts held by the Council (where applicable)
31.	Make changes to the Constitution (other than minor amendments which are delegated to the Monitoring Officer or any protocol which falls within the Terms of Reference of any Committee)
32.	Delegating functions to other local authorities and deciding whether to accept such a delegation from another authority
33.	Set the Council Tax
34.	Approving the acquisition or disposal of land or property outside of the Council's Recovery Investment Strategy over £1,000,000.
35.	Approving the acquisition or disposal of land and property made under the Council's Recovery Investment Strategy over £3,000,000
36.	All other matters which by law must be reserved to the Council

### 3B2. Policy Framework

The policy framework comprises the following plans and strategies:

- [Council Plan](#)
- [Community Safety Plan](#)
- Plans and strategies which together comprise the Development Plan (the [West Oxfordshire District Local Plan](#) and the Council's input into the Oxfordshire County Structure Plan)
- [Pay Policy](#)
- Licensing Policy Statements (Licensing Act 2003 and [Gambling Act 2005](#))
- [Budget](#), which includes:
  - [The Medium-Term Financial Strategy](#)
  - Capital Programme
  - Setting the Council Tax
  - Decisions relating to the control of the Council's borrowing requirements, the control of its capital expenditure and the setting of virement limits
  - The Capital, Treasury Management and Investment Strategies

### 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, however the Council currently operates a model of three Overview and Scrutiny Committees which cover the following areas:
- Finance and Management
  - 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	
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"><li>- To review and scrutinise decisions</li><li>- To make reports and recommendations to Council or Cabinet in relation to the discharge of any functions</li><li>- To make reports and recommendations to Council or Cabinet on matters which effect the Council's area or its residents</li></ul>
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 Task and Finish Group

4	Review the operation of the scrutiny process and work programmes of the Overview & Scrutiny Sub Committees and Task and Finish 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 Cabinet collectively or by individual Cabinet 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 Cabinet 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 Cabinet 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 Cabinet 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 Cabinet 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
21	<p>To consider reports on the Council's Treasury Management function including:</p> <ul style="list-style-type: none"> <li>• Recommending the Treasury Management Strategy to Council</li> <li>• Recommending the half-year and outturn Treasury Management performance reports to Council</li> </ul> <p>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</p>
	<b>Powers</b>
22	<p>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.</p> <p>To review any issues referred to it by the Chief Executive, other Statutory Officer, or any other Council body; and,</p> <p>The power to call expert witnesses from outside the Council to give advice on matters under review or discussion.</p>



## Development Control Committee and Uplands and Lowlands Committees

The Council separates its Planning decision making into four areas;

- decisions which 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 Uplands and Lowlands Committees as appropriate but are also exercisable by the Development Control Committee

1	To determine planning applications, 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 together with the Upland and Lowlands Sub-Committees 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"> <li>• 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</li> <li>• 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</li> </ul>

	restricted posts) for householder development.
5	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Applications which involve an agreement under S.106 of the Town &amp; 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</li> <li>• Applications which are accompanied by an Environmental Statement.</li> <li>• 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</li> </ul>
6	To make recommendations to the Cabinet on the budget for the Committee.
7	To make recommendations to Full Council in terms of the level of delegation to Officers.

### 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"> <li>• Licensing Policy Statement - Licensing Act 2003</li> <li>• Gambling Policy - Statement of Principles - Gambling Act 2005.</li> </ul>
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.

### Licensing Panel (Licensing Act 2003)

1	To determine applications where representations are made, or to determine a review application.
2	To review a personal licence.

### Licensing Sub Committee (Taxi, Private Hire and Street Trading)

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.

### Audit and Governance Committee

#### Governance, risk and control

1	<p>Monitor the adequacy and effectiveness of the Council's governance arrangements including:</p> <ul style="list-style-type: none"> <li>Monitoring the effectiveness of the Chief Finance Officer's responsibility for ensuring an adequate internal control environment;</li> <li>To approve the Risk Management Policy Statement and monitor its operation;</li> <li>Monitoring the arrangements for the identification, monitoring and control of strategic and operational risk within the Council;</li> <li>Monitoring the adequacy and effectiveness of the arrangements in place for combating fraud and corruption;</li> <li>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;</li> <li>Reviewing and approving the annual Statement of Accounts, Annual Governance</li> </ul>
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	<p>Statement and its associated assurance framework;</p> <ul style="list-style-type: none"> <li>• Considering the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements;</li> <li>• Ensuring that Internal Audit has the right of independent access to the Committee and its Chair;</li> <li>• Reviewing and monitoring treasury management arrangements in accordance with the CIPFA Treasury Management Code of Practice;</li> <li>• Considering and advising changes to the Council's Constitution in respect of Contract Standing Orders and Financial Regulations;</li> <li>• 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;</li> <li>• Formulating and keeping under review the Council's 'whistle-blowing' policy;</li> <li>• Formulating and keeping under review the Council's arrangements for handling complaints and investigations by the Local Government Ombudsman, and</li> <li>• 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</li> </ul>
<b>Ethics and Behaviours</b>	
2	<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"> <li>• To monitor the operation of the Code of Conduct for Members;</li> <li>• To advise the Council on any amendment or revision of the Code;</li> <li>• To secure adequate and appropriate training of Councillors and co-opted Members on the Code of Conduct for Members;</li> <li>• 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</li> <li>• To give general guidance and advice to Councillors and employees on gifts and hospitality</li> </ul>
<b>External Audit</b>	

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"> <li>• Considering the appointment, nature and scope of the external audit of the Council's services and functions;</li> <li>• Receiving and considering all external audit reports including the annual plan, annual audit letter and governance report; and</li> <li>• Monitoring management's response to the external auditor's findings and the implementation of external audit recommendations.</li> </ul>
<b>Internal Audit</b>	
4	<p>Monitor the adequacy and effectiveness of the Internal Audit service. Specifically:</p> <ul style="list-style-type: none"> <li>• Approving the Internal Audit Charter;</li> <li>• Approving the annual risk based Internal Audit Plan;</li> <li>• 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;</li> <li>• Receiving and considering major Internal Audit findings and recommendations;</li> <li>• Monitoring management's response to Internal Audit findings and the implementation of the recommendations;</li> <li>• Making appropriate enquiries of management and the Chief Internal Auditor to determine whether there are inappropriate scope and resource limitations;</li> <li>• Agreeing the scope and form of the external assessment as part of the quality assurance and improvement plan;</li> <li>• Receiving the results of internal and external assessments of the quality assurance and improvement programme, including areas of non-conformance with professional standards; and</li> <li>• 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.</li> </ul>
<b>Powers</b>	
5	<ul style="list-style-type: none"> <li>• 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;</li> <li>• To review any issues referred to it by the Chief Executive, other statutory officer or any Council body; and</li> <li>• The power to call expert witnesses from outside the Council to give advice on matters under review or discussion.</li> </ul>

Standards Sub-Committee	
1	<p>The Audit and Governance Committee have the power to establish a Standards Sub-Committee to deal all matters relating to standards and ethics and to sit in the capacity of a hearing panel to, in conjunction with the Independent Person, to hear allegations that Members have failed to comply with the Member's Code of Conduct. Specifically to:</p> <ul style="list-style-type: none"> <li>● Assess and review allegations of Member misconduct; and</li> <li>● Determine allegations of Member misconduct</li> <li>● Agree sanctions is appropriate.</li> </ul>

Performance & Appointments Committee (Statutory Officers)	
1	To recommend the appointment of the Chief Executive, Deputy Chief Executive, (Section 151 Officer if not the Deputy Chief Executive) 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 Council or statutory procedures (Members must be trained to carry out this role).
5	To suspend the Chief Executive and Statutory Officers whilst an investigation takes place into alleged misconduct.
6	To conduct appraisals of the Chief Executive (N.B. For this purpose, the Leader of the Council, in consultation with the other Panel Members, will select an Appraisal Panel of four Members, to include one other Group Leader).
7	To manage and consider any disciplinary and/or capability and any grievance matters arising in relation to the Statutory Officers
8	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.

9	<p>In respect of Statutory Officers to:</p> <ul style="list-style-type: none"> <li>(a) decide whether the issues requires no formal action or</li> <li>(b) whether the issue should be referred to an Independent Person</li> <li>(c) be responsible for the appointment and terms of reference of the Independent Person</li> <li>(d) receive and consider the report of the Independent Person</li> <li>(e) hold a capability or disciplinary hearing</li> </ul> <p>Following receipt of any Independent Person 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. Council must approve any dismissal of Statutory Officers.</p>
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### Urgency Committee

1	Following a recommendation from the Chief Executive (or in his absence the Deputy Chief Executive) to deal with matters where an urgent decision is required to discharge any Council function other than those required by statute to be taken by the Executive or the Council itself.
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### Emergency Decisions

1	<p>The Chief Executive, in consultation with the Chief Finance Officer and/or the Monitoring Officer as appropriate, may take any necessary decision in cases of emergency.</p> <p><i>(Emergency shall mean any situation in which the officer believes that failure to act would seriously prejudice the Council's or the public's interests. Such interests are to be interpreted widely and include (but are not limited to) the risk of damage to property or threat to the health or wellbeing of an individual; and also the power to commence or defend legal proceedings in any court or tribunal)</i></p> <p>Any decision under the above provisions shall be recorded and published, and reported to Council, Cabinet or the appropriate Committee or Sub-Committee, such report to include the reasons that the powers needed to be used.</p>
2	The Chief Executive, in consultation with the Chief Finance Officer and/or the Monitoring Officer as appropriate, to take a decision in relation to any function of the Cabinet or of a Committee or Sub-Committee where the matter is urgent and cannot reasonably await the next meeting of that body, and subject also to consultation with the Leader or in their absence the Deputy Leader of the Council; or with the Chair or in their absence the Vice Chair of the Committee or Sub-Committee, as the case may be

	Any decision under the above provisions shall be recorded and published, and reported to Council, Cabinet or the appropriate Committee or Sub-Committee, such report to include the reasons that the powers needed to be used.
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Working Groups	
1	Working Groups may be formed by the Cabinet, Cabinet 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.



### **3D Cabinet Functions**

3D1. The Council operates a Leader and Cabinet form of Executive and the Leader of the Council specifies how the functions of the Executive (known as 'Executive Functions') will be carried out. All functions of the Council that are not reserved by law as Non-Executive (see Part 3C above), are Executive functions. Except where the law otherwise provides, it is at the Leader's discretion to determine how decision-making in relation to Executive functions will be exercised. All "Local Choice" functions (ie those specified in regulations under section 13(3)(b)) of the Local Government Act 2000) are Executive functions.

3D2. The Leader may discharge any Executive functions directly or may arrange for the discharge of those functions by:

- the Cabinet
- a Cabinet Committee
- an individual member of the Cabinet (Cabinet Member)
- an officer of the Council
- another local authority
- jointly with another local authority through a joint committee or Officer

3D3. The Cabinet undertakes all Executive functions including:

- (a) proposing plans and strategies, including the overall Budget, the Policy Framework, changes to the Constitution and arrangements for the good governance of the authority, to Council to approve and adopt
- (b) publishing in the Cabinet Work Plan all decisions by Cabinet, individual Cabinet members and Key Decisions made by officers
- (c) establishing committees to discharge specific Executive functions, or establishing working groups or panels to review or advise on specific issues
- (d) representing the Council locally, nationally, and international
- (e) attending meetings of the Overview & Scrutiny committee and any Task and Finish Groups when required to do so.
- (f) agreeing the acquisition and disposal of property (within limits set out in the Financial Rules and the Acquisition and Disposal Policy) and the management of the Council's land holdings
- (g) proposing acquisition or disposal of land and property to Council where the financial implications exceed the threshold delegated to the Cabinet
- (h) exercising the powers and duties of the Council in respect of leisure, museums, consumer protection and environmental health
- (i) acting as waste collection authority
- (j) agreeing protocols for consultation and relations with outside bodies

### **3D4. Delegations**

The Leader has exercised the power of delegation in the manner set out below. A reference to 'Cabinet Member' means a Cabinet Member acting in portfolio and reference to 'Officer' means Chief Executive, Deputy Chief Executive, or designated senior Publica employee, when acting as an employee of West Oxfordshire District Council.

- 3D5. The Leader has directed that the Executive Functions delegated to Cabinet Members shall not be sub-delegated to Officers without prior consent.
- 3D6. Each person or body to whom an Executive Function is delegated shall be empowered to take any step for the purposes of or in connection with the discharge of the Function and may do anything incidental or conducive to discharge of the Function or do anything expedient in connection with the discharge of the Function.
- 3D7. The Leader may amend these delegations at any time by giving notice in writing to any person who currently holds the power and any person to whom the power is now to be delegated and to the Proper Officer (in this case the Chief Executive or in their absence or where they are unable to act the Deputy Chief Executive) setting out the change to be made; such amendment to take effect immediately on confirmation of receipt by the Proper Officer. The Proper Officer will ensure that this Part 3 of the Constitution is updated forthwith.
- 3D8. Where an Executive Function has been delegated by the Leader this does not prevent the Leader from exercising that Function.
- 3D9. In the absence of the Leader of the Council the person or persons designated by the Leader and notified by the Leader to the Proper Officer as having responsibility for the Leader's area(s) of responsibility is or are authorised to exercise the functions of the Leader pursuant to the Constitution.
- 3D10. The following delegations are currently in place

Functions	Delegation
<p>The implementation of the approved policy and budget framework, except in relation to those functions identified as Council functions above, including the management, control and supervision of:</p> <ul style="list-style-type: none"> <li>the Council's own financial and property resources</li> <li>housing and Council tax benefit</li> <li>leisure, sports, arts and tourism services</li> <li>housing provision, homelessness and the maintenance of the common waiting list</li> <li>the preparation and review of the Development Plan and other planning policies and procedures</li> <li>environmental health and protection</li> <li>grounds maintenance</li> <li>refuse collection, recycling and amenity cleansing</li> <li>measures to promote the economic, environmental and social well-being of the district</li> <li>measures to promote community safety and reduce drug abuse</li> <li>measures to promote skills training and development</li> </ul>	<p>Functions delegated to the Chief Executive and Officers in accordance with <a href="#">Officer Scheme of Delegation (Part 4)</a></p>

<ul style="list-style-type: none"> <li>• measures in pursuit of the Council's rural issues, anti-poverty, and climate change/environment/sustainability strategies</li> <li>• measures to promote high quality services to the communities of the district</li> </ul>	
<b>Subscriptions and Donations to Voluntary Bodies</b> - to approve the award of grants subject to any grant award not exceeding £1,000	Cabinet Member for Customer Delivery
<b>Discretionary Rate Relief</b> – to grant discretionary rate relief in accordance with the Council's Discretionary Rate Relief policy, except for those decisions already delegated to officers under the Officer Scheme of Delegation (Part 4)	Cabinet Member for Finance
<b>Debt Write-Offs</b> – to approve the writing off of debts, except for those already delegated to officers under the Officer Scheme of Delegation (Part 4)	Cabinet Member for Finance
<b>Sport and Recreation Grants</b> – to determine applications for Sport and Recreation grants which accord with the Council's approved criteria up to a maximum of £3,000 per grant	Cabinet Member for Customer Delivery
<b>Village Hall Grants</b> – to determine applications for Village Halls (Minor Scheme) grants which accord with the Council's approved criteria up to a maximum of £5,000 per grant	Cabinet Member for Customer Delivery
<b>Arts and Sports Achievement / High Achievers Awards</b> - To determine applications for Arts and Sports Achievement Awards and High Achievers Awards which accord with the Council's approved criteria up to a maximum of £300 per grant for the Arts and Sports Achievement Awards and £1,000 per grant for the High Achievers Award	Leader of the Council
<b>Playground Grants</b> - To determine applications for Playground (Revenue) grants which accord with the Council's approved criteria up to a maximum of £2,000 per grant and Playground (Capital) grants up to a maximum of £5,000 per grant	Cabinet Member for Customer Delivery

### **3E Roles and Responsibilities of all Councillors**

Councillors will participate constructively in the good government of the District in the interest of all residents. 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 constituents.

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

#### **DUTIES**

- 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/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 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.

## Part 4: Officer Scheme of Delegation

### Introduction

Council has delegated to committees and officers the exercise of a range of functions set out in the table below (as referred to in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended), which are not the responsibility of the Executive.

When exercising these delegated powers, officers should maintain a close liaison with the relevant committee chair and refer any proposed action to the relevant committee if required by the chair.

Officers may, in turn, authorise other officers to exercise their functions, or escalate the making of those decisions to Chief Executive or Deputy Chief Executive but must ensure that such delegations are documented and are regularly reviewed.

Any manager may exercise any power delegated to an officer for whom they have supervisory responsibility, except those reserved by law to others.

Any Non-Executive function may be exercised by the Chief Executive or the Deputy Chief Executive notwithstanding its delegation to another officer (except those reserved by law to others).

In the absence of the Chief Executive The Deputy Chief Executive is authorised to exercise any functions which are delegated to the Chief Executive Officers (or an officer authorised by them) may act on urgent matters, which would otherwise require reference to, or consultation with Council or a committee, if there is no time for such reference or consultation to be made; relevant committee chairmen should be consulted if time permits. All such decisions should be reported to the next meeting of Council or committee.

Certain Non-Executive decisions taken by officers must be recorded and published, in accordance with The Openness of Local Government Bodies Regulations 2014.

In addition to the specific powers detailed in the tables below all powers necessary and appropriate for the operational discharge of functions, whether mandatory or discretionary are deemed delegated to the Senior Officer(s) with responsibility for discharging that function, or exercising that power, without a specific resolution of Council or Cabinet, unless the legislation requires a positive resolution or a specific procedure to be adopted before the function can be undertaken. Such delegated powers are to be exercised with due professional skill and diligence relevant to the post and are subject to the limitations, if any, set by the relevant committee and budgetary resources. Further, such delegated powers will be exercised in compliance with and consistent with the policy framework adopted by Council and in accordance with law and the principles of this constitution. The Senior Officers will be able to appoint such officers as they consider necessary to assist in the discharge of the functions.

For the avoidance of doubt the role of Head of Paid Service is held by the Chief Executive and the Section 151 Officer is the Chief Finance Officer, who also holds the position of Deputy Chief Executive.

## Statutory and Proper Officers

The council has appointed Proper Officers for the purposes of the statutory provisions set out below. Power to appoint Proper Officers is delegated to the Head of Paid Service (Chief Executive), following consultation with the Monitoring Officer, unless legislation requires the appointment to be made by Council.

The Chief Executive and other senior officers shall be authorised to act as the Proper Officer for the statutory responsibilities which fall within their areas of responsibility set out below:

LOCAL GOVERNMENT ACT 1972		
Section	Purpose	Proper Officer
	Any reference to the Clerk of a council which, by virtue of the Local Government Act 1972, is to be construed as a reference to the Proper Officer of the council	Monitoring Officer
	Any reference to the Treasurer of a council which, by virtue of the Local Government Act 1972, is to be construed as reference to the Proper Officer of the council	Chief Finance Officer
83	Witness and receive declarations of Members' acceptance of office	Monitoring Officer
84	Receive written notice of Members' resignation from office	Chief Executive
88(2)	Convene Council meeting for election to vacant office of Chair	Chief Executive
89(1)(B)	Receive notice of casual vacancy from two local government electors	Chief Executive
100B(2)	Decide on the exclusion of reports and agendas from public inspection	Monitoring Officer
100B(7)(c)	Decide whether copy documents supplied to Members should also be supplied to the press	Monitoring Officer
100C(2)	Produce a written summary of proceedings taken by a committee in private	Monitoring Officer
100D(1)(a)	Compile a list of background papers to a committee report.	Officer in whose name the report is written
100D(5)(a)	Identify background papers that disclose facts or matters on which a report is based	Officer in whose name the report is written
100F(2)	Identify which documents contain exempt information not open to inspection by all Members	Monitoring Officer
115(2)	Receive from Officers any money and property committed to their charge in connection with their office	Chief Finance Officer
151	Responsibility for the administration of the Council's financial affairs.	Chief Finance Officer
191(2)77	Receive applications from Ordnance Survey for assistance in surveying disputed boundaries.	Chief Executive

210(6)-(7)	Exercise residual functions relating to charities.	Chief Finance Officer
225(1)	Receive and retain documents deposited with the Council	Head of Legal Services
229(5)	Certify, for the purpose of any legal proceedings, that a document is a photographic copy of the original	Head of Legal Services
234(1)	Sign public notices, orders and other documents on behalf of the council	Head of Legal Services (generally) and the officers listed in the Scheme of Delegation within their area of responsibility
238	Certification of copy bylaws	Head of Legal Services
Sch.12 Pt I Para.4(2)(b)	Sign and send to all Members of the council the summons to attend meetings of the council	Chief Executive
Sch.12 Pt I Para 4(3)	Receive written notice from a Member of the address to which a summons to the meeting is to be sent	Monitoring Officer
Sch.16 Para 38	Receipt of deposit of lists of protected buildings (Section 2 Planning (Listed Buildings and Conservation Areas) Act 1990	Senior Officer for Planning
Schedule 29, Para.4	Undertake duties at council elections which, under the Representation of the People Acts, are required to be undertaken not by the Returning Officer but by the Proper Officer	Deputy Chief Executive
Sch.29 Pt.I Para.4(1)(b)	Adaptation, modification and amendment of enactments	Head of Legal Services
<b>LOCAL GOVERNMENT ACT 1974</b>		
30(5)	Give public notice of receipt of a Local Government Ombudsman's report	Monitoring Officer
<b>LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976</b>		
41	Certifying copy resolutions and minutes of proceedings	Senior Officer with responsibility for Democratic Services
<b>REPRESENTATION OF THE PEOPLE ACT 1983</b>		
8	Appointment as Electoral Registration Officer	Chief Executive
35	Appointment as Returning Officer	Chief Executive
67(7)(b)	Receive declarations and give public notice of election agents' appointments	Chief Executive
81 and 89	Appropriate officer for the election of councillors	Chief Executive
82(4)	Receive declarations and give public notice of election agents' or candidates' election expenses	Chief Executive

131	Providing accommodation for holding election count	Chief Executive
<b>LOCAL GOVERNMENT FINANCE ACT 1988</b>		
114, 115 and 115B	Responsibility for Chief Financial Officer reports	Chief Finance Officer
116(1)	Notify the external auditor of a meeting (and decisions made at such a meeting) to consider a report from the Chief Financial Officer (under section 114 and 115 above)	Chief Finance Officer
<b>LOCAL GOVERNMENT AND HOUSING ACT 1989</b>		
2(4)	Hold the council's list of politically restricted posts	Monitoring Officer
3A	In consultation with the Monitoring Officer, determine applications for exemption from political restriction or for designation of posts as politically restricted	Chief Executive
4	Designation as Head of Paid Service	Chief Executive
5(1)	Designation as Monitoring Officer	Monitoring Officer
5(7)	Nominated as Deputy Monitoring Officer	Head of Legal Services and Democratic Services Manager
15-17	Undertake all matters relating to the formal establishment of political groups within the membership of the council	Monitoring Officer
<b>THE LOCAL GOVERNMENT (COMMITTEES AND POLITICAL GROUPS) REGULATIONS 1990</b>		
8(1), 8(5), 9(b), 10, 13(1), 14 and 17	Notifications to and by the Proper Officer	Monitoring Officer
<b>LOCAL GOVERNMENT ACT 2000 SECTIONS 9G, 9GA AND 22 LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012</b>		
7	Exclusion of whole or part of any reports to the Cabinet or Cabinet Member which contain exempt information	Senior Officer with responsibility for Democratic Services
10	Inform the relevant Overview and Scrutiny Committee Chair or the Committee Members by notice in writing of decisions to be made, where it has been impracticable to comply with the publicity requirements (in the "Forward Plan") and make available or public inspection notices relating to this	Monitoring Officer
12	Produce a written statement of Cabinet decisions made at meetings	Senior Officer with responsibility for Democratic Services



13	Produce a written statement of decisions made by individual Cabinet Members	Senior Officer with responsibility for Democratic Services
14	Make a copy of written statements of Cabinet and Cabinet Member and officer executive decisions and associated reports available for inspection by the public	Senior Officer with responsibility for Democratic Services
15 and 2	Make available for inspection a list of background papers	Senior Officer with responsibility for Democratic Services
16(5)	Determine whether certain documents contain exempt information	Head of Legal Services /Monitoring Officer
20	Determine whether documents contain confidential information or exempt information	Head of Legal Services or Monitoring Officer
<b>LOCAL GOVERNMENT ACT 2000, SECTION 34 LOCAL AUTHORITIES (REFERENDUMS) (PETITIONS AND DIRECTIONS) REGULATIONS 2000</b>		
4-5	Publish the verification number of local government electors for the purpose of petitions under the Local Government Act 2000	Chief Executive
<b>REGULATION OF INVESTIGATORY POWERS ACT (RIPA) 2000 THE REGULATION OF INVESTIGATORY POWERS (PRESCRIPTION OF OFFICES, RANKS AND POSITIONS) ORDER 2000</b>		
21, 22, 27, 28 and 29	Functions relations to the Regulation of Investigatory Powers Act 2000 (RIPA)	Chief Executive
<b>REGULATION OF INVESTIGATORY POWERS ACT 2000, SECTIONS 22(2)(B) AND 25(2); THE REGULATION OF INVESTIGATORY POWERS (COMMUNICATIONS DATA) ORDER 2010; THE REGULATION OF INVESTIGATORY POWERS (COVERT SURVEILLANCE AND PROPERTY INTERFERENCE: CODE OF PRACTICE) ORDER 2010; THE REGULATION OF INVESTIGATORY POWERS (COVERT HUMAN INTELLIGENCE SOURCES: CODE OF PRACTICE) ORDER 2010</b>		
	Designated Senior Responsible Officer	Head of Counter Fraud Team
<b>FREEDOM OF INFORMATION ACT 2000</b>		
36	Qualified person to confirm or deny whether disclosure of information is likely to prejudice the effective conduct of public affairs	Senior Officer with responsibility for Access to Information
<b>LOCAL GOVERNMENT ACT 2003</b>		
25	When the annual budget report is considered by Cabinet or by the Council, the Chief Financial Officer must make a report on the robustness of the estimates made in determining the budget	Chief Finance Officer

	requirement and on the adequacy of the proposed level of financial reserves	
<b>LOCALISM ACT 2011</b>		
29	Establish, maintain and publish a Register of Interests	Monitoring Officer
33(1)	Receiving applications for dispensations	Monitoring Officer
33(2)	Grant dispensations to Members to speak only or to speak and vote on matters where they have a Disclosable Pecuniary Interest	Monitoring Officer
Sch.2, Pt I, Para.9FB	Designation as Scrutiny Officer	Senior Officer with responsibility for Democratic Services
<b>THE LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012</b>		
2, 7, 10, 12, 13-16, 20	Functions relating to the recording and publication of information relating to Cabinet decisions	Monitoring Officer
12-13	Grant dispensations in respect of conflicts of interest declared by a Cabinet member making a decision, or declared by a Cabinet member consulted by a member or officer taking such a decision	Monitoring Officer
69, 70 and 71	The designated Data Protection Officer to discharge functions associated with the Data Protection Act 2018	Data Protection Officer

In the event of the Chief Executive being unavailable to deal with matters for which they have been designated the Proper Officer, the Deputy Chief Executive or Monitoring Officer may be authorised by them to act as Proper Officer in their absence.

In the event of any other designated officer being unable to fulfil their duties as Proper Officer, their deputy shall be authorised to undertake such duties instead.

Notwithstanding the above, a Proper Officer may at any time delegate or authorise other officers to perform the designated duties on their behalf.

## Functions in relation to Legal Services

No.	Function	Act or Statutory Instrument (where applicable)	Responsibility/Decision Maker
1.	To institute and defend in their own name all appropriate legal proceedings in any court, for and on behalf of the Council, where a decision has been made, whether under delegated authority of an officer or by Cabinet, Council or committee, and which relates to a regulatory or enforcement power.	n/a	Head of Legal Services
2.	Where the Council is engaged in any litigation, to have the conduct of the matter and full authority to receive any information in connection therewith and to settle or compromise any proceedings as they deem appropriate and expedient for the Council's interests.	n/a	Head of Legal Services
3.	Authority to instruct private practice solicitors or junior barristers to undertake legal work when considered necessary or appropriate	n/a	Head of Legal Services
4.	To prosecute any offence of obstructing staff in the course of their official duties.	n/a	Head of Legal Services
5.	Authority to obtain counsel's opinion provided that regular reports are made to Council on the costs of litigation.	n/a	Head of Legal Services
6.	In consultation with the Chief Executive to set charges for legal work rechargeable to external persons or organisations.	n/a	Head of Legal Services
7.	Recovery matters - Authority to act on the Council's behalf in respect of attendance at the Magistrates Court and the County Court on all recovery matters, including applications for a	n/a	Head of Legal Services

	committal warrant and attendance at valuation tribunals as appropriate.		
8.	Issue notices under the provisions of the Drainage Acts	n/a	Head of Legal Services
9.	Court Attendance	Section 223 of the Local Government Act 1972	Members of the Legal Services team may be authorised to prosecute or defend actions and/or cases, and to represent the Council, in any Magistrates' Court proceedings or County Court proceedings, valuation tribunals and planning inquiries as appropriate, subject to the Head of Legal Services being satisfied with their legal competence
10.	Authority to complete Planning Agreements	Section 106 of the Town and Country Planning Act 1990 and Section 38 and 278 of the Highways Act 1980	Head of Legal Services
11.	Power to apply the common seal of the Council and sign documents		Chief Executive, Deputy Chief Executive, Monitoring Officer and Head of Legal Services

## Functions in relation to Licensing

No.	Function	Act or Statutory Instrument (where applicable)	Responsibility/Decision Maker
1.	Power to issue licences authorising the use of land as a caravan site ("site licences").	Section 3(3) of the Caravan Sites and Control of Development Act 1960	Senior Officer Responsible for Operational Services
2.	Power to licence the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936	Senior Officer Responsible for Operational Services
3.	Power to licence hackney carriages and private hire vehicles.	<p>As to hackney carriages, the Town Police Clauses Act 1847, as extended by section 171 of the Public Health Act 1875, and section 15 of the Transport Act 1985; and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976</p> <p>As to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976</p>	Senior Officer Responsible for Licensing and Business Support or refer to Miscellaneous Licensing Sub Committee if previous convictions or required by Policy Guidelines
4.	Power to licence drivers of hackney carriages and private hire vehicles.	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976	Senior Officer Responsible for Licensing and Business Support or refer to Miscellaneous Licensing Sub Committee if previous convictions

5.	Power to licence operators of hackney carriages and private hire vehicles.	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976	Senior Officer Responsible for Licensing and Business Support or refer to Miscellaneous Licensing Sub Committee if required by Policy Guidelines
6.	Any function of a licensing authority (including personal licences and premises licences)	Licensing Act 2003 and any regulations or orders made under that Act	Senior Officer Responsible for Licensing and Business Support or refer to Licensing Panel if representations are received
7.	To exercise power of entry	Section 179 of the Licensing Act 2003	Senior Officer Responsible for Licensing and Business Support
8.	Temporary event notice	Licensing Act 2003, Part 5  The Licensing Act 2003 (Permitted Temporary Activities) (Notices) Regulations 2005	Senior Officer Responsible for Licensing and Business Support or refer to Licensing Panel if police or environmental health objection received
9.	Any functions of a licensing authority in relation to gambling	Section 163, 164 & 165 of the Gambling Act 2005	Senior Officer Responsible for Licensing and Business Support or refer to Licensing Committee if representations are received
10.	Temporary use notice (temporary gaming activities)	Section 215 of the Gambling Act 2005  Gambling Act 2005 (Temporary Use Notices) Regulations 2007	Senior Officer Responsible for Licensing and Business Support or refer to Licensing Committee if representations are received
11.	Any functions related to gaming permits	Sections 247, 271, 282, 283, and 289 and Schedules 10, 11, 13 and	Senior Officer Responsible for Licensing and Business Support

		<p>14 of the Gambling Act 2005</p> <p>Gambling Act (Club Gaming Permits) (Authorised Gaming) Regulations 2007</p> <p>Gaming Machines in Alcohol Licensed Premises (Notification Fee) (England and Wales) Regulations 2007</p>	
12.	Duty to comply with requirement to provide information to Gambling Commission.	Section 29 of the Gambling Act 2005	Senior Officer Responsible for Licensing and Business Support
13.	Functions relating to exchange of information.	Section 30 of the Gambling Act 2005	Senior Officer Responsible for Licensing and Business Support
14.	Functions relating to occasional use notices	Section 39 of the Gambling Act 2005	Senior Officer Responsible for Licensing and Business Support
15.	Power to institute criminal proceedings	Section 346 of the Gambling Act 2005	Head of Legal Services
16.	Functions relating to the registration and regulation of small society lotteries.	Part 5 of Schedule 11 to the Gambling Act 2005	Senior Officer Responsible for Licensing and Business Support
17.	Power to licence persons to collect for charitable and other causes.	Section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939	Senior Officer Responsible for Licensing and Business Support

18.	Street collection licence	Sections 66 and 68 of the Charities Act 1992	Senior Officer Responsible for Licensing and Business Support
19.	Power to licence performances of hypnotism	The Hypnotism Act 1952	Senior Officer Responsible for Licensing and Business Support or refer to Licensing Committee if representations are received
20.	Power to licence premises for acupuncture, tattooing, ear-piercing and electrolysis	Sections 13-17 of the Local Government (Miscellaneous Provisions) Act 1982	Senior Officer Responsible for Licensing and Business Support or refer to Licensing Committee if representations are received
21.	Power to licence markets and street trading	Part III and Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982	Senior Officer Responsible for Licensing and Business Support
22.	Power to issue scrap metal dealers licences	Scrap Metal Dealers Act 2013	Senior Officer Responsible for Licensing and Business Support or refer to Cabinet if previous convictions
23.	Power to licence premises for animal activities	Section 1 of the Breeding of Dogs Act 1973 and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999. The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018	Senior Officer Responsible for Licensing and Business Support or refer to Licensing Committee if representations are received
24.	Power to licence zoos	Section 1 of the Zoo Licensing Act 1981	Senior Officer Responsible for Licensing and Business Support or refer to Licensing Committee if



			representations are received
25.	Power to licence dangerous wild animals	Section 1 of the Dangerous Wild Animals Act 1976	Senior Officer Responsible for Licensing and Business Support or refer to Licensing Committee if representations are received
26.	Power to issue pavement licences	Business and Planning Act 2000	Senior Officer Responsible for Licensing and Business Support or refer to Chair of Licensing Committee if representations are received

## Functions in relation to Public Health, Environmental Health and Health and Safety

No.	Function	Act or Statutory Instrument (where applicable)	Responsibility/Decision Maker
1.	Functions under any of the “relevant statutory provisions” within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.	Part I of the Health and Safety at Work etc. Act 1974	Senior Officer Responsible for Operational Services
2.	Inspection of premises the subject of an application for registration as keeper of a Common Lodging House	Section 283 of the Public Health Act 1936	Senior Officer Responsible for Operational Services
3.	Notices to be signed on behalf of the District Council	Section 284 of the Public Health Act 1984  Section 29 of the Public Health (Control of Disease) Act 1984	Senior Officer Responsible for Operational Services
4.	Disinfection or destruction of verminous article	Section 37 of the Public Health Act 1936	Senior Officer Responsible for Operational Services
5.	Public Health Protection Activities	Section 129 of the Health and Social Care Act 2008	Senior Officer Responsible for Operational Services
6.	Duty to enforce Chapter I and regulations made under it	Section 10(3) of the Health Act 2006	Senior Officer Responsible for Operational Services

7.	Power to authorise officers	Section 10(5) and paragraph 1 of Schedule 2 of the Health Act 2006	Senior Officer Responsible for Operational Services
8.	Functions relating to fixed penalty notices	Paragraphs 13, 15 and 16 of Schedule 1 to the Health Act 2006 Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007	Senior Officer Responsible for Operational Services
9.	Power to transfer enforcement functions to another enforcement agency	Smoke free (Premises and Enforcement) Regulations 2006	Senior Officer Responsible for Operational Services

## Functions in relation to Planning

Enforcement Functions			
Ref.	Function	Delegated by:	Delegated to:
PE1.	<p>To authorise named officers to enter land under the following provisions:-</p> <p>(a) Section 324 of the Town and Country Planning Act 1990.</p> <p>(b) Sections 196a and 196b of the Town and Country Planning Act 1990.</p> <p>(c) Sections 214b and 214c of the Town and Country Planning Act 1990.</p> <p>(d) Sections 88a and 88b of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p>	Development Control Committee	Head of Legal Services/ Senior Officer for Planning
PE2.	<p>To serve Requisitions for Information and Planning Contravention Notices under the following enactments:-</p> <p>(a) Section 330 of the Town and Country Planning Act 1990.</p> <p>(b) Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.</p> <p>(c) Section 89 of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p> <p>(d) Section 171c of the Town and Country Planning Act 1990.</p>	Development Control Committee	Head of Legal Services/ Senior Officer for Planning
PE3.	To institute proceedings in the Magistrates' Court for any non-return of the notices referred to above.	Development Control Committee	Head of Legal Services
PE4.	To Serve Breach of Condition Notices	Development Control Committee	Senior Officer for Planning
PE5.	To serve Enforcement Notices.	Development Control Committee	Senior Officer for Planning

PE6.	To serve Notices under section 215 of the Town and Country Planning Act for remedying the condition of land and to undertake consequent legal or direct action in default to secure compliance with the notice and recover expenses reasonably incurred	Development Control Committee	Senior Officer for Planning
PE7.	Under Section 187(B) of the Town and Country Planning Act 1990 and Section 222 of the Local Government Act 1972 to seek an injunction to secure compliance with planning legislation or restrain breaches or anticipated breaches of planning control including breaches of agreements under Section 106 of the Town and Country Planning Act 1990	Development Control Committee	Head of Legal Services
PE8	In cases of urgency the following matters: Article 4 Directions Listed Building Enforcement Notices Stop Notices Tree Preservation Orders Building Preservation Orders Temporary Stop Notices	Development Control Committee	Senior Officer for Planning
PE9.	Powers of action under Section 225 of the Town and Country Planning Act 1990 relating to fly posting and/or as amended or extended by the Clean Neighbourhoods and Environment Act 2005	Development Control Committee	Senior Officer for Planning
PE10.	To serve discontinuance notices relating to breaches of Advertisement Regulations.	Development Control Committee	Head of Legal Services
PE11.	To take enforcement action and institute legal proceedings in respect of breaches of the Hedgerows Regulations 1997	Development Control Committee	Head of Legal Services
PE12.	Applications under the Transport Act to the Licensing Authority for Goods Vehicle Operator's Licence: authority to make observations on the application to the Licensing Authority.	Development Control Committee	Development Manager
PE13	Institute, defend and withdraw criminal or civil legal proceedings for offences, breaches of Planning legislation (including for Listed Building Regulations and Tree Preservation Orders; non-compliance with enforcement notices, Stop Notices, Temporary Stop	Development Control Committee	Head of Legal Services

	Notices, Breach of Condition Notices, Section 215 Notices, and unauthorised advertisements)		
PE14.	To determine that no further action is required in respect of a breach of planning control which could have been dealt with under delegated powers through the grant of a planning permission had an application been submitted.	Development Control Committee	Senior Officer for Planning
PE15	To withdraw Enforcement Notices and Breach of Condition Notices when they have clearly been complied with and it is no longer possible for breaches to occur.	Development Control Committee	Senior Officer for Planning
PE16	The power to withdraw Article 4 Directions where it is no longer expedient to remove permitted development rights.	Development Control Committee	Senior Officer for Planning

Trees			
	Function	Delegated by:	Delegated to:
PT1.	In cases of urgency the making of Tree Preservation Orders	Development Control Committee	Senior Officer for Planning
PT2.	Authority to confirm unopposed Tree Preservation Orders	Development Control Committee	Senior Officer for Planning
PT3	<p>Authority to determine:</p> <p>(a) any application to carry out work to a tree(s) subject to a Tree Preservation Order;</p> <p>(b) any notification to carry out work to a tree within a Conservation Area.</p> <p>(Subject, in the case of a refusal recommendation, to prior consultation with the Ward Member(s)).</p>	Development Control Committee	<p>Senior Officer for Planning /</p> <p>Development Manager</p>

PT4	<p>To authorise named officers to enter land under the following provisions:-</p> <p>(a) Section 324 of the Town and Country Planning Act 1990.</p> <p>(b) Sections 196a and 196b of the Town and Country Planning Act 1990.</p> <p>(c) Sections 214b and 214c of the Town and Country Planning Act 1990.</p> <p>(d) Sections 88a and 88b of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p>	Development Control Committee	Head of Legal Services / Senior Officer for Planning
PT5.	Authority to institute proceedings in the Magistrates' Court in respect of breaches of Tree Preservation Orders and Trees within Conservation Areas and non-compliance with Tree Replacement Notices	Development Control Committee	Head of Legal Services
PT6	To determine Hedgerow Removal Notices and ancillary matters	Development Control Committee	Senior Officer for Planning / Development Manager
PT7	To take enforcement action and institute legal proceedings in respect of breaches of the Hedgerows Regulations 1997	Development Control Committee	Head of Legal Services
PT8	<p>To deal with any consultation (subject to there being no objections) by the Forestry Commission under:</p> <p>(a) Felling licence regulations.</p> <p>(b) The Forestry Grant Scheme.</p> <p>(c) Dedication Scheme.</p> <p>or such schemes and regulations as may replace or supplement the above.</p>	Development Control Committee	Senior Officer for Planning / Development Manager
PT9	To determine, following prior consultation with the local Member(s), that no further action is required in respect of a breach of control which could have been dealt with under delegated powers had an application been submitted.	Development Control Committee	Senior Officer for Planning / Development Manager

Development Management			
	Function	Delegated by:	Delegated to:
PDM 1	<p>To authorise named officers to enter land under the following provisions:-</p> <p>a) Section 324 of the Town and Country Planning Act 1990.</p> <p>b) Sections 196a and 196b of the Town and Country Planning Act 1990.</p> <p>c) Sections 214b and 214c of the Town and Country Planning Act 1990.</p> <p>d) Sections 88a and 88b of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p>	Development Control Committee	Head of Legal Services
PDM 2	To determine whether the prior approval of the Local Planning Authority is required for development falling within the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).	Development Control Committee	Development Manager
PDM 3	Authority to require an Environmental Statement under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended) and to offer screening and scoping opinions.	Development Control Committee	Development Manager
PDM 4	<p>To determine (with or without planning conditions or obligations) all planning applications and applications for Advertisement Consent, Listed Building Consent, Conservation Area Consent (as amended), Certificates of Lawfulness, Time Limit Extensions, Variation of Conditions (S73) or Prior Approval under the General Permitted Development Order under delegated powers, with the following exceptions:-</p> <p>(a) Planning Applications which within 21 days of the date of registration any District Councillor requests (in writing) that it be determined by the</p>	Development Control Committee	Senior Officer for Planning / Development Manager



	<p>Committee/Sub-Committee, stating the planning reasons for such referral</p> <p>(b) Applications where the intended decision would be a material departure from the provisions of the approved or draft development plan or other approved or adopted Council planning policies or Supplementary Planning Guidance.</p> <p>(c) Applications submitted by or on behalf of the Council or which, in the opinion of a Senior Officer for Planning, affect Council owned land and/or buildings.</p> <p>(d) Applications for floodlight masts exceeding 6m in height when operational and Planning Applications for telecommunications masts (with the exception that additional antennae may be allowed provided that the Government's safety guidelines are met)</p> <p>NB Applications for telecommunication masts under the prior approval process can be determined under delegated powers</p> <p>(e) Applications submitted by or on behalf of a Member or employee of the Council (or their spouse/partner) or where there may be a similar perceived or actual conflict of interest.</p> <p>(f) Applications which involve 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</p> <p>(g) Applications which the Senior Officer for Planning or Development Manager, considers should be referred to the appropriate Area Planning Sub-Committee for determination.</p> <p>(h) Applications where the views of the Town Council or Parish Council are clearly contrary to the proposed recommendation and cannot be resolved by condition or negotiation (with the exception of householder development or advertisement consent, which may continue to be delegated)</p> <p>(i) Applications submitted within one year of a dismissed appeal on the site where it is intended that the application be approved (other than where the</p>		
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	<p>approval would reflect the clear views of the Inspector when determining the initial appeal)</p> <p><b>Notes regarding PDM4:</b></p> <p>1) The restrictions set out in categories (a) to (i) above shall not apply to applications for a resubmission of an extant valid planning permission or to applications where the principle of the development has already been agreed by a previous permission/consent and the new proposal contains details generally consistent with the earlier permission and planning circumstances have not changed</p> <p>2) The restrictions set out in categories (a) to (i) above shall not apply to any application seeking Reserved Matters consent where the principles have previously been agreed and the details are consistent with the criteria set out in the outline permission.</p> <p>3) The determining officer shall only exercise the delegated powers after taking into account all material planning considerations, including any written planning objections or representations which may have been received.</p> <p>4) The determining officer shall only exercise the delegated powers in accordance with planning legislation, regulations and procedures under which provision may be made for reference of applications to the Secretary of State or other statutory body.</p> <p>5) The determining officer shall only exercise the delegated powers following the expiry of the relevant consultation periods (with the proviso that where, because of the submission of the application in relation to the meeting date, it is not possible to deal with an application within the statutory period, then the application shall be referred to the Committee/Sub-Committee in advance of the expiry of the consultation period for Members to determine whether they wish to delegate determination of the application to Officers).</p> <p>6) The Senior Officer for Planning shall report details of all Planning applications determined under delegated powers to Members of the appropriate Area Planning Sub-Committee.</p>		
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PDM 5	Where recommendations on a planning application or proposal are not accepted by the Area Planning Sub-Committee, the right to withdraw the application or proposal for final determination by the Development Control Committee.	Development Control Committee	Senior Officer for Planning
PDM 6	Authority to determine that a particular planning application or other matter shall be referred to the Development Control Committee for decision.	Development Control Committee	Senior Officer for Planning or Development Manager
PDM 7	Authority to deal with complaints about High Hedges under Part 8 of the Anti-Social Behaviour Act 2003.	Development Control Committee	Senior Officer for Planning or Development Manager
PDM 8	To determine discharge of conditions applications, Minor and Non Material Amendments	Development Control Committee	Development Manager/Case Officer
PDM 9	In cases of urgency the following matters:  Article 4 Directions  Listed Building Enforcement Notices  Stop Notices  Tree Preservation Orders  Building Preservation Orders  Temporary Stop notices	Development Control Committee	Senior Officer for Planning
PDM 10	Under Section 187(B) of the Town and Country Planning Act 1990 and Section 222 of the Local Government Act 1972 to seek an injunction to restrain breaches of planning control including breaches of agreements under Section 106 of the Town and Country Planning Act 1990.	Development Control Committee	Head of Legal Services
PDM 11	To determine, that no further action is required in respect of a breach of planning control which could have been dealt with under delegated powers through the grant of a planning permission had an application been submitted.	Development Control Committee	Senior Officer for Planning

PDM 12	Institute, defend and withdraw criminal or civil legal proceedings for offences breaches of Planning legislation (including for Listed Building Regulations and Tree Preservation Orders; non-compliance with enforcement notices, Stop Notices, Temporary Stop Notices, Breach of Condition Notices, Section 215 Notices, and unauthorised advertisements)	Development Control Committee	Head of Legal Services
PDM 13	The power to withdraw Article 4 Directions where it is no longer expedient to remove permitted development rights.	Development Control Committee	Senior Officer for Planning
PDM 14	To respond to applications for the winning and working of minerals or the use of land for mineral-working deposits (a “County matter” and, therefore, not determined by this Council which has only a consultee role) following consultation with the Ward Member, and with the Chair of the Development Control Committee and the Leader of the Council.	Development Control Committee	Development Manager
PDM 15	To respond to applications for waste development (a “County matter” and, therefore, not determined by this Council which has only a consultee role) following consultation with the Ward Member, and with the Chair of the Development Control Committee and the Leader of the Council.	Development Control Committee	Development Manager
PDM 16	Applications under the Transport Act to the Licensing Authority for Goods Vehicle Operator's Licence: authority to make observations on the application to the Licensing Authority.	Development Control Committee	Development Manager
PDM 17	Authority to submit observations on Traffic Orders to the Highway Authority.	Development Control Committee	Development Manager
PDM 18	To decide whether to decline to determine applications under sections 70a and 70b of the Town and Country Planning Act and sections 81a and 81b of the Planning (Listed Buildings and Conservation Areas) Act 1990	Development Control Committee	Senior Officer for Planning or Development Manager
PDM 19	To determine applications for Permission in Principle and Technical Details Consent	Development Control Committee	Development Manager

PDM 20	To determine applications where a decision to return the matter to committee would result in the potential for the application fee to be refunded as no extension of time has been agreed	Development Control Committee	Development Manager
PDM 21	To advertise applications for footpath diversions	Development Control Committee	Development Manager
PDM 22	To respond to Oxfordshire County Council in respect of Regulation 3 and Regulation 4 proposals	Development Control Committee	Development Manager

Conservation Areas			
	Function	Delegated by:	Delegated to:
PCI.	With the exception of either the designation of or an amendment to the boundaries of a Conservation Area, to exercise the Council's functions in relation to Conservation Areas	Executive	Senior Officer for Planning

## NOTES

1. Where under any delegation consultation should be undertaken with the local member this should be i) by e-mail; and ii) for a period of three days and the delegation should only be undertaken after that period has expired and where there is no disagreement between members in multi member wards. No response will be taken as an agreement to the suggested action.
2. Changes to Officer titles, onward delegation and minor drafting changes to ensure that delegations operate at the most appropriate level are authorised without referral back to the Development Control Committee.

## Part 5: Policy and Procedure Rules

### 5A Council Procedure Rules

#### RULE 1: Annual Meeting of Council

##### Date and Business

In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the annual meeting will take place in March, April or May. Subject to these requirements, the meeting will be held at such place, on such date and at such time as may be fixed by the Council.

The annual meeting will:

- (i) elect a person to preside if the Chair of Council is not present;
- (ii) elect the Chair of Council;
- (iii) appoint the vice-Chair of Council;
- (iv) approve the minutes of the last meeting;
- (v) receive any announcements from the Chair and/or Chief Executive;
- (vi) elect the Leader in accordance with the provisions of the Local Government and Public Involvement in Health Act;
- (vii) appoint the Overview and Scrutiny Committee(s) and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions;
- (viii) consider any business set out in the notice convening the meeting; and
- (ix) consider any matters deemed urgent by the Chair in accordance with statutory provisions.

##### Selection of Councillors on Committees

At the annual meeting, the Council will:

- (i) decide which Committees to establish for the municipal year;
- (ii) decide the size of those Committees;
- (iii) decide the allocation of seats to political groups in accordance with the political balance rules;
- (iv) receive nominations of Councillors to serve on each Committee;
- (v) appoint to those Committees, in accordance with the wishes of the political groups and subject to any other statutory requirements, except where appointment to those bodies has been delegated by the Council or is exercisable only by the Cabinet;
- (vi) appoint ex-officio non-voting members to any Committee, as it sees fit

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

##### Vacancies on Committees and Sub-Committees

Any vacancies which arise on Committees and Sub-Committees between annual meetings of the Council shall be filled by the Chief Executive in accordance with the wishes of the political group

to which the vacant seat is allocated. All Members of the Council will be advised of the filling of vacancies in this manner.

## **RULE 2: Ordinary Meetings**

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

- (i) elect a person to preside if the Chair and vice Chair are not present;
- (ii) deal with any business required by statute to be carried out before any other business;
- (iii) approve the minutes of the last meeting;
- (iv) receive any declarations of interest from members;
- (v) deal with any business expressly required by statute to be carried out;
- (vi) receive any announcements from the Chair, leader, members of the cabinet or the Chief Executive and receive questions and answers on any such announcements;
- (vii) receive any submissions from members of the public under the Council's scheme for the participation of the public at meetings
- (viii) deal with any business remaining from the last Council meeting;
- (ix) receive reports, and consider any recommendations from, the Cabinet and the Council's Committees and receive questions and answers on any of those reports;
- (x) receive questions under Rule 0 of these procedures;
- (xi) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (xii) consider motions of which notice has been given in accordance with Rule **Error! Reference source not found.** of these procedures;
- (xiii) consider any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's budget and policy framework and reports of the Overview and Scrutiny Committees for debate; and
- (xiv) consider any matters deemed urgent by the Chair in accordance with statutory provisions.

The order of business of a meeting of the Council may be varied by the Chair or by the meeting in accordance with Rule **Error! Reference source not found.**

## **RULE 3: Extraordinary Meetings**

Those listed below may request the Chief Executive to call Council meetings in addition to ordinary meetings:

- the Council by resolution;
- the Chair of the Council;
- the leader of the Council;
- the monitoring officer; and
- where the Chair has failed to call a meeting within seven (7) days of the presentation of a requisition signed by any five (5) members of the Council, the five (5) members may request that the Chief Executive calls the meeting.

## **RULE 4: Appointment of Substitute Members**

### **Allocation**

As well as allocating seats on Committees and sub-Committees, the Council will appoint substitute members.

### **Number**

Subject to the listed exceptions, all Members of each political group not appointed to a Committee or sub-Committee shall be named as substitute members for the member or members of that group who have been appointed to that Committee or sub-Committee. The exceptions are that:

- no member of the Cabinet may be appointed as a substitute member in respect of an Overview and Scrutiny Committee;
- at meetings of the Area Development Control Sub-Committees only members who represent a ward or part of a ward of the district which is situated within the area of the relevant Area Sub-Committee may be appointed as substitute members. For these Sub-Committees only, the rules in relation to political balance do not apply and therefore the appointed substitute member may be from any of the political groups on the Council or from the Independents, in accordance with the wishes of the member being substituted. This arrangement will cease in the event of the Area Planning Sub-Committees becoming politically balanced. In that event the substitute member would have to represent a ward or part of a ward within the area of the Sub-Committee concerned and be a member of the same political group as the member being substituted; and
- No member may be appointed as a substitute member of the Development Control Committee or an Area Planning Sub-Committee who does not meet the requirements for training referred to in [Article 5 in Part 2 of the Constitution](#)

### **Procedure**

Any member of a Committee or Sub-Committee who is unable to attend a meeting of that Committee or Sub-Committee may give notice to Democratic Services that for the duration of that meeting they will be substituted by another member. The names of any substitute members will be notified to the Committee or Sub-Committee by the chair of the meeting under the item in the agenda dealing with apologies. Powers and Duties

During a meeting substitute members will have all the powers and duties of any ordinary member of the Committee but will not be able to exercise any special powers or duties exercisable by the person they are replacing.

### **Replacement**

Substitute members may attend meetings in that capacity only:

- to take the place of the ordinary member for whom they are the designated substitute member;
- where the ordinary member will be absent for the whole of the meeting; and
- after Democratic Services have been notified of the change.



## **Attendance at Meetings**

Any Member of the Council may attend as an observer any Committee of which they are not a member. An observer may, at the discretion of the person presiding, be invited to speak on an item under consideration at that meeting.

## **RULE 5: Time and Place of Meetings**

An annual calendar of meetings will be agreed by Full Council and will detail the dates of all meetings. With the exception of Council, the timing of meetings will be agreed by the respective Committees and Sub-Committees at their first meeting of the civic year.

## **RULE 6: Notice of and Summons to Meetings**

The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, the Chief Executive will send a summons signed by or on behalf of him or her by post to every member of the Council or leave it at their usual place of residence.

The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

## **RULE 7: Chair of Meeting**

The person presiding at the meeting may exercise any power or duty of the Chair. The ruling of the Chair as to the construction or application of any of these Rules, or as to any proceedings of the Council, shall not be challenged at any meeting of the Council. Where these rules apply to Committee and sub-Committee meetings, references to the Chair also include the Chair of Committees and sub-Committees.

## **RULE 8: Quorum**

The quorum of a meeting of the Council will be one quarter of the whole number of members. The quorum of any meeting of a Committee or sub-Committee shall be:

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

If at any time during a meeting the number of members in attendance falls below the quorum then the meeting will be adjourned and any remaining business considered at the next meeting.

## **RULE 9: Duration of Meetings**

Unless a majority of members present vote for the meeting to continue, any meeting of a Committee which has lasted for three hours will adjourn. The remaining business will be considered at a time and date fixed by the Chair or, if they do not fix a time and date, at the next meeting of the Committee.

## **RULE 10: Questions**

### **Questions by Members (without notice)**

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

- (i) A member of the Council may ask the leader or the Chair of a Committee any question on an item on the agenda when that item is being considered;
- (ii) A member of the Council may ask the Chair, leader, members of the cabinet or the Chief Executive a question arising from an announcement made at the meeting;

A member of the Council may ask a question of the Chair or leader where it relates to urgent matters, provided that they have the consent of the Chair and that details of the question have been provided to the Chief Executive by no later than ten o'clock in the morning of the day of the meeting.

### **Questions by Members (with notice)**

Provided that the member has given written notice to the Chief Executive by no later than 12 noon on the seventh working day before the meeting, at a Council meeting, a member of the Council may ask:

- the Chair;
- a member of the Cabinet; or
- the Chair of any Committee or sub-Committee

a question on any matter in relation to which the Council has powers or duties or which affects the district.

### **Response**

An answer to any question under the above Rules may take the form of:

- a direct oral answer;
- where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- where the reply cannot conveniently be given orally, a written answer circulated later to all Members of the Council or Committee or sub-Committee.

### **Supplementary Questions**

Following receipt of the answer to their question a member is entitled to ask one supplementary question.

### **Questions by Registered Electors**

A registered elector of the district may submit in writing for answer by the Chair of the Council, a member of the Cabinet, or the Chair of any Committee or sub-Committee, one question on any matter in relation to which the Council has powers or duties or which affects the district, provided that notice is received no later than noon on the seventh working day before the meeting.

The answers to any such questions shall be given in writing and incorporated in the minutes of the meeting, and a copy of the answer, or a statement to the effect that the person to whom the question was addressed declined to answer, shall be sent to the questioner.

This provision shall apply only at Council meetings.

### **Time allocated for Questions**

There shall be a maximum of 30 minutes allocated to questions, made up of 15 minutes for member questions and 15 minutes for registered electors questions. Questions shall be asked in order of receipt.

## **RULE 11: Motions on Notice**

### **Notice**

Except for motions which can be moved without notice under Rule **Error! Reference source not found.**, written notice of every motion, signed by the member or members of the Council giving notice, must be delivered to Chief Executive not later than noon on the seventh working day before the date of the meeting. These will be entered sequentially in a book which shall be open to public inspection.

### **Motion set out on agenda**

Motions of which notice has been given will be listed on the agenda in the order in which notice was received, unless the members giving notice state, in writing, that they propose to move it to a later meeting or withdraw it.

### **Scope**

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

### **Motion not proposed at Meeting**

If a motion set out in the agenda is not proposed either by a member who gave notice of it or by some other member on their behalf it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.

### **Action on the Motion**

If the subject matter of any motion of which notice has been given falls within the remit of any Committee or Committees of the Council, or of the Cabinet, when it has been proposed and seconded it shall stand referred without discussion to the Committee(s) or the Cabinet, as decided by the Council.

If the matter requires a decision of the Cabinet, the decision of the Cabinet shall be included in a future report to the Council. If the matter stands referred to a Committee the Council may decide whether it shall be decided by that Committee or whether action is to be taken by the Council on report of that Committee.

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

### **Attendance at Meeting considering Motion**

If a Motion is referred to a Committee of which the proposer is not a member, or to the Cabinet, the proposer shall be entitled to attend that meeting and to explain the Motion.

### **RULE 12: Motions without Notice**

The following motions may be moved without notice:

- to appoint a Chair of the meeting at which the motion is moved;
- in relation to the accuracy of the minutes;
- to change the order of business in the agenda;
- to refer something to an appropriate body or individual;
- to appoint a Committee or member arising from an item on the summons for the meeting;
- to receive reports or adopt the recommendations of Committees or officers and any resolutions following from them;
- to withdraw a motion;
- to extend the time limit for speeches;
- to amend a motion;
- to proceed to the next business;
- that the question be now put;
- to adjourn a debate;
- to adjourn a meeting;
- at a Committee meeting, that the meeting continue beyond three hours in duration;
- to suspend a particular Council procedure rule;
- to exclude the public and press in accordance with the Access to Information Rules;
- to not hear further a member named under Rule 0 or to exclude them from the meeting under that Rule; and
- to give the consent of the Council where its consent is required by this Constitution.

### **RULE 13: Rules of Debate for Council**

#### **No speeches until motion seconded**

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

#### **Right to require Motion in writing**

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

#### **Seconders' Speech**

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

## **Content and Length of Speeches**

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed ten minutes by the mover of a motion, or five minutes in all other cases, without the consent of the meeting.

## **When a Member may speak again**

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

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

## **Amendments to Motions**

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

- to refer the matter to an appropriate body or individual for consideration or reconsideration;
- to leave out words;
- to leave out words and insert or add others; or
- to insert or add words.

An amendment must not seek to negate the motion.

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

If an amendment is not carried, other amendments to the original motion may be moved.

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

After an amendment has been carried, the Chair will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

## **Alteration of Motion**

With the consent of the Council signified without discussion: -

A member may alter a motion of which they have given notice; or

A member may alter a motion which they have moved without notice, with the further consent of the seconder.

Only alterations which could be made as an amendment may be made.

### **Withdrawal of Motion**

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

### **Right of Reply**

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

If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.

The mover of the amendment has no right of reply to the debate on their amendment.

### **Motions which may be moved during debate**

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

- (i) to withdraw a motion;
- (ii) to amend a motion;
- (iii) to proceed to the next business;
- (iv) that the question be now put;
- (v) to adjourn a debate;
- (vi) to adjourn a meeting;
- (vii) at a Committee meeting, that the meeting continue beyond three hours in duration;
- (viii) to exclude the public in accordance with the Access to Information Rules; and
- (ix) to not hear further a member named under Rule 0 or to exclude them from the meeting under that Rule.

### **Closure Motions**

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

- (i) to proceed to the next business;
- (ii) that the question be now put;
- (iii) to adjourn the debate; or
- (iv) to adjourn the meeting.

If a motion to proceed to next business is seconded and the Chair thinks the item has been sufficiently discussed, they will give the mover of the original motion a right of reply and then move to the vote.

If a motion that the question be now put is seconded and the Chair thinks the item has been sufficiently discussed, they will put the motion that the question be now put to the vote. If the

motion is passed they will give the mover of the original motion a right of reply and then move to the vote.

### **Points of Order**

A member may raise a point of order at any time. The Chair will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The member must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Chair on the matter will be final.

### **Personal Explanation**

A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the Chair on the admissibility of a personal explanation will be final.

### **RULE 14: Motion to Rescind or Amend a Previous Decision**

A motion or amendment to rescind a decision made at a meeting of Council within the past six months, or a motion similar to one previously rejected in that period cannot be moved unless:

- (i) the notice of motion is signed by at least 17 members; or
- (ii) the Chair consents to the moving of the motion; or
- (iii) advice has been given by one of the Council's statutory officers that the matter should be reconsidered; or
- (iv) the motion is moved in pursuance of a recommendation from a Committee or the Cabinet.

### **RULE 15: Voting**

#### **Majority**

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

#### **Chair's Casting Vote**

If there are equal numbers of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.

#### **Recording of Voting at Budget Decision Meeting**

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

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

### **Show of Hands**

The Chair will take the vote by show of hands or, if there is no dissent, by the affirmation of the meeting.

### **Right to require Vote(s) to be recorded**

Any member can request that their individual vote is recorded.

Any political group may request that the votes of everyone within that political group are recorded.

### **Voting on Appointments**

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

## **RULE 16: Minutes**

### **Signing the minutes**

The Chair will sign the minutes of the proceedings at the next suitable meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

### **No requirement to sign minutes at extraordinary meeting**

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

### **Form of Minutes**

Minutes of Council meetings will contain all motions and amendments in the exact form and order the Chair put them.

## **RULE 17: Record of Attendance**

All members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

## **RULE 18: Exclusion of the Public**

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in this Constitution or Rule 0 (Disturbance by Public).



## **RULE 19: Members' Conduct**

### **Standing to speak**

When a member speaks at full Council they may stand and address the meeting through the Chair. If more than one member stands, the Chair will ask one to speak and the others must sit. Other members must remain seated whilst a member is speaking unless they wish to make a point of order or a point of personal explanation.

### **Chair standing**

If the Chair stands during a debate, any member speaking at the time must stop and sit down. The meeting must be silent.

### **Member not to be heard further**

If a member persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the member be not heard further. If seconded, the motion will be voted on without discussion.

### **Member to leave the meeting**

If the member continues to behave improperly after such a motion is carried, the Chair may move either that the member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

### **General disturbance**

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

## **RULE 20: Disturbance by Public**

### **Removal of member of the public**

If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will request that they leave the meeting room.

### **Clearance of part of meeting room**

If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared.

## **RULE 21: Suspension and Amendment of Council Procedure Rules**

### **Suspension**

All of these Council Rules of Procedure except those parts of Rule 0 relating to the right to record an individual vote; and Rule 0 relating to the signing of minutes at an extraordinary meeting may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

## **Amendment**

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

### **RULE 22: Application of Rules to Committees and Sub-Committees**

With the exception of Rule **Error! Reference source not found.** relating to the duration of Committee meetings, all of the Council Rules of Procedure apply to meetings of full Council.

None of the rules apply to meetings of the Cabinet.

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

Rule **Error! Reference source not found.** (Time and Place of Meeting)

Rule 0 (Notice and Summons)

Rule **Error! Reference source not found.** (Chair of meeting)

Rule **Error! Reference source not found.** (Quorum)

Rule **Error! Reference source not found.** (Duration of meeting)

Rule 0 (Questions)

Rule **Error! Reference source not found.**(Motions on notice)

Rule **Error! Reference source not found.** (Motions without notice)

Rule **Error! Reference source not found.** (Rules of debate for Council)

Rule 0 (Motion to rescind or amend previous decisions)

Rule 0 (Voting)

Rule 0 (Minutes)

Rule 0 (Record of Attendance)

Rule 0 (Exclusion of public)

Rule 0 (Members' conduct)

Rule 0 (Disturbance by public)

Rule 0 (Suspension and amendment of Council Procedure Rules)

Rule 0 (Application to Committees and Sub-Committees)

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

### **5A.23 Filming and recording**

The law allows the proceedings of council meetings which are open to the public to be filmed and/or recorded. Any such filming or recording can be by any member of the public, whether or not they are connected with the media. For more information about this, please see <http://www.westoxon.gov.uk/media/1237645/Filming-and-Recording-of-Meetings-Protocol.pdf>

## **5B Cabinet Procedure Rules**

### **How does the Cabinet Operate?**

#### ***a) Who may make Cabinet decisions?***

The arrangements for the discharge of Cabinet functions may be set out in the Cabinet arrangements adopted by the Council. If they are not set out there, then the leader may decide how they are to be exercised. In either case, the arrangements or the leader may provide for Cabinet functions to be discharged by:

- (i) the Cabinet as a whole;
- (ii) a Committee of the Cabinet;
- (iii) an individual member of the Cabinet;
- (iv) an officer;
- (v) an area Committee;
- (vi) joint arrangements; or
- (vii) another local authority.

#### ***b) Delegation by the leader***

At the annual meeting of the Council, the leader will present to the Council a written record of delegations made by them for inclusion in [Part 3](#) of this Constitution. The document presented by the leader will contain the following information about Cabinet functions in relation to the coming year:

- (i) the names, addresses and wards of the people appointed to the Cabinet by the leader;
- (ii) the extent of any authority delegated to Cabinet members individually, including details of the limitation on their authority;
- (iii) the terms of reference and constitution of such Cabinet Committees as the leader appoints and the names of Cabinet members appointed to them;
- (iv) the nature and extent of any delegation of Cabinet functions to area Committees, any other authority or any joint arrangements and the names of those Cabinet members appointed to any joint Committee for the coming year; and
- (v) the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.

#### ***c) Sub-delegation of Cabinet functions***

Where the Cabinet, a Committee of the Cabinet or an individual member of the Cabinet is responsible for an Cabinet function, they may delegate further to an area Committee, joint arrangements or an officer.

Unless the Council directs otherwise, if the leader delegates functions to the Cabinet, then the Cabinet may delegate further to a Committee of the Cabinet or to an officer.

Unless the leader directs otherwise, a Committee of the Cabinet to whom functions have been delegated by the leader may delegate further to an officer.

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

**d) *Changes to delegation arrangements***

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

To amend delegation arrangements in respect of Cabinet functions, the leader must give written notice to the Chief Executive and to the person, body or Committee concerned. The notice must set out the extent of the amendment, and whether it entails the addition or withdrawal of delegation from any person, body, Committee or the Cabinet as a whole. The Chief Executive will present a report to the next ordinary meeting of the Council setting out the changes made by the leader, and will produce a revised statement of delegation arrangements for inclusion in [Part 3](#) of this Constitution.

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

**e) *Conflicts of Interest***

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

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

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

**f) *When and where will Cabinet meetings be held?***

The Cabinet will meet at least 12 times per year at times to be agreed by the leader. The Cabinet shall meet at the Council's main offices or another location to be agreed by the leader.

**g) *When and where will individual Cabinet member meetings be held?***

Where decisions are, being made by individual cabinet members these will be subject to the same rules in relation to publication of agendas and reports as Cabinet meetings. However, where appropriate these meetings can take place virtually or over the telephone.

**h) *Public access to meetings of the Cabinet***

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

**i) Quorum**

The quorum for a meeting of the Cabinet, or a Committee of it, shall be three members of the Cabinet.

**j) How are decisions to be taken by the Cabinet?**

Cabinet decisions being taken by the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in [Part 5F](#) of the Constitution.

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

How are Cabinet Meetings Conducted?

**a) Who presides?**

If the leader is present they will preside. In their absence, then a person appointed to do so by those present shall preside.

**b) Who may attend?**

Any member of the Council may attend any Cabinet meeting.

Members of the public may attend any Cabinet meeting, except when confidential or exempt information is being discussed.

**c) Business at Cabinet Meetings**

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

1. consideration of the minutes of the last meeting;
2. declarations of interest, if any;
3. matters referred to the Cabinet (whether by an Overview and Scrutiny Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the [Overview and Scrutiny Procedure Rules](#) or the [Budget and Policy Framework Procedure Rules](#) set out in this Constitution;
4. consideration of reports from Overview and Scrutiny Committees; and
5. matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure rules set out in [Part 5F](#) of this Constitution.

**d) Consultation**

All reports to the Cabinet from any member of the Cabinet or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant Overview and Scrutiny Committees, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

**e)      *Who can put items on the Cabinet agenda?***

The Council, any Overview and Scrutiny Committee, any other Committee of the Council, and any member or statutory officer of the Council, may place an item on the agenda of a meeting of the Cabinet.

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

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

## 5C Overview and Scrutiny Rules

### What Overview and Scrutiny Committees will there be?

1. The Council will have the Overview and Scrutiny Committees set out in [Article 3](#) (Economic & Social, Environment, and Finance & Management) and will appoint to them as it considers appropriate from time to time. Such Committees may appoint Sub-Committees. Additional Overview and Scrutiny Committees may also be appointed by the Council for a fixed period, on the expiry of which they shall cease to exist.

### Terms of reference

2. Scrutiny Committees will have the power to investigate any matters they consider relevant to their work area, and to make recommendations to the Council, the Cabinet or any other Committee or Sub-Committee of the Council as they see fit.
3. Their terms of reference will be:-
  - (i) the performance of all Overview and Scrutiny functions on behalf of the Council in relation to the area of work allocated to that Committee. It is intended that the areas of work should be wide ranging and cut across the organisational structure of the Council. As a result there may at times be overlap between the interests of two or more Committees. In such a case the Chairmen of the Committees involved should agree how the situation should be managed;
  - (ii) the appointment of such Sub-Committees as it considers appropriate to fulfil those Overview and Scrutiny functions. This includes the power to form joint Sub-Committees with the other Overview and Scrutiny Committees to perform functions in areas of common concern;
  - (iii) to receive reports from the leader at its first meeting after each annual Council meeting on the Executive's priorities for the coming year and its performance in the previous year;
  - (iv) to approve a work programme for the Committee, including the programme of any Sub-Committees it appoints so as to ensure that time is effectively and efficiently utilised;
  - (v) to receive requests from the Cabinet and/or the full Council for Overview and Scrutiny reports and to respond accordingly;
  - (vi) to put in place a system to ensure that referrals from the Committee to the Cabinet, either by way of report or for reconsideration are managed efficiently and do not exceed the limits set out in this Constitution;
  - (vii) in the event of reports to the Cabinet exceeding limits in this Constitution, or if the volume of such reports creates difficulty for the management of Cabinet business or jeopardises the efficient running of Council business, at the request of the Cabinet, to make decisions about the priority of referrals made
4. Scrutiny Committees should not be regarded primarily as an "appeals mechanism" to overturn or amend specific decisions (although they may, if they see fit, ask the Cabinet, the Council or another Committee to reconsider a decision); rather their function is to raise issues for consideration, to examine the intent and effectiveness of policy, to hold the Cabinet to account, and to represent the interests and views of the public within the Council.

## **Who may sit on Overview and Scrutiny Committees?**

5. Overview and Scrutiny Committees will consist of between 9 and 16 members, as the Council shall decide, and their political composition will reflect as nearly as possible the political composition of the Council as a whole.
6. Any Councillor except a member of the Cabinet may be a member of an Overview and Scrutiny Committee. However, no member may be involved in scrutinising a decision in which they have been directly involved. Members of the Cabinet shall not be eligible to sit on an Overview and Scrutiny Committee, either in their own right or as substitutes.
7. Each Overview and Scrutiny Committee or Sub-Committee shall be entitled to recommend to Council the appointment of people as non-voting co-optees.

## **Meetings**

8. There shall be at least six ordinary meetings of each Overview and Scrutiny Committee in each civic year. A programme of dates will be agreed by the Council early in each calendar year, as shall the time for the first meeting of each Overview and Scrutiny Committee after the annual meeting of the Council. However, each of the Committees may agree the times for its subsequent meetings at its first meeting in each civic year.
9. Normally, Committees will meet at intervals ranging from six to eight weeks, although this may be varied when the programme is agreed, and additional meetings may take place as specified in the following paragraph.
10. Special meetings of an Overview and Scrutiny Committee may be called at any time by the relevant Committee Chair (or in their absence, by the Vice-Chair), by the full Council, by any five members of the Committee, or by the Chief Executive, providing at least five clear working days notice is given.
11. In exceptional circumstances meetings may be called by the Chair with fewer days notice, providing the issue(s) to be discussed require an urgent decision, and providing as much notice as possible is given.

## **Quorum**

12. The quorum shall be such number as may be fixed by the Committee or Sub-Committee, provided that the number shall be:
  - (i) not less than one quarter of the total membership of the Committee or Sub-Committee; and
  - (ii) subject to a minimum of three
13. If a Committee or Sub-Committee does not fix a quorum, then the figure shall be one-quarter of its membership, or three, whichever is the greater.

## **Chairing Overview and Scrutiny Committee meetings**

14. Each Overview and Scrutiny Committee shall at its first meeting after the annual meeting of the Council elect a Chair and Vice-Chair from amongst the members of the Committee. If either position becomes vacant during the course of the year it will be filled by the Committee at its next meeting.



## Work programme and annual report

15. The Overview and Scrutiny Committees will be responsible for setting their own work programme and in doing so they shall take into account wishes of members on that Committee who are not members of the largest political group on the Council.
16. Overview and Scrutiny Committees must report annually to full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

## Agenda items

17. Any member of an Overview and Scrutiny Committee or Sub-Committee shall be entitled to give notice to the Chief Executive that they wish an item relevant to the functions of the Committee or Sub-Committee to be included on the agenda for the next available meeting of the Committee or Sub-Committee. On receipt of such a request the Chief Executive will ensure that it is included on the next available agenda.
18. The Overview and Scrutiny Committees shall also respond, as soon as their work programme permits, to requests from the Council, the Cabinet, or any other Committee of the Council, to review particular areas of Council activity. Where they do so, the Overview and Scrutiny Committee shall report their findings and any recommendations back to the Council, the Cabinet or the relevant Committee, as it deems appropriate.
19. Under the Councillor Call for Action, Members may also bring matters of ward concern to the attention of the Council via the Scrutiny process. The Call for Action is deemed to be an option of “last resort” and details of its operation are set out in the Councillor Call for Action Protocol in Part 4-10 of this Constitution.

## Policy review and development

20. The role of the Overview and Scrutiny Committees in relation to the development of the Council’s budget and policy framework is set out in detail in the [Budget and Policy Framework Procedure Rules](#).
21. In addition, Overview and Scrutiny Committees may make whatever recommendations or observations they see fit to the Council, the Cabinet or any other Committee of the Council, who must then consider them within six weeks of receipt.
22. Overview and Scrutiny Committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.
23. Where the cost of any single item of work exceeds £1,000, Overview and Scrutiny Committees will need the prior consent of the Council or the Cabinet to incur the expenditure. The Council will make budget provision available as necessary for that purpose and the Overview and Scrutiny Committee will be responsible for and manage that budget in accordance with the [Financial Procedure Rules](#) and [Part 2, Article 9](#) of the Constitution

## **Reports from Overview and Scrutiny Committee**

24. Once it has formed recommendations or observations, the Overview and Scrutiny Committee will prepare a formal report and submit it to the Chief Executive for consideration by whichever body in the Council the Committee deems appropriate.
25. If an Overview and Scrutiny Committee cannot agree on one single final report, then up to two minority reports may be prepared and submitted for consideration with the majority report.
26. The body receiving the report shall consider it within six weeks of it being submitted to the Chief Executive, or such longer timescale as the Chair of the Overview and Scrutiny Committee may agree.

## **Consideration of Overview and Scrutiny Committee reports**

27. The agenda for Council, Cabinet and Committee meetings shall include an item entitled 'Issues arising from Overview and Scrutiny'. Reports referred by Overview and Scrutiny Committees shall be included at this point in the agenda (unless they have been considered in the context of deliberations on a substantive item on the agenda) within six weeks of the Overview and Scrutiny Committee submitting its report, or such longer timescale as the Chair of the Overview and Scrutiny Committee may agree.

## **Rights of Overview and Scrutiny Committee members to documents**

28. In addition to their rights as Councillors, members of Overview and Scrutiny Committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in [Part 5F](#) of this Constitution.
29. Overview and Scrutiny Committees will have access to the Cabinet work plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from an Overview and Scrutiny Committee, the Committee will be entitled to respond in the course of the Cabinet's consultation process in relation to any key decision.
30. Nothing in this paragraph prevents more detailed liaison between the Cabinet and Overview and Scrutiny Committee as appropriate depending on the particular matter under consideration.

## **Members and officers giving account**

31. Any Overview and Scrutiny Committee or Sub-Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council function. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Cabinet, the Chief Executive and/or any senior officer to attend before it to explain in relation to matters within their remit:
  - (i) any particular decision or series of decisions;
  - (ii) the extent to which the actions taken implement Council policy; and/or
  - (iii) their performanceand it is the duty of those persons to attend if so required.

32. In this context “senior officer” means the Chief Executive, any Director or Deputy Director, the Monitoring Officer, or any of the Council’s Heads of Service.
33. Where any member or officer is required to attend an Overview and Scrutiny Committee under this provision, the Chair of that Committee will inform the Chief Executive. The Chief Executive shall inform the member or officer in writing giving at least five clear working days notice of the meeting at which they are required to attend. The notice will state the nature of the item on which they are required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.
34. Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the Overview and Scrutiny Committee shall in consultation with the member or officer arrange an alternative date for attendance.

#### Attendance by others

35. An Overview and Scrutiny Committee may invite people other than those people referred to in paragraphs **Error! Reference source not found.** or **Error! Reference source not found.** above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend.
36. Attendance is of course entirely optional.

#### Call-in

37. Where a decision is:
  - (i) a key decision; or
  - (ii) is taken by the Cabinet itself; or
  - (iii) is taken under powers delegated by the Cabinet to individual Cabinet member(s); or
  - (iv) is taken under powers delegated by the Cabinet to a Committee or Sub-Committee; or
  - (v) is taken under powers delegated by the Cabinet to an officer, other than those set out in the [Officer Delegation Rules](#) under Part 4 of this Constitution;that decision shall be notified to all members of the Council as soon as possible after it is taken and shall be made available at the main offices of the Council.
38. The decision shall not be implemented for at least five clear working days after the notification is issued, unless the Leader (or, in their absence, the Deputy Leader or the Cabinet itself) with the support of the Chair of a Scrutiny Committee relevant to the issue decides that the matter is urgent, in which case the decision may be implemented immediately. In such a case all members of the Council shall be notified of the reasons for urgency.
39. The notice communicating the decision will bear the date on which it is published and will specify the date by which any objection to it must be lodged for it to be called in.
40. During that period, any four members of the Council will have the right to ask for the decision to be called-in for scrutiny by an Overview and Scrutiny Committee. Such a request must be made in writing and must state the reason the members believe call-in to be

necessary. On receipt of such a request, submitted within the time limit allowed, the Chief Executive shall determine whether the reasons given for call-in are sufficient and if so they will call-in the decision, and notify the decision-taker of the call-in. The Chief Executive shall then either refer the call-in to the next available meeting of whichever Overview and Scrutiny Committee appears to them to be appropriate, or call a meeting of that Committee on such date as the Chair of that Committee may determine. If when considering a request for call-in the Chief Executive does not consider the reasons given to be sufficient they will notify the relevant members in writing setting out why the call-in request has not be accepted.

41. Pending that meeting, the decision shall stand deferred and shall not be implemented unless:
  - (i) the Leader (or, in their absence, the Deputy Leader or the Cabinet itself) with the support of the Chair of an Overview and Scrutiny Committee relevant to the issue decides that the matter is urgent. In such a case all members of the Council shall be notified of the reasons for urgency; or
  - (ii) the member who requested the call-in agrees to withdraw that request.
42. In either of these circumstances the decision may be implemented, as soon as the initial period for objections has lapsed.
43. If, having considered the decision, the Overview and Scrutiny Committee is still concerned about it, it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns, or refer the matter to full Council (see also paragraph 46 below). If referred to the decision maker they shall then reconsider it, amending the decision or not, before adopting a final decision. That final decision shall not be subject to any further call-in procedure.
44. If following an objection to the decision, the Overview and Scrutiny Committee does not refer the matter either to Council or back to the decision making person or body, the decision shall take effect on the date of the Overview and Scrutiny meeting.
45. If the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below.
46. However, if the Council does object, it has no locus to make decisions in respect of an Cabinet decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it.
47. If the Council does not decide to refer the decision back to the decision making body or person, the decision shall take effect on the date of the Council meeting.
48. A recommendation from the Cabinet to the Council shall not be subject to the call-in provisions set out in these rules.
49. A decision-making person or body can only be required to reconsider any particular decision once.

#### **Procedure at Overview and Scrutiny Committee meetings**

50. Overview and Scrutiny Committees and Sub-Committees shall consider the following business:

- (i) minutes of the last meeting;
  - (ii) declarations of interest;
  - (iii) consideration of any matter referred to the Committee for a decision in relation to call in of a decision;
  - (iv) responses of the Council, Cabinet or other Committees to reports of the Overview and Scrutiny Committee; and
  - (v) the business otherwise set out on the agenda for the meeting.
51. Where the Overview and Scrutiny Committee conducts investigations (e.g. with a view to policy development), the Committee may also ask people to attend to give evidence at Committee meetings which are to be conducted in accordance with the following principles:
- (i) that the investigation be conducted fairly and all members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
  - (ii) that those assisting the Committee by giving evidence be treated with respect and courtesy; and
  - (iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis
52. Following any investigation or review, the Committee/Sub-Committee shall prepare a report, for submission to the Council, Cabinet or other Committee as it deems appropriate and shall make its report and findings public.

#### **Matters within the remit of more than one Overview and Scrutiny Committee**

53. Scrutiny Committees have the power to investigate any matters they consider relevant to their work area, and to make recommendations to the Council, the Cabinet or any other Committee or Sub-Committee of the Council as they see fit.
54. It is intended that the areas of work of Overview and Scrutiny Committees should be wide ranging and cut across the organisational structure of the Council. As a result there may at times be overlap between the interests of two or more Committees. In such a case the Chairmen of the Committees involved should agree between them how the situation should be managed to ensure efficient use of Council time and resources.

## Councillor Call for Action Protocol

1. The Councillor Call for Action is a mechanism for enabling elected members to bring matters of ward concern to the attention of the Council, via the Scrutiny process.
2. The Constitution provides that any councillor may request that an item is placed on an Overview and Scrutiny Committee agenda, for consideration. The member making that request does not have to be a member of the Overview and Scrutiny Committee. Inclusion of the matter on the agenda is at the discretion of the Chair.
3. The Constitution also provides for the consideration of petitions submitted by members of the public. Ward councillors may encourage citizens to submit petitions as means of bringing issues of concern to the Council's attention.
4. The Call for Action is deemed to be an option of "last resort". A Call for Action will only be included on the relevant Overview and Scrutiny Committee agenda if the Chair, in consultation with the Chief Executive, Deputy Chief Executive or Monitoring Officer, is satisfied that:
  - the councillor has made all reasonable efforts to resolve the matter via direct liaison with council officers and/or relevant partners; and
  - the issue of concern is a matter in respect of which the council has a statutory power or duty to deal with and is not precluded by adopted council policy or legislation; and
  - the issue of concern has a demonstrable impact on a part or the whole of the councillor's ward; and
  - the Call for Action does not, in any event, relate to:
    - (a) any matter relating to a planning decision;
    - (b) any matter relating to a licensing decision;
    - (c) any Council Tax/Housing Benefit complaints and queries;
    - (d) any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment;
    - (e) any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the Overview and Scrutiny Committee or at a meeting of a sub-committee thereof.
5. A valid Call for Action will be considered at the next ordinary meeting of the relevant Overview and Scrutiny Committee.
6. The subject matter of the Call for Action will be the subject of a report from the relevant Head of Service, with such supporting information and evidence as is reasonably available. If the matter also or exclusively entails consideration of information held by another public body or partner, an appropriate representative shall be invited to the Overview and Scrutiny Committee meeting to provide that information, make representations and answer questions.
7. The Call for Action will be considered by the Overview and Scrutiny Committee in public session unless consideration of the issues involves the disclosure of exempt or confidential information as defined by the Access to Information Procedure Rules of the Constitution.

8. A ward councillor may address the Overview and Scrutiny Committee in respect of the Call for Action for up to 10 minutes.
9. The Overview and Scrutiny Committee may also consider representations from any citizens of the ward affected by the Call for Action, subject to the discretion of the Chair.
10. The ward councillor's role in the consideration of the Call for Action, as with any other formal Council business, is subject to compliance with the Members' Code of Conduct.

## **5D Procedure in relation to Licensing Applications**

The following procedure shall apply in relation to the determination of applications at meetings of Miscellaneous Licensing Sub-Committee:

- (1) Introductory remarks by the Chair.
- (2) Brief description of the application by the Council's Officers, including summary of written representations, observations and objections received from parties not attending the meeting in person to make oral representations.
- (3) Observations of consultees/relevant authorities.
- (4) Other submissions by way of objection.
- (5) Presentation by the applicant of the case for granting an application.
- (6) Members' questions.
- (7) Summing up by
  - a) The Council's Officers
  - b) The Applicant
- (8) Members retire for determination of the decision.
- (9) Members return to communicate their decision
- (10) Decision is then provided to the applicant in writing which will also contain information regarding any right of Appeal



## **5E Budget and Policy Rules**

### **5E.1 The Framework for Cabinet Decisions**

The Council will be responsible for the adoption and amendment of its budget and policy framework. Once the budget and policy framework is in place, it will be the responsibility of the Cabinet to implement it.

### **5E.2 The Process for Developing the Framework**

The process by which the budget and policy framework shall be developed or amended is:

- a) At least two months before a plan/strategy/budget needs to be adopted, the Cabinet will publish initial proposals for the amendment of the budget and policy framework, having first canvassed the views of local stakeholders as appropriate and in a manner suitable to the matter under consideration. Details of the Cabinet's consultation process shall be included in relation to each of these matters in the cabinet work plan, together with any other publicity the Cabinet deems appropriate.
- b) Any representations made to the Cabinet shall be taken into account in formulating the initial proposals, and shall be reflected in any report dealing with them. If the matter is one where an Overview and Scrutiny Committee has carried out a review of policy, then the outcome of that review will be reported to the Cabinet and considered in the preparation of initial proposals.
- c) The Cabinet's initial proposals shall be referred to the relevant Overview and Scrutiny Committee(s) for further advice and consideration. The Overview and Scrutiny Committee(s) shall canvass the views of local stakeholders if it considers it appropriate in accordance with the matter under consideration, and having particular regard not to duplicate any consultation carried out by the Cabinet. The Overview and Scrutiny Committee(s) shall report to the Cabinet on the outcome of its deliberations.
- d) The Overview and Scrutiny Committee(s) shall have six weeks to respond to the initial proposals of the Cabinet unless the Cabinet considers that there are special factors that make this timescale inappropriate. If it does, it will inform the Overview and Scrutiny Committee(s) of the time for response when the proposals are referred to it.
- e) Having considered the report of the Overview and Scrutiny Committee(s), the Cabinet, if it considers it appropriate, may amend its proposals before submitting them to the Council meeting for consideration. It will also report to Council on how it has taken into account any recommendations from the Overview and Scrutiny Committee(s).
- f) The Council will consider the proposals of the Cabinet and may adopt them. In considering the matter, the Council shall have before it the Cabinet's proposals and any report from any relevant Overview and Scrutiny Committee.
- g) Where, following consideration of a draft plan or strategy submitted by the Cabinet, the Council has any objections to it, it must inform the Cabinet leader of any objections and must give to him/her instructions requiring the Cabinet to reconsider the draft plan or strategy in the light of those objections. This must be done before the Council:
  - i. Amends the draft strategy;
  - ii. Approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for approval, any plan or strategy (whether or not a draft) of which any part is required to be so submitted; or
  - iii. Adopts (with or without modification) the plan or strategy

- h) Where the Council gives instructions in accordance with f) above it must specify a period of at least five working days beginning on the day after the Cabinet leader receives the instructions on behalf of the Cabinet within which the Cabinet leader may:
  - (i) submit a revision of the draft plan or strategy as amended by the Cabinet (the "revised draft plan or strategy"), with the Cabinet's reasons for any amendments made to the draft plan or strategy, to the Council for the Council's consideration; or
  - (ii) inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.
- i) When the specified period of at least five working days has expired, the Council must take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the Cabinet's reasons for those amendments, any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for that disagreement, which the Cabinet leader submitted to the Council, or informed the Council of, within the specified period before taking any of the actions referred to in f) above. In these circumstances a further meeting of the Council will be convened.
- j) If the Cabinet does not have any disagreement with the objections raised by the Council the plan or strategy will be effective at the expiry of the period of at least five working days, in accordance with the wishes of the Council.
- k) The Council meeting must take place within 10 clear working days of the receipt of the Cabinet's written objection.
- l) The Council shall at that meeting make its final decision on the matter on the basis of a simple majority. The decision shall be made public in accordance, and shall be implemented immediately.
- m) In relation to the budget where, before 8th February in any financial year, the Cabinet submits to the Council for its consideration in relation to the following financial year –
  - (i) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 to 37 or 43 to 49, of the Local Government Finance Act 1992;
  - (ii) estimates of other amounts to be used for the purposes of such a calculation;
  - (iii) estimates of such a calculation; or
  - (iv) amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992,

and following consideration of those estimates or amounts the Council has any objections to them, it must take the action set out in the following paragraph.

- n) Before the Council makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in sub-paragraph (a), or issues a precept under Chapter IV of Part I of the Local Government Finance Act 1992, it must inform the Cabinet leader of any objections which it has to the Cabinet's estimates or amounts and must give to him/her instructions requiring the Cabinet to reconsider, in the light of those objections, those estimates and amounts in accordance with the Council's requirements.
- o) Where the authority gives instructions in accordance with paragraph (l), it must specify a period of at least five working days beginning on the day after the date on which the

Cabinet leader receives the instructions on behalf of the Cabinet within which the Cabinet leader may –

- (i) submit a revision of the estimates or amounts as amended by the Cabinet ("revised estimates or amounts"), which have been reconsidered in accordance with the Council requirements, with the Cabinet's reasons for any amendments made to the estimates or amounts, to the Council for the Council's consideration; or
  - (ii) inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement
- p) When the specified period of at least five working days has expired, the Council must, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to in paragraph (k)(a), or issuing a precept under Chapter IV of Part I of the Local Government Finance Act 1992, take into account –
  - (i) any amendments to the estimates or amounts that are included in any revised estimates or amounts;
  - (ii) the Cabinet's reasons for those amendments;
  - (iii) any disagreement that the Cabinet has with any of the Council's objections; and
  - (iv) the Cabinet's reasons for that disagreement,which the Cabinet leader submitted to the Council, or informed the Council of, within the period specified.
- q) Paragraphs l) to p) shall not apply in relation to –
  - (i) calculations or substitute calculations which an authority is required to make in accordance with section 52I, 52J, 52T or 52U of the Local Government Finance Act 1992; and
  - (ii) amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with section 52J or 52U of that Act.
- r) In approving the budget and policy framework, the Council will also specify the extent of virement within the budget and degree of in-year changes to the policy framework which may be undertaken by the Cabinet, in accordance with paragraphs 5E.5 and 5E.6 of these Rules (virement and in-year adjustments). Any other changes to the budget and policy framework are reserved to the Council.

### **5E.3 Decisions outside the budget or policy framework**

- a) Subject to the provisions virement the Cabinet, Committees of the Cabinet, individual members of the Cabinet and any officers, area Committees or joint arrangements discharging Cabinet functions may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by full Council, then that decision may only be taken by the Council, subject to 5E.4 below.
- b) If the Cabinet, Committees of the Cabinet, individual members of the Cabinet and any officers, area Committees or joint arrangements discharging Cabinet functions want to

make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Finance Officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget.

- c) If the advice of either of those officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 5E.4 (urgent decisions outside the budget and policy framework) shall apply.

#### **5E.4 Urgent decisions outside the budget or policy framework**

- a) The Cabinet, a Committee of the Cabinet, an individual member of the Cabinet or officers, area Committees or joint arrangements discharging Cabinet functions may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:
  - (i) if it is not practical to convene a quorate meeting of the full Council; and
  - (ii) if the Chair of a relevant Overview and Scrutiny Committee agrees that the decision is a matter of urgency.
- b) The reasons why it is not practical to convene a quorate meeting of full Council and the Chair of the relevant Overview and Scrutiny Committees' consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chair of a relevant Overview and Scrutiny Committee the consent of the Chair of the Council, and in the absence of both the vice-Chair, will be sufficient.
- c) Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

#### **5E.5 Call-in of decisions outside the budget or policy framework**

- a) Where an Overview and Scrutiny Committee is of the opinion that an Cabinet decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the Monitoring Officer and/or Chief Finance Officer.
- b) In respect of functions which are the responsibility of the Cabinet, the Monitoring Officer's report and/or Chief Finance Officer's report shall be to the Cabinet with a copy to every member of the Council.
- c) Regardless of whether the decision is delegated or not, the Cabinet must meet to decide what action to take in respect of the report and to prepare a report to Council in the event that the Monitoring Officer or the Chief Finance Officer concludes that the decision was a departure, and to the Overview and Scrutiny Committee if the Monitoring Officer or the Chief Finance Officer concludes that the decision was not a departure.
- d) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer or the Chief Finance Officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the Overview and Scrutiny Committee may refer the matter to Council.

In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter.

- e) The Council shall meet within ten working days of the request by the Overview and Scrutiny Committee. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer or the Chief Finance Officer. The Council may either:
- (i) endorse a decision or proposal of the Cabinet decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or
  - (ii) amend the Council's Financial Procedure Rules or policy concerned to encompass the decision or proposal of the body or individual responsible for that Cabinet function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or
  - (iii) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the Cabinet to reconsider the matter in accordance with the advice of either the Monitoring Officer or the Chief Finance Officer.

## **5F Access to Information Rules**

### **1. Scope**

Subject to specified exceptions, these rules apply to all meetings of the Council, Overview and Scrutiny Committees, area Committees and other Committees and meetings of the Cabinet (together called meetings).

### **2. Additional Rights to Information**

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

### **3. Rights to Attend Meetings**

Members of the public may attend all meetings subject only to the exceptions in these rules.

### **4. Notices of Meeting**

The Council will normally give five clear working days' notice of any meeting by posting details of the meeting at The Council Offices, Woodgreen, Witney. Notice will also be given by publishing the agenda at [www.westoxon.gov.uk/meetings](http://www.westoxon.gov.uk/meetings). If for any reason it is not possible to give five clear days' notice, the Council will comply with the statutory requirements where a meeting is summonsed in a shorter period.

### **5. Access to Agenda and Reports before the Meeting**

The Council will make copies of the agenda and reports open to the public available for inspection at The Council Offices, Woodgreen, Witney, in accordance with the statutory requirement for these to be available five clear working days before the meeting. They will also be available from [www.westoxon.govuk/meetings](http://www.westoxon.govuk/meetings)

If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda. Where reports are prepared after the summons has been sent out, the Chief Executive shall make each such report available to the public as soon as the report has been completed and sent to Councillors.

### **6. Supply of Copies**

On payment of any charge for postage, copying or other necessary charges for transmission, any person will be supplied with copies of:

- (a) any agenda and reports which are open to public inspection,
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) if the Chief Executive thinks fit, copies of any other documents supplied to Councillors in connection with an item.

### **7. Access to Agendas, Minutes and Reports after the Meeting**

The Council will make available copies of the following for a minimum of six years after a meeting, including on its website:

- (a) the minutes of the meeting or, for meetings of the Cabinet, records of decisions taken, together with reasons, excluding any part of the minutes of proceedings when the meeting was not open to the public and which disclose exempt or confidential information, as defined in Rule 0 below.
- (b) a summary of any proceedings not open to the public where the minutes

- open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

## **8. Background Papers**

### ***a) List of background papers***

Every report shall include a list of those documents (called background papers) relating to the subject matter of the report which in the opinion of the author:

- (i) disclose any facts or matters on which the report or an important part of the report is based; and
- (ii) which have been relied on to a material extent in preparing the report but this does not include published works or those which disclose exempt or confidential information (as defined in Rule 0 below) and/or, in respect of Cabinet reports, the advice of a political advisor.

For Cabinet meetings, the listed background papers will be published on the Council's website at [www.westoxon.gov.uk/meetings](http://www.westoxon.gov.uk/meetings)

### ***b) Public inspection of background papers***

Background papers listed in reports may be inspected by the public during the period of four years beginning with the date of the meeting.

## **9. Summary of the Rights of the Public**

This part of the Council's constitution meets the requirement that a written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and available to the public at the Council's main offices.

## **10. Exclusion of Access by the Public to Meetings**

The following paragraphs set out circumstances in which the public may be excluded from meetings, as defined by the law. However, there is a general presumption that meetings will be open to the public to attend. Any person attending a meeting open to the public for the purpose of reporting the proceedings will be afforded reasonable facilities for taking their report. In addition to the following, the public may be excluded from a meeting if necessary to maintain orderly conduct or prevent misbehaviour.

### ***Confidential information – requirement to exclude public***

The public *must* be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information (as defined below) would be disclosed.

### ***Exempt information – discretion to exclude public***

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information (as defined below) would be disclosed.

### ***Meaning of confidential information***

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure, or information which cannot be publicly disclosed under any enactment or by an order of a court.

### ***Meaning of exempt information***

Exempt information means information falling within the categories in the following table. These categories are subject to the qualifications and interpretation which follow the table.

	<b>Category</b>
	[For each of nos 1 – 0, see Qualification 1 below]
1	Information relating to any individual
2	Information which is likely to reveal the identity of an individual.
3	Information relating to the financial or business affairs of any particular person (including the authority holding that information). [see Qualification 2 below]
4	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6	Information which reveals that the authority proposes: (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.
7	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

### **Qualifications:**

- (1) Information falling within paragraph 3 is not exempt information by virtue of that paragraph if it is required to be registered under—
  - (a) the Companies Acts (as defined in s.2 of the Companies Act 2006);
  - (b) the Friendly Societies Act 1974;
  - (c) the Friendly Societies Act 1992;
  - (d) the Industrial and Provident Societies Acts 1965 to 1978;
  - (e) the Building Societies Act 1986; or
  - (f) the Charities Act 2011.
- (2) Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.
- (3) Information which—



- (a) falls within any of paragraphs 1 to 7 above; and
- (b) is not prevented from being exempt by virtue of the two preceding paragraphs is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

**Interpretation:**

- (4) "*Employee*" means a person employed under a contract of service;
- (5) "*financial or business affairs*" includes contemplated, as well as past or current, activities;
- (6) "*labour relations matter*" means—
  - (a) any of the matters specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992[10] (matters which may be the subject of a trade dispute, within the meaning of that Act); or
  - (b) any dispute about a matter falling within paragraph (a) above; and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority;
- (7) "*office-holder*", in relation to the authority, means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority; "*registered*" in relation to information required to be registered under the Building Societies Act 1986, means recorded in the public file of any building society (within the meaning of that Act).

The decision on whether information is confidential or exempt shall be made by the Monitoring Officer in consultation with the Head of Legal Services.

**a) Exclusion of Access by the Public to Reports**

The Council may exclude access by the public to reports which in the opinion of the Monitoring Officer relate to items during which, in accordance with Rule 0, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" and will include reference to the category and description of the information likely to be disclosed.

**b) Application of Rules to the Cabinet**

Rules 0 to m) below apply to the Cabinet and to any Committees of the Cabinet. If the Cabinet or one of its Committees meet to take a key decision then it must also comply with Rules 1 to 0 unless Rule e) (general exception) or Rule g) (special urgency) apply. A *key* decision is as defined in this Constitution.

If the Cabinet or its Committees meet to discuss a key decision to be taken collectively, with an officer other than a political assistant present, within 28 days of the date according to the cabinet work plan by which it is to be decided, then it must also comply with Rules 1 to 0 unless Rule e) (general exception) or Rule g) (special urgency) apply. This requirement does not include meetings whose sole purpose is for officers to brief members.

**c) Procedure before taking Key Decisions**

Subject to Rule e) (general exception) and Rule g) (special urgency), a key decision may not be taken unless:

- (a) a notice has been published in connection with the matter in question which complies with the requirements of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012;
- (b) at least 28 clear days have elapsed since the publication of the notice referred to in the preceding paragraph; and
- (c) where the decision is to be taken at a meeting of the Cabinet or its Committees, notice of the meeting has been given in accordance with Rule 4 (notice of meetings)

**d) Notice of Future Cabinet Decisions (Cabinet Work Programme)**

**a. Period of Notice**

Notice of future Cabinet decisions will be published in accordance with Rule 0 above. In addition to key decisions the notice will, wherever possible, include details of other decisions which the Cabinet is expected to take, and will aim to cover a period of approximately two to three months.

The Notice will be available at the Council Offices, Woodgreen, Witney, and on the Council's [website](#)

**b. Contents of Notice**

The Notice of Future Decisions will contain matters which are believed will be the subject of a key decision to be taken by the Cabinet, a Committee of the Cabinet, individual members of the Cabinet, officers, or under joint arrangements in the course of the discharge of an Cabinet function during the period covered. It will provide the following:

- (i) A statement that a key decision is to be made on behalf of the council;
- (ii) the matter in respect of which a decision is to be made;
- (iii) where the decision maker is an individual, their name and title, if any and where the decision maker is a decision making body, its name and a list of its members;
- (iv) the date on which, or the period within which, the decision is to be made;
- (v) a list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the decision is to be made;
- (vi) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
- (vii) that other documents relevant to those matters may be submitted to the decision maker; and
- (viii) the procedure for requesting details of those documents (if any) as they become available

**c. Publication of Notice of Future Decisions**

The Notice referred to above must be published at least 28 clear days before the date of the first specified key decision.

The Notice will include particulars of any matter where the public may be excluded from

the meeting at which the matter is to be discussed, or where documents will not be available to the public, but will not contain any confidential or exempt information or particulars of the advice of a political adviser or assistant.

**e) Decisions at Private Meetings**

Where a decision is likely to be taken with the public excluded from the meeting, the Council will make available at its offices a Notice of its intention to hold the meeting in private and publish on its website Notice of that intention at least 28 clear days in advance of the date of the private meeting where the decision will be taken. This Notice will be incorporated into the Notice referred to in paragraphs 00 above and 0 above, and will include a statement of the reasons for the decision to be taken in private.

At least five clear working days before the meeting, a further Notice of the intention to make the decision in private must be published. This must include a statement of the reasons for the meeting to be held in private; details of any representations received by the decision-making body about why the decision should be taken in public; and a statement of the response to any such representations. This Notice will be incorporated into the agenda for the meeting in question.

Where the date by which a meeting must be held makes the above procedure impracticable, the meeting may only be held in private where agreement has been obtained from the chair of the relevant Overview and Scrutiny Committee or, if there is no such person, or the chair is unable to act, the chair of the council, or, if there is no chair of the committee or the council, the vice chair of the council that the meeting is urgent and cannot reasonably be deferred.

As soon as reasonably practicable after such agreement has been obtained a Notice must be made available at the Council Offices and on its website setting out the reasons that the meeting is urgent and cannot reasonably be deferred.

The Chief Executive will determine which is the relevant Overview and Scrutiny Committee for the purposes of this Rule.

**f) General Exception – Key Decisions**

Where the publication of the intention to make a key decision as set out above is impracticable, subject to Rule g) (special urgency), the decision may still be taken if:

- (a) The Chief Executive has informed the Chair of the relevant Overview and Scrutiny Committee or, if there is no such person, each member of that Committee by notice in writing, of the matter about which the decision is to be made;
- (b) A copy of the notice referred to in (a) above has been made available for inspection by the public at the Council Offices, Woodgreen, Witney and on the Council's website; and
- (c) After five clear days have elapsed since the Chief Executive complied with (b) above The Chief Executive must, having carried out the above step, make available for inspection by the public at the Council Offices, Woodgreen, Witney and on the Council's website, a notice setting out the reasons why compliance with 0(b) above was impracticable.

**g) Special Urgency – Key Decisions**

If the date by which a key decision must be made makes compliance with Rule f) above impracticable, the decision may only be made with the agreement of the chair of the relevant Overview and Scrutiny Committee or, if there is no such person, or the chair is unable to act, the chair of the council, or, if there is no chair of the committee or the council, the vice chair of the council that the making of the decision is urgent and cannot reasonably be deferred.

As soon as reasonably practicable after such agreement has been obtained a Notice must be made available at the Council Offices and on its website setting out the reasons that the meeting is urgent and cannot reasonably be deferred.

The Chief Executive will determine which is the relevant Overview and Scrutiny Committee for the purposes of this Rule.

**h) Report to Council**

**a. When an Overview and Scrutiny Committee can require a report**

If a relevant Overview and Scrutiny Committee thinks that a key decision has been taken which was not treated as being a key decision, the Committee may require the Cabinet to submit a report to the Council within such reasonable time as the Committee specifies. The power to require a report rests with the Committee, but is also delegated to the Chief Executive, who shall require such a report on behalf of the Committee when so requested by the Chair. Alternatively the requirement may be raised by resolution passed at a meeting of the relevant Overview and Scrutiny Committee.

**b. Cabinet's report to Council**

The Cabinet will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within seven working days of receipt of the written notice, or the resolution of the Committee, then the report may be submitted to the meeting after that. The report to Council will set out the decision and the reasons for the decision, the decision maker by which the decision was made, and if the Cabinet is of the opinion that the decision was not a key decision, the reasons for that opinion.

**c. Reports on special urgency key decisions**

The leader will submit at least one report annually to the council, which contains details of each Cabinet decision taken since the submission of the last report which was agreed as urgent under the procedure in Rule g) above. The report will include the particulars of each such decision made, and a summary of the matters in respect of which each decision was made.

**i) Record of Decisions**

After any meeting of the Cabinet or any Committee of the Cabinet, the Chief Executive or, where no officer was present, the person presiding at the meeting, will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

**j) Cabinet Meetings to be held in Public**

With the exception of matters falling within Rule 0 above, all meetings of the Cabinet will be held in public.

**k) Notice of Meeting of the Cabinet**

Members of the Cabinet or a Committee of the Cabinet will be entitled to receive five clear working days notice of a meeting to which they are summoned, unless the meeting is convened at shorter notice as a matter of urgency.

The agenda and reports for any such meeting will also be circulated to all members of the Council, unless:

- (a) any individual member indicates that they do not wish to receive specified papers; or
- (b) in exceptional circumstances, taking into account the provisions of Regulation 16 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the Leader or the decision taker, on the advice of at least two of the statutory officers agrees that the content of a report is of such a sensitive nature that it should be circulated only to members of the relevant decision making body; or
- (c) a report contains information or advice which the Council is unable to supply to members not involved in the making of a decision because of any statutory provision or the terms of any agreement.

**l) Member attendance at meetings of the Cabinet**

Members of the Council who are not members of the Cabinet may attend meetings of the Cabinet and any Committees of the Cabinet. At the discretion of the Cabinet they may join in debates but may not vote.

**m) Decisions by Individual Members of the Cabinet**

**a. Reports intended to be taken into account**

Where an individual member of the Cabinet receives a report which they intend to take into account in making any decision, they will not make the decision until at least five clear days after receipt of that report.

**b. Provision of copies of reports to Overview and Scrutiny Committees**

Any report prepared for an individual decision maker will be circulated to all members of the Council, subject to the exceptions referred to in Rule k) above. The report will also be available to the public in accordance with these Rules.

**c. Record of individual decision**

As soon as reasonably practicable after an Cabinet decision has been taken by an individual member of the Cabinet or by an officer, the Chief Executive will prepare a record of the decision, a statement of the reasons for it and any alternative options considered and rejected. The provisions of Rules 0 and 0 (inspection of documents after meetings) will also apply to the making of decisions by individual members of the Cabinet. This does not require the disclosure of exempt or confidential information or advice from a political assistant.

## **5G: Contract Procedure Rules**

A copy of the contract procedure rules are available on the Council's website:

<https://www.westoxon.gov.uk/media/c4ppgm0v/contract-rules-2021.pdf>

**5H: Financial Procedure Rules**

[To be inserted when available]

## Part 6: Code and Protocols

### 6A: Member Code of Conduct



Member Code of  
Conduct April 2022.doc



## 6B: Member/Officer Protocol

### Preamble

1. Mutual respect and trust between Members and Officers may seem obvious, but what happens when relationships go awry? Where can members and officers turn for guidance? What mechanisms exist for addressing concerns? How can matters be improved?
2. Such questions point to the need for a written guide to the basic elements of the relationship between members and officers:
  - to promote trust, openness, fairness and honesty by establishing some ground rules;
  - to define roles so as:
    - to clarify responsibilities (that is, who does what),
    - to avoid conflict, and
    - to prevent duplication or omission;
  - to secure compliance with the law, codes of conduct and a Council's own practices; and
  - to lay down procedures for dealing with concerns by members or officers.
3. This protocol should be recognised both as a central element of the Council's corporate governance, and as a commitment to upholding standards of conduct in public life. It is one way of demonstrating to the public at large that local government is serious about protecting and enhancing its integrity and reputation.
4. Members and officers must at all times observe this protocol. It should not be considered simply a list of do's and don'ts but also as guidance on cultural and behavioural matters to ensure that the Council benefits from good working relationships and achieves its full potential in delivering services to the community it serves.
5. In addition to this protocol all staff are required to comply with Publica's Business Conduct Policy.

### Definitions

6. Unless the context indicates otherwise, references to the term "Council" includes Full Council, the Cabinet, all Committees, subcommittees and task/working groups.
7. Unless the context indicates otherwise, the terms "member "and "members "includes co-opted members as well as elected councillors.
8. "Officers "and "staff" mean all persons employed by the Council and Publica  
  
"Senior officer "is as defined within the Constitution  
  
"Designated Finance Officer "means the Chief Finance Officer (section 151 Officer) exercising the duties prescribed by law for the financial administration of the Council  
  
"Monitoring Officer" means the officer exercising the duties prescribed by law for the ethical and legal administration of the Council.

## The role of members

9. Members have a number of elements within their role:

- as politicians with political values and support for the policies of the group to which they belong;
- as representatives of all the electorate of the Council's administrative area, and their ward in particular;
- as community leaders for the whole population of the administrative area;
- as an elected member with responsibility for the administration and service delivery to the community as a whole; and
- in personal life where they may have to live and/or work in the area in which they serve.

There is a need for members to be alert to the potential for conflicts of interest, which may arise within their role. Where such conflicts are likely, members may wish to seek the advice of senior colleagues, the relevant senior officer(s), and/or the Monitoring Officer.

10. Collectively, members are the ultimate policy-makers determining the core values of the Council and approving the authority's policy framework, strategic plans and budget. In particular, members should: Define the core values of the Council as an organisation, and with assistance from officers, identify the priority objectives
11. Members represent the community, act as community leaders and promote the social, economic and environmental well-being of the community often in partnership with other agencies.
12. Every elected-member represents the interests of, and is an advocate for, their Ward and individual constituents. They represent the Council in the Ward, respond to the concerns of constituents, meet with partner agencies, and often serves on local bodies.
13. Some members have roles within the Council relating to their position as members of the Cabinet, scrutiny committees or other committees and subcommittees of the Council:
  - a. The Leader and Cabinet collectively decide the day-to-day operational issues not delegated to officers and recommend framework policies and strategies to Council.
  - b. Members serving on scrutiny and review committees monitor the effectiveness of the Council's policies and services, develop policy proposals and examine community issues.
  - c. Members who serve on other committees and sub-committees collectively have delegated responsibilities, for example, deciding quasi-judicial matters that, by law, are excluded from the remit of the Cabinet.

14. Some members may be appointed to represent the Council on local, regional or national bodies.
15. As politicians, members may express the values and aspirations of the party political groups to which they belong, recognising that in their role as members they have a duty always to act in the public interest. The political party values and aspirations should not be formally exercised by a political whip on members undertaking the scrutiny function.
16. Members will endeavour to give responses within a reasonable time, for example, 5 working days to enquiries from members of the public.

### **The rights and duties of members**

17. Members have no authority to instruct officers other than:
  - through the formal decision-making process of Cabinet, the committees and Council; and
  - to request the provision of consumable resources provided by the Council for members' use;
18. Unless authorised by this Constitution under the Cabinet system individual members cannot authorise nor initiate actions nor certify financial transactions, nor enter into a contract on behalf of the Council. However, members who are appointed to certain positions may have to sign authorisations as required by secondary legislation or other requirements of this Constitution.
19. Members must avoid taking actions, which are unlawful, financially improper or likely to amount to maladministration. Members have an obligation under their Code of Conduct to have regard, when reaching decisions, to any advice provided by the Monitoring Officer and/or the Chief Finance Officer.
- 20.1 A member should not criticise the conduct or capability of an officer at any meeting of Council or committee. Neither should a member write letters or give interviews to the press criticising officers. This is because of the long-standing convention in public service that officers do not have the same means of responding to such criticisms in public. If a member has a concern regarding an officer this should be addressed to a senior officer.
21. Members must respect the impartiality of officers and do nothing to compromise it, e.g. by insisting that officers change their professional advice. Members must respect that the officers have a duty to correct information given to Members during the decision-making process.
22. At party group meetings where some of those present are not members of the Council, care must be taken not to divulge confidential information relating to Council business. Persons who are not members are not bound by the members' code of conduct. They do not have the same rights to Council information as members.
23. Members have a duty under their code of conduct:
  - To promote equality by not discriminating unlawfully against any person, and
  - To treat others with respect.
24. Under the code, a member must not when acting as a member or in any other capacity:

- Bring the Council or their position as a member into disrepute; or
- Use their position as a member improperly to gain an advantage or disadvantage for themselves or any other person.

### **The role of officers**

25. Officers should work in partnership with members to deliver the services to the community, to the standard set by the Council. Officers should be committed to the Council as a whole and must not show any bias, partiality or allegiance to any political group or grouping. Officers must always provide advice and information in an impartial and professional manner and in a manner that does not compromise their political neutrality.
26. Officers are employed to undertake the functions of the Council (including management responsibilities) and to help members attain their policy goals. Where operational decisions are delegated to the officers, they must exercise that authority in accordance with the adopted policy and values of the Council. Officers are responsible for giving advice to members to enable them to fulfil their roles. In doing so, officers will take into account all available relevant factors and have a duty to advise members that certain courses of action desired by members cannot be adopted. Officers must not enter into a debate during the decision-making process unless to correct factual information or in response to a chair's request for an opinion.

### **The rights and duties of officers**

27. Officers must assist and advise all parts of the Council. They must always act to the best of their abilities in the best interests of the authority as expressed in the Council's formal decisions.
28. Officers must be alert to issues, which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for members, the media or other sections of the public. Officers have the right not to support members in any role other than that of member, and not to engage in actions incompatible with this protocol. In particular, there is a statutory limitation on officers' involvement in political activities.
30. Officers must also:
  - a. Respond to members' requests for information promptly but within 5 working days (either with the information or an explanation why the period will be longer).
  - b. Act with honesty, respect, dignity, courtesy and integrity at all times.
  - c. Provide support and learning and development opportunities for members to assist members perform their various roles, and
  - d. Respect confidences.

### **The relationship between members and officers: general**

31. Members and officers should inform the Monitoring Officer of any relationship which might be perceived as unduly influencing them in their respective roles.
32. It is not enough to avoid actual impropriety. Members and officers should always be open about their relationships to avoid any reason for suspicion and any appearance of improper

- conduct. Where a personal relationship has been disclosed, those concerned should avoid a situation where conflict could be perceived. Specifically, a member should not sit on a body or participate in any decision that directly affects the officer on a personal basis, or vice versa.
33. There are particular characteristics of the use of e-mails, notably its immediacy, which can create a greater sense of 'bombardment' or 'harassment'. Practical guidance for members and officers on the use of emails is referred to later in this protocol under the heading "Correspondence".
34. Officers' work priorities are set and managed by senior managers not individual members. It follows that, whilst such officers will always seek to assist a member, they must not be unduly disrupted or asked to exceed the bounds of authority they have been given by their managers. Meetings should be arranged to a timescale that enables officers to complete tasks assigned to them and not at a frequency which disrupts other tasks set by the Council. Except when the purpose of an enquiry is purely to seek factual information on day-to-day matters, members should normally direct their requests and concerns to a senior officer, at least in the first instance.
35. Officers will do their best to give timely responses to members' enquiries within 5 working days but should not have an unreasonable volume of requests placed on them.
36. Officers shall not discuss with a member personal matters concerning themselves or another individual employee. This does not prevent an officer raising, on a personal basis, and in their own time, a matter relevant to a Council function with their ward member.

#### **Relationships between Officers and Cabinet Members, Chair's of Committees and the Leader**

37. It is important to the efficient discharge of the Council's functions that there should be a good working relationship between Members of the Cabinet, Chief Executive and Senior Officers and between the Chair of a committee and officers. However, such relationships should never be allowed to become close, or appear to be so close, as to bring into question the employee's ability to deal impartially with other Members and other party groups.
38. Officers frequently write reports having undertaken background research and professional and technical appraisals of proposals.
39. These reports are then presented by the Cabinet Member with Portfolio, with the assistance of officers where necessary.
40. Members must accept that in some situations officers will be under a duty to submit an opinion or advice in a report on a particular matter. In those situations the officer will always be fully responsible for those elements of a report submitted in the Member's name.
41. The principles set out in paragraphs 41 and 42 below apply to such elements of the report.
42. Where an officer wishes to consult a Cabinet Member or Chair as part of the preparation of a report to a decision-making body under the Council's constitution, the following principles will apply. The Cabinet Member or Chair may ask the report author:
- (a) To include particular options;

- (b) To clarify the report by expanding, simplifying or re-phrasing any part of the report or including other particular information;
- (c) To check or correct any error or omission of any matter or fact including statements of summaries of policy or budget;
- (d) To check any estimate of costs or savings.

43. The Cabinet Member or Chair may not ask officers:

- To exclude any option contained in the draft report;
- To exclude or alter the substance of any statement in the draft report of any officer's professional opinion;
- To alter the substance of any recommendation that compromises the officer's integrity or would result in illegality;
- To exclude any report, comments or representations arising from consultations, publicity or supply of information to the community.

44. Certain statutory functions are undertaken by officers. Their reports on such matters are then their own full responsibility.

### **Scrutiny Arrangements**

45. Cabinet arrangements raise particular issues for local authority employees because:

- a. The advice which officers have given to the Cabinet, its Members or to any group may be subject to scrutiny and examined by the a Scrutiny Committee.
- b. Officers may have written reports for presentation by a Cabinet Member with Portfolio or provided advice to the Cabinet. Where such a decision is subject to scrutiny by a Scrutiny Committee, or when a decision is called-in, an officer may provide information or advice to a Scrutiny Committee. Members must recognise that there is an inherent tension between these two roles. As circumstances change or more information comes to light, advice may reflect the difference.
- c. The Scrutiny Committee's and their members will need active assistance from officers if they are to perform their role of scrutinising the Cabinet effectively.

These factors will require understanding by Members of the role that officers have to perform.

### **Overview and Scrutiny**

46. The scrutiny role of the Council is performed by three Scrutiny Committees and the Audit and Governance Committee. Senior Officers may need to attend Scrutiny Committees to give evidence and assist in its scrutiny.

47. Where an employee /Senior Officer is required to attend before a Scrutiny Committee, to report to it or provide evidence for it, it is the employee's duty to do so, or to explain why he or she is unable or unwilling to do so. If after considering that explanation the committee insists on the information being provided the employee must do so.

48. Where a Scrutiny Committee has resolved to undertake a review it is the duty of Senior Officers to co-operate fully with the review. This duty extends beyond merely answering the Committee's questions and involves a requirement to assist the Committee in

addressing the right questions and seeking the information which may be required to help them in their work.

### **Party group meetings and Officers**

49. Party Group Meetings play an important role in the political management of the Council. They provide a useful forum to keep Members up to date with Council and Group business. They can assist in the smooth running of meetings especially in agreeing questions and motions for Full Council Meetings. .
50. Senior officers may properly be asked to provide advice and information on matters concerning Council business by party groups but should not contribute to deliberations of the group. An officer who is not a senior officer shall not be invited to attend a party group meeting, but a senior officer may nominate another officer to attend on their behalf. In their dealings with party groups, officers must treat each group in a fair transparent and even-handed manner. If one group requests particular support then other groups will be offered the opportunity to have similar support.
51. Officers have the right to refuse such requests, and will not attend a meeting of a party group where some of those attending are not members of the Council, unless specific authority has been given by the Chief Executive who has the discretion to discuss the request with other group leaders.
52. Officer support will not extend beyond providing factual information or professional advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business, and therefore should not be expected to be present at meetings or parts of meetings when such matters are to be discussed.
53. Party group meetings are not empowered to make decisions on behalf of the Council, and conclusions reached at such meetings do not rank as formal decisions. The presence of an officer does not confer formal status on such meetings in terms of Council business and must not be interpreted as doing so.
54. Where officers provide factual information and advice to a party group in relation to a matter of Council business, this will not be a substitute for providing all the necessary information and advice when the matter in question is formally considered by the relevant part of the Council.
55. It must not be assumed that an officer is supportive of a particular policy or view considered at a party group meeting simply because they have attended or provided information to the meeting of the group.
56. Officers will respect the confidentiality of any party group discussions at which they are present and, unless requested to do so by that party group, will not relay the content of such discussions to another party group or to any other members. This shall not prevent an officer providing feedback to other senior officers on a need-to-know basis.
57. Members must not do anything which compromises or is likely to compromise officers' impartiality. The duration of an officer's attendance at a party group meeting will be at the

discretion of the group, but an officer may leave at any time if they feel it is no longer appropriate to be there

58. An officer should be given the opportunity of verifying comments and advice attributed to him/her in any written record of a party group meeting.

### **Local members and officers**

59. To enable them to carry out their ward role effectively, members need to be fully informed about matters affecting their ward. Senior officers must ensure that all relevant staff are aware of the requirement to keep local members informed, thus allowing members to contribute to the decision-making process and develop their representative role. Issues may affect a single ward. Where they have a wider impact, a number of local members will need to be kept informed.
60. This requirement is particularly important:
- during the formative stages of policy development, where practicable;
  - in relation to significant or sensitive operational matters;
  - whenever any form of public consultation exercise is undertaken; and
  - during an overview and scrutiny investigation.
61. Whenever a public meeting is organised by the Council to consider a local issue, all the members representing the wards affected should be invited to attend the meeting as a matter of course.
62. If a local member intends to arrange a public meeting on a matter concerning some aspect of the Council's work, they should inform the relevant officer. Provided the meeting has not been arranged on a party political basis:
- an officer may attend but is not obliged to do so, and
  - the meeting may be held in Council-owned premises.
63. No such meetings should be arranged or held in the immediate four week run-up to Council elections, i.e. within the period following a declaration of an election or of a vacancy.
64. Officers must never be asked to attend ward or constituency political party meetings. Whilst support for members' ward work is legitimate, care should be taken if staff are asked to accompany members to ward surgeries. In such circumstances:
- the surgeries must be open to the general public, and
  - officers should not be requested to accompany members to surgeries held in the offices or premises of political parties.
65. It is acknowledged that some Council staff may receive and handle messages for members on topics unrelated to the Council. Whilst these will often concern diary management, care should be taken to avoid Council resources being used for private or party political purposes.
66. In seeking to deal with constituents' queries or concerns, members should not seek to jump the queue but should respect the Council's procedures. Officers have many pressures on their time. They may not be able to carry out the work required by members in the requested timescale, and may need to seek instructions from their managers.



## Members' access to documents and information

67. This part of the protocol should be read in conjunction with the [access to information rules](#).
68. Members may request senior officers to provide them with such information, explanation and advice as they may reasonably need to assist them to discharge their roles as members. This may range from general information about some aspect of the Council's services to specific information on behalf of a constituent. Where information is requested on behalf of a third party, it will only be provided if:
- it is in the public domain, and
  - it is not barred by the Data Protection Act from being given.
69. It will be the task of senior officers to ensure that adequate systems to communicate information etc. are in place and other officers are made aware of the need to provide the information. If a member has need of specific information, other advice or particular support, this should be channelled through the senior officer.
70. Every member of a committee has a right to inspect documents about the business of that committee or subcommittee.
71. A member who is not a member of a specific committee or subcommittee may have access to any document of that specific part of the Council provided:
- the document is in the public domain; or
  - they can demonstrate a reasonable need to see the documents in order to carry out their role as a member (the "need to know" principle); or
  - the documents do not contain "confidential" or "exempt" information as defined by the law, e.g. personal information covered by the Data Protection Acts, and
  - the subject matter is one in which they do not have a personal or prejudicial interest as defined in the members' code of conduct.
72. Disputes as to the validity of a member's request to see a document on a need to know basis will be determined by the Monitoring Officer. Officers should seek their advice if in any doubt about the reasonableness of a member's request.
73. Members may approach any Senior Officer for information, explanation or advice about that group's functions, as they may reasonably need to know in order to assist them in discharging their role as members of Council, being aware that personal information may not be disclosed without proper authorisation.
74. Information that is of a sensitive nature, e.g. personal data, commercially confidential, etc. which is given to a member or officer must only be used for the purpose for which it was requested, i.e. the better performance of Council duties, and should not be used for personal benefit, including benefit to family, friends and business. Information, which is restricted in circulation, for example, confidential, commercially sensitive or exempt, must not be disclosed by the member to any other party. Members and officers must not disclose information given to them in confidence without the consent of a person authorised to give it, or unless required by law to do so.

75. When requested to do so, officers will keep confidential from other members advice requested by a member, save the Monitoring Officer if the matters involve maladministration but in that case the source of the information will be kept confidential.
76. Members and officers must not prevent another person from gaining access to information to which that person is entitled by law.

### **Media relations**

77. Press releases or statements issued by the Council will be factual and consistent with Council policy. They cannot be used to promote a party group. Officers will keep relevant members informed of media interest in the Council's activities, especially regarding strategic or contentious matters.
78. If a member is contacted by, or contacts, the media on an issue, they should:
- never give a commitment in relation to matters which may be subject to claims from third parties and/or are likely to be an insurance matter;
  - take particular care in what they say in the run-up to local or national elections to avoid giving the impression of electioneering, unless they have been contacted as an election candidate or political party activist.
  - Not divulge advice given personally to that member by an officer, and
  - not jeopardise the necessary trust between officers and members by making statements apportioning blame to officers for decisions made by members or personally criticise the officer for the advice he gave. Qualified privilege may not apply to defamatory statements made against officers

### **Emails**

79. Emails between an individual member and an officer should not be copied to another member unless there is a genuine need to do so. Where correspondence is copied, this should always be made explicit, i.e. there should be no "blind" copies. Officers may forward copies to other (relevant) officers where specific action is required to be taken or explained.
80. The content of all emails should be checked to ensure that it does not offend in its tone and that it is clear and unambiguous.
81. Emails which are capable of creating legally enforceable obligations or which give instructions on behalf of the Council should never be sent in the name of a member.

### **Access to premises**

82. Members and officers have a right of access to Council owned land and premises to fulfil their duties. Members have no right of access to any other private land, save that they own.
83. When invited to attend at any premises, members should:
- comply with health and safety, security and other workplace rules;
  - not interfere with the services or activities being provided at the time of the visit;
  - and

- take special care at schools and establishments serving vulnerable sections of society to avoid giving any impression of improper or inappropriate behaviour.

### **Use of Council resources**

84. Officers and members must comply with the Information Security Policy and [Use of Resources Policy](#).

### **Interpretation, complaints and allegations of breaches**

85. Members or officers with questions about the implementation or interpretation of any part of this protocol should seek the guidance of the Chief Executive, Monitoring Officer or Deputy Monitoring Officer.
86. Members must not criticise, personally attack, or abuse officers in a public forum. A member who is unhappy about the actions taken by, or conduct of, an officer should follow the adopted internal procedures.
87. The Chief Executive is responsible for the disciplining of retained staff and processes have been agreed with the trade unions, which allow a fair and thorough review of conduct. It is important that these procedures are adhered to in cases where an officer's conduct gives cause for concern. Publica has its own arrangements in place for the disciplining of Publica employees which will be applied when required.
88. Officers who have concerns about a member's conduct should initially refer the issue to their line manager, the Chief Executive, Monitoring Officer or a Senior Officer who will (where appropriate) attempt to resolve the matter informally. If the issue remains unresolved, or informal action is not suitable, the Chief Executive, Monitoring Officer or Senior Officer will take appropriate action via the Council's internal processes, including the Member Code of Conduct and this Protocol.

## **6C: Appointments of Members to Outside Bodies**

There may be occasion where members are appointed to outside bodies.

Where such appointments are made the member appointed is required to provide an annual written report to Council setting out the work undertaken by the organisation. The report may include items such as; the continuing benefit of personal representation, an analysis (not necessarily a financial assessment) of the achievements of the organisation, and its effectiveness in delivering the outcomes/outputs required by the Council.

This report should be submitted to Democratic Services in March each year and will be circulated to all members of the Council.

Any member may refer these reports, or issues raised by the reports, to the appropriate overview and scrutiny committee if further consideration is felt necessary.

## **6D: Protocol on the Use of Council Facilities and Resources by Councillors**

### **1. Introduction**

- 1.1 The Council provides facilities and resources to assist members in carrying out their duties as councillors or as holders of an office within the Council.
- 1.2 The Members Code of Conduct makes some provision regarding the use of resources.
- 1.3 This protocol seeks to build on the Code of Conduct and explain the limitations placed on the use by Members, of the Council's facilities and resources

### **2. Use of facilities and resources**

- 2.1 Members may use Council facilities and resources for political purposes, in connection with the following business;
  - (a) holding ward surgeries;
  - (b) dealing with correspondence from constituents;
  - (c) communication group activities;
  - (d) meetings between group members
- 2.2 The Council is prohibited from publishing any material of a party political nature and Members should ensure that when using or authorising the use by others of the Council's facilities and resources, that such facilities and resources are not used for purely political purposes and that the use of Council premises is restricted to premises available to the public generally and paid for at the full hire costs.
- 2.3 A Member's use of Council facilities and resources must not extend to political parties more generally. Use of Council owned premises for party political purposes (where such meetings are used to further the political aims and objectives of the party concerned) must be restricted to premises available to the public generally and paid for at the full hire costs.
- 2.4 In cases where 2.3 does not apply, such as political group meetings where the purpose includes Council business and is not solely to further political aims and objectives, then Members can make use of rooms available at the Council Offices, without charge provided that:
  - (a) rooms are available for the required time;
  - (b) meetings are restricted to the facilities opening hours. If Members want to hold meetings outside of these days/times then it must be agreed in advance with the Chief Executive and any expenses incurred must be met by the political party's funds and not Council funds;
  - (c) Third parties may attend political group meetings held in the Council's offices, provided that the primary purpose of the meeting is the consideration of business relevant to West Oxfordshire District Council and not the political party.

- 2.5 Members must not use any Council facilities and/or resources for purely political purposes, including designing and distributing party political material produced for publicity purposes and support of any political party or group activity or elections and campaigning.

### **3. Private/Personal Use**

- 3.1 As a general rule, facilities and resources paid for by the public purse and provided for use in Council business should only be used for Council business.
- 3.2 Members are required to adhere to the Council's Information Security Policies

### **4. Complaints and allegations of breaches of this protocol**

- 4.1 Allegations of any failure to meet this Protocol must be made in writing, to the Monitoring Officer. The Monitoring Officer will consider how the complaint or allegation should be dealt with.

### **5. Further Guidance**

- 5.1 Further advice or clarification can be sought from the Monitoring Officer

## 6E: Local Petition Scheme

### Petitions

The council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. All petitions sent or presented to the council will receive an acknowledgement from the council within 10 working days of receipt. This acknowledgement will set out what we plan to do with the petition. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.

Paper petitions can be sent to:

Democratic Services  
Council Offices  
Woodgreen  
Witney  
Oxfordshire  
OX28 1NB

Petitions can also be created, signed and submitted online to  
[democratic.services@westoxon.gov.uk](mailto:democratic.services@westoxon.gov.uk).

Petitions can also be presented to a meeting of the council. These meetings take place throughout the year, dates and times can be found at [www.westoxon.gov.uk](http://www.westoxon.gov.uk). If you would like to present your petition to the council, or would like your councillor or someone else to present it on your behalf, please contact Democratic Services on 01993 861522 at least 10 working days before the meeting and they will talk you through the process. Only if your petition has received 800 signatures or more will it be scheduled for a council debate.

### What are the guidelines for submitting a petition?

Petitions submitted to the council must include:

- a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the council to take
- the name, address and signature of any person supporting the petition

Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition.

The contact details of the petition organiser will not be placed on the website. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.

Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted and the organiser will be informed of the reasons. In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply. If a petition does not

follow the guidelines set out above, the council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

### **What will the council do when it receives my petition?**

An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition, it will let them know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website.

If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a council debate, then the acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.

If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or is on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures apply. Further information on all these procedures and how you can express your views is available at [www.westoxon.gov.uk](http://www.westoxon.gov.uk)

To ensure that people know what we are doing in response to the petitions we receive the details of all the petitions submitted to us will be published on our website. Whenever possible we will also publish all correspondence relating to the petition (all personal details will be removed).

### **How will the council respond to petitions?**

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

- taking the action requested in the petition
- considering the petition at a council meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration to one of our Scrutiny Committees
- calling a referendum
- writing to the petition organiser setting out our views about the request in the petition



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

If your petition is about something over which the council has no direct control we will consider making representations on behalf of the community to the relevant body. The council works with a large number of local partners and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with council policy), then we will set out the reasons for this to you. You can find more information on the services for which the council is responsible at [www.westoxon.gov.uk](http://www.westoxon.gov.uk).

If your petition is about something that a different council is responsible for we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other council, but could involve other steps. In any event we will always notify you of the action we have taken.

### **Full Council debates**

If a petition contains more than 800 signatures it will be debated by the full council unless it is a petition asking for a senior council officer to give evidence at a public meeting. This means that the issue raised in the petition will be discussed at a meeting which all councillors can attend. The council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting.

The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by councillors. The council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. Where the issue is one on which the council executive are required to make the final decision, the council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

### **Officer's evidence**

Your petition may ask for a senior council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example your petition may ask a senior council officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision.

If your petition contains at least 400 signatures, the relevant senior officer will give evidence at one of the public meetings of the council's Scrutiny Committees. You should be aware that the Scrutiny Committee may decide that it would be more appropriate for another officer to give evidence instead of any officer to give evidence named in the petition- for instance if the named officer has changed jobs. The committee may also decide to call the relevant councillor to attend the meeting. Committee members will ask the questions at this meeting, but you will be able to suggest questions to the chair of the committee by contacting [democratic.services@westoxon.gov.uk](mailto:democratic.services@westoxon.gov.uk) up to three working days before the meeting.

## E-petitions

E-petitions can be accessed and submitted via our website [www.westoxon.gov.uk](http://www.westoxon.gov.uk)

### **What can I do if I feel my petition has not been dealt with properly?**

If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that one of the Scrutiny Committees review the steps that the council has taken in response to your petition. It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the council's response is not considered to be adequate.

The committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the committee determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the council executive and arranging for the matter to be considered at a meeting of the full council.

Once the appeal has been considered the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on our website.