

Revised Appendix 1
- List of proposed amendments
(revised 21 11 18)
for
Council - Monday 26 November 2018

9. Constitution Review 2018 (Pages 3 - 16)

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Appendix 1: List of proposed amendments to the Constitution

Section	Sub-section	#	Proposed amendment	Rationale
1: Citizens' rights and other basic rules	1.4 Leader and City Executive Board	1	Include that the Leader appoints to other executive positions such as the Oxfordshire Growth Board and its advisory sub-groups	To recognise these new bodies and clarify who appoints to them
	1.6 Scrutiny	2	Include that Council appoints three members to the Oxfordshire Growth Board Scrutiny Panel	To recognise this new body and clarify who appoints to it
3: Council responsibilities and executive responsibilities	3.7 The Council's companies (new sub-section)	3	Include a new section on the Council's Companies	To clarify that shareholding is an executive function (undertaken by members of the City Executive Board) and introduce the key roles and governance arrangements in respect of the companies
4: Who carries out executive responsibilities?	4.4 Delegation to officers	4	Include that officers in the senior management structure can authorise officers they line manage or other officers with the relevant skills and responsibilities to undertake delegated functions but will remain responsible and accountable for them	To provide clarity about how delegation works and to enable senior officers to delegate functions to officers they do not directly line manage, if they have the relevant skills and responsibilities
		5	Include the criteria for executive decisions that need to be recorded and published on the Council website	To provide clarity about the thresholds for executive decisions delegated to officers that must be recorded and published
	4.5 Decisions that must be approved by the City Executive Board	6	Specify the role of the City Executive Board in the neighbourhood plan decision making process (final agreement is a Council responsibility)	To clarify the process for the approval of neighbourhood plans
	4.6 Ward member budgets	7	Include that if ward members change mid-year their successor can allocate any unspent balance	To reflect and clarify current practice, ensuring that communities do not miss out on funding when their representative changes.
		8	Include that members may pool budgets	To reflect and clarify current practice

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			across adjoining wards	
		9	Include guideline criteria for the use of ward member budgets	To provide clarity about how this funding can (and cannot) be used e.g. it should be not be paid to family members or used to fund projects that are political in nature.
		10	Include that unspent allocations will be carried forwards at the end of a financial year unless Council agrees otherwise	To reflect and clarify current practice
		11	Include that details of ward member spend will be published on the Council website (at the end of each year)	To reflect and clarify current practice
4 5: Who carries out Council responsibilities?	5.2 Budget and policy framework	12	Include a list of the policies that make up the budget and policy framework	To provide clarity about which policies and strategies must be approved by full Council
	5.3 Planning	13	Include Council responsibilities in relation to neighbourhood plans and development plan documents	To clarify the process for the approval of neighbourhood plans and development plan documents
		14	Include that planning applications by the Council “in relation to land in the ownership or control of the Council” will be decided by area planning committees	To avoid applications submitted by the Council as agent on behalf of members of the public (e.g. for disabled adaptations through the Home Improvement Agency) having to automatically go to committee for decision
		15	Include that planning applications made by “or on behalf of” councillors or officers will be decided by area planning committees	To clarify that applications by councillors or officers have to go to committee even if submitted by an agent on their behalf
		16	Include who can call in decisions to the Planning Review Committee	To clarify current arrangements
		17	Include examples of planning functions delegated to the Head of Planning Services	To provide clarity of the types of planning functions delegated to the Head of Service
	5.15 Other Council responsibilities	18	Include that the Chief Executive, Directors and Heads of Service may manage their	To clarify existing arrangements

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			staff and take any disciplinary action necessary in accordance with the Disciplinary Policy and Procedure subject to the Employment Rules	
6: Role of Board Members	6.4 Role of individual City Executive Board Members	19	Include that seats on outside organisations and partnership bodies may be linked to portfolio responsibilities	To clarify that the Council's seats on certain outside bodies may be linked to executive portfolios.
7: Roles of decision taking committees	7.5 Audit and Governance Committee	20	Include that the remit of the Audit and Governance Committee does not extend to the Council's Companies	To clarify that Audit and Governance does not have a role in considering matters internal to the companies, which are separate legal entities with their own auditors
	7.6 Investigation and Disciplinary	21	Change the name of the "Disciplinary Committee for Chief Executive, directors and heads of service" to "Investigations and Disciplinary Committee"	To reflect the remit of the committee and the requirement under the Local Authorities (Standing Orders) (England) Regulations 2001 and 2015 for investigations to take place before disciplinary action is taken involving a statutory officer
		22	Include further detail about the role and procedures of the Investigation and Disciplinary Committee including the role of an Independent Persons Panel and the procedure for investigations	To provide clarity about the requirements of the Local Authorities (Standing Orders) (England) Regulations 2001 and 2015
	7.7 Appointments Committee	23	Include that the Appointments Committee will recommend proposed statutory officer appointments and designations to Council before those appointments and designations are made	To clarify this requirement
	7.8 Standards Committee	24	Include that the Standards Committee's role in advising the Monitoring Officer on training for members will apply to all	To broaden the remit of the Standards Committee in respect of members' training to enable the committee to steer and

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			member training not just training on ethical issues	influence future training proposals
8: Role of the Scrutiny Committee	8.2 What powers does the Scrutiny Committee have?	25	Remove the power to make reports and recommendations to the County Council and any other partner authorities	This existed as a legal power under Local Area Agreements, which have been abolished
		26	Include that the Scrutiny Committee can establish review groups (as well as standing and ad hoc panels)	To clarify and reflect current practice
9: Roles of officers	9.1 Senior management structure	27	Remove reference to the Council having three executive directors	To reflect the current senior management structure
	9.3 Role of Head of Paid Service	28	Include that the Head of Paid Service is authorised to take any urgent action necessary in the event of a civil emergency and deal with matters relating to civil protection/emergency planning.	To clarify the powers of the Head of Paid Service
11: Council procedures	11.1 The order of business at annual meetings of Council	29	Include apologies for absence and declarations of interest	These items were missing from the order of business
	11.2 Selection and appointment of civic office holders (previously 11.1)	30	Make the selection and appointment of civic office holders a new sub-section (previously added on to the end of 11.1)	For consistency of headings and numberings and to make this section easier to find
		31	Include that members of City Executive Board cannot serve as Lord Mayor or Deputy Lord Mayor	To reflect the requirements of the Local Government Act 2000 (Section 9C (4))
		32	Include that the outgoing Lord Mayor, or in their absence the outgoing Deputy Lord Mayor, will preside over the election of his or her successor and that no councillor can preside over their own election	This is established practice and suggested for clarity
	11.3 Order of business at ordinary	33	Include apologies for absence	This was missing
34		Move appointments to committees after	So that any changes to group membership	

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7	meetings of Council (previously 11.2)		announcements	can be announced before any consequential appointments are made
		35	Include that minutes of meetings prior to the last meeting can be also agreed (also Section 11.9)	To reflect and clarify current practice
		36	Move public addresses on items for decision before any decisions carried forwards from the last meeting	So that Council can hear any public addresses relating to decisions carried forwards from the previous meeting before those decisions are taken
		37	Add that members can ask questions to City Executive Board Members or committee chairs	To reflect and clarify current practice (current wording does not make clear who councillors can ask questions to)
		38	Move any other business (including any exempt or confidential business) to the end of Part 1 from the end of Part 3	So that any other business can be taken before tea rather than at the very end of the meeting and to provide clarity about when any exempt/confidential items would be discussed
	11.4 Council budget debate procedure (previously 11.3)	39	Separate apologies and election of chair	These should be two distinct items of business
	11.5 Special meetings of Council (previously 11.4)	40	Include that special meetings must be convened for awarding honorary titles	For clarity and to reflect the requirements of the Local Government Act 1972 (Section 249)
	11.6 Time and place of Council meeting (previously 11.5)	41	Include that the Chief Executive will consult with the Lord Mayor on the timing of special meetings	To reflect and clarify current practice, ensuring that the Lord Mayor is available and / or consents to the timing of special meetings
	11.9 Minutes (previously 11.8)	42	Include that Council can discuss and agree corrections to minutes	To reflect current practice and clarify that members can raise corrections to minutes
	11.11 Questions and statements by councillors	43	Change the deadline for councillors to submit questions on notice to seven clear working days before the meeting, from four	To align the deadline for questions with the deadline for motions for simplicity and to provide more time for written responses to

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∞	(previously 11.10)		clear working days before the meeting	be prepared.
	11.12 Addresses by the public (previously 11.11)	44	Include a limit of one address per individual at a meeting (in addition to the limit of one question per individual), stating that priority will be given to hearing members of the public who have not previously addressed Council within the last 12 months	To prevent the public slot being dominated by a small number of individuals and to reduce the resource requirement of requesting and negotiating changes to the wording of public addresses and questions
		45	Include that the Lord Mayor can agree for public addresses and questions to be included on the agenda for special meetings	To reflect and clarify current practice, ensuring there is discretion to allow public participation at special meetings where appropriate
		46	Include that the Lord Mayor will ask a public speaker to stop disrupting a meeting before asking them to leave and adjourning the meeting until they do	To reflect established practice
	11.13 Questions by the public (previously 11.12)	47	Include that the name of the councillor to whom a question is to be asked must be provided in advance	To reflect and clarify current practice, ensuring that a response to the question can be prepared
	11.18 Motions on notice (previously 11.17)	48	Include that where motions require action on behalf of the Council, that such actions are clearly assigned	To provide clarity about who is responsible and accountable for implementing actions agreed by Council
		49	Include a word limit on motions of 300 words	To introduce a reasonable limit on the length of motions
		50	Reword 11.18(d) about the order of motions on agendas	To clarify current practice as the current wording is difficult to follow
	11.20 Rules of debate (previously 11.19)	51	Include a sub-section on the Monitoring Officers' advice on motions	To prevent situations where the Monitoring Officer would be required to advise Council against agreeing a published motion or motion amendment in order to protect the Council's interests. It is envisaged that there would be correspondence and/or dialogue with any councillor on the issues

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				arising before reaching a ruling that any motion or amendment could not be published
13: Scrutiny Committee procedures	13.15 Order of business at the Scrutiny Committee	52	Include an updated order of business	To clarify and reflect current procedures
	13.16 Guest speakers at Scrutiny Committee	53	Replace the term witnesses with guest speakers	To reflect current terminology
14: Other committee procedures	14.5 Chair and vice chair	54	Include a procedure for the election of chairs and vice chairs	To provide clarity and consistency in voting arrangements and to deal with situations where more than two members are nominated. These rules were developed for the Growth Board Scrutiny Panel but could equally apply to council committees
	14.6 Meetings of committees	55	Include that the Head of Law and Governance will consult the committee chair before cancelling or rescheduling a meeting where there is insufficient business	To reflect current practice
	14.7 Substitutes	56	Include that members must tell the Head of Law and Governance the name of their substitute	To ensure that substitutes are known in advance and can be provided with relevant briefings and paperwork and ensure that they have undertaken any compulsory training before acting as a substitute.
	14.10 Voting at committee meetings (new sub-section)	57	Include rules on majority voting, chair's casting vote, types of voting, right to have individual vote recorded & recorded votes	The Constitution was not explicit that the voting rules for full Council in Section 11.21 (previously 11.20) apply to committees as well as Council.
	14.11 Planning committee procedures (new	58	Include more detailed procedures for planning committees including who can put items on agendas, the normal order of	To provide more clarity and consistency about how meetings operate

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	sub-section)		business and rules for public speaking and written statements	
	14.12 Licensing committee procedures (new sub-section)	59	Include more detailed procedures for licensing committees including who can put items on agendas, the normal order of business and rules for public speaking and written statements.	To provide more clarity and consistency about how meetings operate
	14.13 Audit and Governance Committee procedures (new sub-section)	60	Include who can put business on agendas and the normal order of business	To provide more clarity and consistency about how meetings operate
	14.14 Standards Committee procedures (new sub-section)	61	Include who can put business on agendas and the normal order of business	To provide more clarity and consistency about how meetings operate
10 15: Access to information and key decision procedures	15.16 The Forward Plan	62	Add that the Forward Plan will cover “at least” four months	To clarify that four months is the minimum period that the Forward Plan should cover
	15.18 Reports to Council on decisions that were not in the Forward Plan	63	Include that the Leader must report to Council once a year on urgent decisions only if there have been any	To remove the need for the Leader to report to Council that there have been no urgent decisions
17: Call in procedures	17.4 How are decisions called in?	64	Remove “Reasons do not need to be given for a call in of a planning application to be taken by the Head of Planning, Sustainable Development and Regulatory Services” and include “A planning call-in to an area planning committee must be supported by reasons but these do not have to be confined to relevant planning considerations”	To provide clarity about why a planning decision delegated to the Head of Service is being referred to an area committee. This would provide openness and enable planning officers to address the reasons for the call in in their reports where relevant. The reasons would not be limited to relevant planning considerations and could include public interest in the application, for

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				example
18: Finance rules	18.10 Budgetary Control	64 a	After “Head of Financial Services (Section 151 Officer) in consultation with” insert “Head of Service or Executive Director in the absence of a relevant Head of Service to ensure separation of duties” (replaces “relevant Director”)	Clarification of authority to agree virements between cost centres
	18.12 Project Approval	64 b	Include that the Head of Financial Services can approve projects valued at £150k to £500k, in consultation with the other statutory officers	To clarify the responsibilities of the Head of Financial Services
	18.12 Project approval	65	Include that the Development Board may agree for capital projects to be added to the project pipeline	To reflect the new internal board structure and the project brief approval process for capital projects.
	18.13 Monitoring of the Capital Programme	66	Include that the Head of Financial Services will report to the Development Board as required on financial spend against the approved Capital Programme	To reflect the role of the Development Board in monitoring capital spend.
	18.17 Risk Management	67	Include that Heads of Service must comply with the Risk Management Strategy and update the Corporate Risk Register	To clarify the responsibilities of Heads of Service in managing risk
	18.20 Income Collection	68	Include different levels of authorisation for writing off debts (currently all delegated to the Head of Financial Services) as follows: <ul style="list-style-type: none"> below £100k: Head of Financial Services over £100k: City Executive Board 	For openness and so that decisions about write off valued over £100k are a decision for members
	18.23 Loans or Guarantees to external organisations	69	Include that the Head of Financial Services may authorise loan guarantees (as well as loans) of up to £250k to an external organisations	This follows a recent loan guarantee to an external organisation (Oxford Harlequins) which was not covered by this delegation and so had to be decided by full Council.
19. Contract	19.1 When do these	70	Include that different rules apply when the	To highlight that different rules apply for

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rules	rules apply?		Council wishes to let a contract to a Council-owned company which holds a “Teckal” status.	Teckal companies
	19.11 Thresholds for quotes and tenders	70 a	Re-word the first paragraph	To clarify that the de minimus threshold for all purchases being undertaken through the Corporate System is £10k
	19.12 When is there no need to seek quotes or tenders?	71	Include the rules that apply when the Council wishes to let a contract to a Council-owned company which holds a “Teckal” status.	To clarify the rules that apply for Teckal companies
	19.23 Contract Management	72	Include that Contract Managers will be responsible for ensuring that the Procurement Team have a copy of the contract (if the value is over £100k)	To clarify this responsibility
20: Employment rules	20.2 The Investigation and Disciplinary Committee (new sub-section)	73	Include a new sub-section to reference the powers and duties of the Investigation and Disciplinary Committee	For clarity and consistency
	20.3 Independent Persons Panel (new sub-section)	74	Include a new sub-section to reference the powers and duties of the Independent Persons Panel	For clarity and consistency
	20.4 Appointing the Head of Paid Service (Chief Executive) (previously 20.2)	75	Include more detailed rules about the appointment of the Head of Paid Service (Chief Executive)	For clarity and to reflect the Local Authorities (Standing Orders) (England) Regulations 2001 and 2015
	20.5 Designating the role of Chief Finance Officer and Monitoring Officer (new sub-section)	76	Include a new sub-section on the Designation of the statutory roles of Chief Finance Officer and Monitoring Officer.	To clarify that Council makes these designations

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	20.6 Appointing other Chief Officers and Deputy Chief Officers	77	Replace the section on appointing the directors and heads of service (20.3) with a section on appointing chief officers and deputy chief officers.	For clarity and to reflect the Local Authorities (Standing Orders) (England) Regulations 2001 and 2015 which apply to posts below Head of Service level where the Head of Service reports directly to the Chief Executive
	20.7 Dismissing the Chief Executive and statutory officers (new subsection - previously in 20.4)	78	Replace in part the section on dismissing the Chief Executive, directors and heads of service with a new more detailed section on dismissing the Chief Executive and statutory officers including the requirements for investigations to take place prior to disciplinary action	For clarity and to reflect the Local Authorities (Standing Orders) (England) Regulations 2001 and 2015
	20.8 Dismissing other chief officers and deputy chief officers (new subsection - previously in 20.4)	79	Delegate the dismissal of non-statutory Heads of Service to the Chief Executive	To reflect the requirements of the regulations and align dismissals of heads of service with appointments of heads of service (Members of the City Executive Board would be informed of the proposed dismissal but the Investigations and Disciplinary Committee would not meet)
		80	Replace in part the section on dismissing the Chief Executive, directors and heads of service with a new more detailed section on dismissing the chief officers and deputy chief officers	For clarity and to reflect the Local Authorities (Standing Orders) (England) Regulations 2001 and 2015 which apply to posts below Head of Service level where the Head of Service reports directly to the Chief Executive
23: Code on Councillor-Officer Relations	23.7 Deductions from Members' Allowances	81	Move this sub-section, which details circumstances where deductions will be applied to allowances, to Section 26: Councillors' Allowances	So that all details about deductions to allowances can be found together in one place
	23.8 Information and advice	82	After the third paragraph in (b) remove "These meetings shall be in addition to the	There is no longer a cross party working group

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			cross party working group which has routine meetings”	
	23.15 Gifts and Hospitality (new sub-section)	83	Include a new section on the recording of gifts and hospitality by councillors	To establish arrangements and set clear expectations about the recording of gifts and hospitality by members above a minimum value of £50
24: Planning Code of Practice	24.7 When Councillors go public	84	Include that if a councillor believes they may have pre-determined an application they should make this clear and leave the table for that item but that they can address the meeting as Ward Member on that issue	To clarify what members who believe they may have pre-determined an application should and can do at the meeting
	24.18 Members of the public passing messages to Members during the meeting	85	Include that if there is a brief adjournment during the meeting, councillors should not communicate with members of the public during this time as this gives the impression that they might be being influenced	To provide clarity to ensure that members are not seen to be influenced during an adjournment
	24.20 Planning conditions added at the meeting	86	Include that members should receive advice from officers on whether the conditions suggested at the meeting are compliant with government policy	To provide clarity that any planning conditions added at meetings must be compliant with government policy
	24.21 Decisions that depart from the development plan or officers’ recommendations	87	Include that the wording of planning conditions to be imposed or the wording of reasons for refusal should be settled before the vote is taken	To prevent any confusion or disagreement as to what a planning committee agreed
25: Whistle Blowing Policy	25.2 What does this policy apply to	88	Include that a breach of a legal obligation or a deliberate attempt to conceal anything illegal, improper, unethical or wrong are examples of where this policy would apply	To clarify the scope of the whistle blowing policy
		89	Include that parallel investigations may be	To provide clarity about the interactions

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			conducted where a whistle blower is subject to a disciplinary, dispute resolution, capability or absence management procedure and that in most cases these procedures will not be suspended but such procedures do not affect the employee's right to raise a concern	between whistle blowing and other Council procedures
	25.3 Purpose of whistle blowing policy	90	Include that this policy document makes it clear that an employee can blow the whistle without fear of victimisation, subsequent discrimination or disadvantage	To provide clarity that whistle blowers will be treated fairly
26: Councillors' allowances	26.2 Allowance reductions	91	Include the rules about reductions to allowances that were previously contained in Section 23.7	So that all details about deductions to allowances can be found together in one place
	26.9 Allowances for travel	92	Include that allowances for journeys within the City of Oxford boundary will only be paid if agreed in advance as a reasonable adjustment	To reflect current practice and clarify that travel within Oxford can be paid as a reasonable adjustment for members with a permanent or temporary disability
	26.12 Indexing of allowances in the scheme	93	Include that allowances will increase annually at the same rate as the percentage cost of living uplift in the local pay settlement for Council employers	To provide clarity that the current allowances scheme relies on the percentage (1.25%) rather than the cash (£575 for 2018) uplifts in the new pay deal for employees for annual allowance uplifts
27: Code on Use of IT Equipment	27.1 to 27.12	94	Replace this whole section with the new ICT Acceptable Use Policy	To clarify and update the rules on the acceptable use of ICT equipment

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