

To: City Executive Board - 13th April 2011
Council – 18th April 2011

Item No: 6

Report of: Head of Law and Governance

Title of Report: DEMOCRATIC ARRANGEMENTS - PROPOSED
CHANGES

Summary and Recommendations

Purpose of report: This report analyses the outcome of consultation and provides recommendations and supporting detail on changes to the Council's democratic arrangements.

Key decision? No

Executive lead member: Councillor Price

Policy Framework: Not applicable

Recommendation(s):

The City Executive Board is asked to consider the outcome of consultation upon proposed changes to the Council's democratic decision-making arrangements and, subject to that consideration, to commend to Council the adoption of the recommendations set out below, and Council is RECOMMENDED to adopt the following -

A. On planning:-

1. That from the start of the 2011/12 Council Year three new committees be established as follows:-
 - (a) (i) Two area planning committees, consisting of nine members, politically balanced, meeting once a month.
 - (ii) The area planning committees to be responsible for reaching decisions on planning applications and associated matters as set out in the Appendix to Annex 2.

- (iii) The area planning committees to be responsible for determining planning applications in the following Wards –
- West Area Planning Committee – North, St Margaret’s, Summertown, Wolvercote, Carfax, Hinksey Park, Holywell, Jericho and Osney, Iffley Fields, St Clements and St Mary’s Wards.
 - East Area Planning Committee – Barton and Sandhills, Churchill, Headington Hill and Northway, Marston. Quarry and Risinghurst, Blackbird Leys, Littlemore, Northfield Brook, Rose Hill and Iffley, Cowley, Cowley Marsh and Lye Valley Wards
- (iv) Where a planning application straddles area committee boundaries the area planning committee with the majority of the application site will determine the application.
- (v) The meetings of the committees generally to take place in the Town Hall.
- (b) (i) A Planning Review Committee consisting of nine members, politically balanced, meeting as and when required.
- (ii) The Planning Review Committee to be responsible for determining called in planning applications from the area planning committees (but see also 2.(c) below).
- (iii) The Planning Review Committee meetings to be held in the Town Hall.

2. On call in of planning applications :-

- (a) There will be no call in of decisions of the Planning Review Committee which will deal only with called in applications from the area planning committees.
- (b) Call ins to the area planning committees of applications to be determined by officers to be supported by four members (the caller in and three others) but no planning reasons will be needed; and call in to the Planning Review Committee, accompanied by relevant planning reasons, to be supported by twelve members (the caller in and eleven others).
- (c) That Council alters the Constitution with effect from 18th April by deleting all references to the ability to call in decisions of the Strategic Development Control Committee in order that Council is not required to determine any called-in planning applications,

given that this report recommends the final decision on planning applications be vested in the Planning Review Committee but that any call in of decisions reached by the April meeting of the Strategic Development Control Committee be considered and determined by the Planning Review Committee at its June meeting.

3. On membership of planning committees:-

Each of the three new committees to consist of a different set of members, with no member sitting on more than one of the new committees (substitutes excepted).

B. On area committees, community forums and Ward member budgets:-

1. That from the start of the 2011/12 Council Year:-

- (i) area committees are not appointed.**
- (ii) area forums be introduced in the context of active neighbourhood management as described in Annex 3.**

2. (i) To note that, subject to the overall package of changes in this report being substantially agreed by full Council, the Leader has agreed to delegate to individual Ward members the authority to spend up to £1,500 in the Council Year 2011/12 on anything that improves the economic, social or environmental wellbeing of their Ward.

- (ii) That Ward member budgets be spent subject to the conditions and restrictions set out in Appendix A to Annex 3, and that the Head of Law and Governance be authorised to amend the rules if it is considered necessary to protect the integrity of the Council.**

C. On the remit of the Board and single executive members:-

1. That from the start of the 2011/12 Council Year single Executive member decision making be adopted.

2. That the Board approve the split of functions as set out in Annex 4 and that the Executive scheme of delegation be amended accordingly to take effect as from the start of the 2011/12 Council Year (note that this recommendation requires Board and not Council approval).

Appendices to Report:

Annex 1 – Extract from the Council’s consultation budget

Annex 2 – Area Planning Committees

- Appendix A – Responsibilities of the proposed new planning committees

Annex 3 – Area Community Forums and Ward Member budgets

- Appendix A – Ward member budgets

Annex 4 – Single executive member decision-making

Annex 5 – Consultation analysis

- Appendix A – Analysis of ‘yes/no’ answers
- Appendix B – Communities and Partnership Scrutiny Committee comments
- Appendix C – Area committee and parish council comments
- Appendix D - Questionnaire

Annex 6 – Equalities Impact Assessment

Format of report

1. This report is written in the form of a series of annexes and appendices as listed above. Recommendations appear at the end of each Annex and are also set out in the box above.

Consultation

2. The Council’s consultation budget contained a paper from the Administration on democratic services changes. That paper forms Annex 1 to this report. Annex 5 to this report contains the outcome of the consultation exercise following the City Executive Board’s decision on 9th February to agree the proposed changes for the purpose of consultation. An analysis of the ‘yes/no’ questions appears in Appendix 1 to Annex 5. A summary of and verbatim responses to the questions where respondents were invited to comment further upon the proposals have been placed on the consultations part of our website, have been sent to all members of Council and have been placed on deposit for inspection on the agenda display stand in the Town Hall

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List of background papers: None

Version number: 5

EXTRACT FROM COUNCIL'S CONSULTATION BUDGET

Budget 2011-12

Council democratic services changes

The Council's political administration propose:

- To create two area planning committees of eight members each, with a final call-in, if signed by eight members, to a "Planning Appeals Committee"; the chair of the former two to have an SRA of 0.5 basic allowance (no SRA for chair of planning appeals committee)
- To make regular area committee arrangements quarterly, renaming these committees "area forums", and withdraw SRAs from chairs;
- To remove area committee revenue budgets;
- To assign each member a budget of £1,500 per annum to be spent in conjunction with the area's community development worker, and note that this can be pooled between members, and also used to convene Neighbourhood meetings in smaller areas. Other ward members should be kept informed about Neighbourhood meetings, and appropriate rules would be drawn up to cover appropriate use of councillors' budgets;
- To retain the Standards Committee until the government announces its plans to reform the local standards regime;
- Introduce single-member decision-making and minimise the number of programmed CEB meetings.
- To task the newly re-structured and strengthened Community Development team to work with local Councillors to enhance ward level involvement from the public and residents groups.

Subject to the outcome of consultation, these measures will be the subject of constitutional amendments to be discussed at the Budget Council meetings, to align the constitution with budget decisions.

We The administration believe these arrangements will improve democracy, decision-making and involvement in Oxford City Council.

Specifically, the structures of area involvement can be more flexible, and we will encourage councillors, where they consider it appropriate, to pull together community meetings in areas smaller than those of current area committees. There remains an area-based element to planning, while at the same time freeing committee structures from lengthy discussion of development control decisions to the detriment of other issues, and reducing the risk of costly planning appeals.

In spite of the acute budget pressures the council faces, we want to give individual councillors the ability to support smaller groups, projects and events, and this is achieved through the new “member budgets”. In particular, we hope that councillors will use the new arrangements to bring more residents from their areas together, through informal meetings across smaller areas. The new arrangements for Executive Decisions will be more flexible than at present.

We believe it is right that, at a time when council funding is being cut so dramatically, we look to achieve some reductions in the cost of council committees and unfortunately there is a need to reduce the amount of money spent on small projects (not least so we can protect funding for voluntary groups through the grants process). These arrangements still represent an improvement on the current situation, and will enable councillors to provide stronger community leadership and be more responsive to the needs of their areas.

AREA PLANNING COMMITTEES

1. Present Arrangements

- 1.1 For those planning applications not delegated to officers, we have a somewhat complex and potentially long drawn out determination process. Area committees deal with lower level planning applications and they comment on applications that are for the Strategic Development Control Committee (SDCC) in its own right to determine. Members can call in officer delegated applications for determination at area committees. Call-in of area committee planning decisions, on planning grounds, is to the SDCC. The SDCC deals with both area committee called-in applications and, in its own right, the higher level or “strategic” applications. Its decisions on strategic applications can be called in on planning grounds to full Council and Council then considers and determines them. Local Development Framework documents are approved by Council. Supplementary planning guidance is approved by the City Executive Board.

2. Proposed arrangements

- 2.1 Area planning committees – to establish two area planning committees, each consisting of nine members. *This is an increase from the eight members proposed in the February report and enables more members to be directly involved in development control.* The committees need to be politically balanced (currently 5 Labour members, 3 Liberal Democrat members and 1 Green member).
- 2.2 The two area planning committees would meet on a monthly basis. The meetings would generally take place in the Town Hall because the centre of town is accessible by public transport from all parts of the city. However, the committees may decide, for a particular application, to meet at a venue outside the Town Hall. There is also a cost saving to be derived from meeting generally in the Town Hall. The hiring of venues for the present area committees costs an average of £100 per meeting (£7,200 per year).
- 2.3 The two area planning committees are to be composed as follows:-
- West Area Planning Committee to consist of the North, Central South and West and East Area Committee Wards (11 Wards). These three area committees together with the SDCC dealt with 69 planning applications between December 2009 and November 2010.
 - East Area Planning Committee to consist of the North-East, South-East and Cowley Area Committee Wards (13 Wards). These three area committees together with the SDCC dealt with 59 planning applications between December 2009 and November 2010.

The area planning committees would deal with all planning applications (except those delegated to officers unless called in) whether lower level or strategic.

- 2.4 The proposal in paragraph 2.3 has the support of the Head of City Development. The arrangements follow area committee boundaries, provide a balance in terms of Wards and planning applications dealt with, and the geographical distribution is appropriate. Planning applications in respect of the east area Wards often involve similar planning issues to those that relate to the City centre.
- 2.5 Planning Call In Committee – to establish a committee that would reconsider applications called in from an area planning committee. The call in committee would meet as and if required on the date in the month shown in the draft timetable of meetings. The committee will be called the Planning Review Committee.
- 2.6 The committee will consist of nine members on a politically proportionate basis (currently 5 Labour members, 3 Liberal Democrat members and 1 Green member). *This is an increase from the eight members proposed in the February report and enables more members to be directly involved in development control.*
- 2.7 Call-in – There will be no call-in of Planning Review Committee decisions. The area planning committees will consider applications that were scheduled to be determined by officers under the scheme of delegation but which are called in for member determination. (These are not in fact call-ins but, rather, represent an ad-hoc withdrawal of delegated powers.) No planning reasons will be required. Call in of these applications will require the support of four members (the caller in and three others). Call in of area planning committee decisions to the Planning Review Committee will require the support of twelve members (the caller in and eleven others). Planning reasons will be needed.
- 2.8 Powers and duties of planning committees - The responsibilities of the area planning committees (and, for called in applications, the Planning Review Committee) are set out in the Appendix to this annex and in paragraph 5.3(b) of the Constitution.
- 2.9 Membership of planning committees – each of the three committees will consist of a different set of members. In other words a member may not sit on more than one of the three planning committees. Where a substitute is needed, the substitute may be a member of another planning committee.
- 2.10 Applications that straddle area committee boundaries – occasionally the Council will have before it planning applications that straddle area planning committee boundaries. On those rare occasions the area

planning committee with the majority of the application site will determine the application.

Recommendations

1. That from the start of the 2011/12 Council Year three new committees be established as follows:-

- (a) (i) Two area planning committees, consisting of nine members, politically balanced, meeting once a month.**
- (ii) The area planning committees to be responsible for reaching decisions on planning applications and associated matters as set out in the appendix to Annex 2.**
- (iii) The area planning committees to be responsible for determining planning applications in the following Wards –**
- West Area Planning Committee – North, St Margaret's, Summertown, Wolvercote, Carfax, Hinksey Park, Holywell, Jericho and Osney, Iffley Fields, St Clements and St Mary's Wards.**
 - East Area Planning Committee – Barton and Sandhills, Churchill, Headington Hill and Northway, Marston. Quarry and Risinghurst, Blackbird Leys, Littlemore, Northfield Brook, Rose Hill and Iffley, Cowley, Cowley Marsh and Lye Valley Wards**
- (iv) Where a planning application straddles area committee boundaries the area planning committee with the majority of the application site will determine the application.**
- (v) The meetings of the committees generally to take place in the Town Hall.**
- (b) (i) A Planning Review Committee consisting of nine members, politically balanced, meeting as and when necessary.**
- (ii) The Planning Review Committee to be responsible for determining called in planning applications from the area planning committees (but see also 2.(c) below).**
- (iii) The Planning Review Committee meetings to be held in the Town Hall.**

2. On call in of planning applications:-

- (a) There be no call in of decisions of the Planning Review Committee.**
- (b) Call ins to the area planning committees of applications to be determined by officers to be supported by four members (the caller in and three others); and call in to the City Planning Committee to be supported by twelve members (the caller in and eleven others).**
- (c) That Council amends the Constitution with effect from 18th April by deleting all references to the ability to call in decisions by the Strategic Development Control Committee to full Council but providing instead that any called in applications be determined by the Planning Review Committee. (The effect of this amendment is that any call in of decisions reached by the April meeting of the Strategic Development Control Committee will be considered and determined by the Planning Review Committee at its June meeting).**

3. On membership of planning committees:-

Each of the three new committees to consist of a different set of members, with no member sitting on more than one of the new committees (substitutes excepted).

RESPONSIBILITIES OF THE PROPOSED NEW PLANNING COMMITTEES

(b) Who carries out the responsibility?

The following responsibilities are carried out by **area planning committees**:

- deciding planning applications for more than five residential units or for residential developments on sites with a site area of over 0.25 hectares
- deciding planning applications for non-residential developments on sites over 0.5 hectares
- deciding planning applications for non-residential developments with new or increased floor space of more than 500 m²
- deciding planning applications by the council or by councillors or officers
- deciding planning applications where a councillor or an officer is the agent
- agreeing significant amendments to approved plans subsequent to the grant of planning permission or listed building consent
- deciding planning applications that have been called in during the 21-day consultation period
- recommending how to spend any planning contributions over £10,000
- deciding listed building consent applications for total or substantial demolition of listed buildings
- deciding planning applications for phone masts where there are objections (except applications that can go ahead unless the council refuses them within 56 days)
- confirming and revoking tree preservation orders when there are objections

- dealing with complaints about high hedges when the hedge is on the council's land or land occupied by a councillor or officer or when the complaint has come from a councillor or officer.

The **Planning Review Committee** is responsible for deciding planning applications that are called in during the call in period.

The **Head of City Development** does everything else.

LOCAL AREA FORUMS AND WARD MEMBER BUDGETS

1. Present Arrangements

- 1.1 The current six area committees deal with a combination of Council functions (determination of planning applications) and Executive functions (aspects that are delegated to area committees by the Executive in the Constitution, and which can be withdrawn at any time).

2. Future Arrangements

- 2.1 Planning applications will be dealt with by the area planning committees and the Planning Review Committee.

- 2.2 When it introduced modernised decision-making arrangements in 2000 – 2001 the Council considered area committees as a potentially effective method of engaging the general public in council work. The area committees were structured so as to allow direct public involvement in meetings and arrangements for community groups to participate on appropriate topics. The agenda were organised so as to require the Council's major plans, policies and budgets to be considered by the committees where it was assumed a wide cross-section of the community would be able to express a view and contribute to the final outcome. It was also hoped that the committees would provide a forum through which the County Council and the City Council could collaborate on the provision of services.

- 2.3 Over the decade during which they have operated, the delegation of executive functions to the area committees has not worked effectively and in practice the strategic management functions (eg on parks and street services) have reverted to the Executive in order to secure an appropriate degree of operational effectiveness and value for money. Area action planning within the Community Strategy has been sporadic and has not involved a wide spread of community representatives in any meaningful and continuous way.

- 2.4 The most successful element of the area committees in relation to community engagement has been the Open Forum sessions and discussion and implementation of Council initiatives and projects funded by committees' delegated budgets. The proposal therefore is to build upon this experience by developing local area forums supported through the Communities and Neighbourhoods Team. Local area forums will be more flexible and enable greater community engagement and involvement. They will enable communities to develop plans and policy interventions that seek to address local issues.

- 2.5 The Communities and Neighbourhoods Team is currently working to develop active neighbourhood management as a key element of the Regeneration Framework action plan which focuses on the areas of greatest deprivation in the City (and the Team is also supporting community led planning in other areas of the City). Active neighbourhood management supports the localism agenda which seeks to involve communities more in decision making and planning what happens in their areas. The approach to setting up forums embraces this. It will also enable effective support for tenants' and residents' groups to build capacity and be more involved in local issues.
- 2.6 It is proposed that the area forum model be adopted across the City to provide a clear framework within which local priorities can be raised, discussed and actions to address them agreed. Area forums would meet a minimum of four times a year (starting in June) in each of the present area committee areas. They would have a local partnership arrangement similar to the neighbourhood management model involving key local stakeholders and community representatives but covering a wider area. The forums would be a partnership of key local stakeholders including community groups, schools, businesses and senior representatives from statutory agencies to focus on issues of local concern. They will be supported to develop local plans which will promote and facilitate community initiatives. This approach will help the City Council and its partners to have a greater understanding of local priorities and enhance working together to respond to local issues.
- 2.7 To support and develop their work at the local neighbourhood level, each Ward member will be assigned a budget of £1,500 to spend within their local area in conjunction with the Communities and Neighbourhoods Team. Officers have drafted tight and clear rules around use of Ward member's budgets to ensure transparency and integrity and they are attached as Appendix A to this Annex.
- 2.8 The present Executive functions exercised by area committees will revert to the City Executive Board, individual Executive members or to officers in accordance with the revised Executive scheme of delegation.

Recommendations

- 1. That from the start of the 2011/12 Council Year:-**
 - (i) Area committees are not appointed.**
 - (ii) Area forums be introduced in the context of active neighbourhood management as described in this Annex**

2. (i) **To note that, subject to the overall package of changes in this report being substantially agreed by full Council, the Leader has agreed to delegate to individual Ward members the authority to spend in their Ward up to £1,500 in a Council Year on anything that improves the economic, social or environmental wellbeing of their Ward;**
- (ii) **That Ward member budgets be spent subject to the conditions and restrictions set out in Appendix A to this Annex, and that the Head of Law and Governance be authorised to amend the rules if it is considered necessary to do so in order to protect the integrity of the Council.**

WARD MEMBER BUDGETS

Present Arrangements

1. Section 236 of the Local Government and Public Involvement in Health Act 2007 provides for the discharge of functions by individual Ward members. The position pre -2000 was that single members were not permitted, in law, to make decisions. The Local Government Act 2000 made provision, for the first time, for individual Executive members to be able to make Executive decisions and the 2007 Act extended the capacity for individual decision making to all members (whether a member of the Executive or not). At present, the Authority does not operate single member decision making arrangements.

Proposed Arrangements

2. The proposal is that each member of Council will (subject to the budget being approved annually by Council) be allocated the sum of £1,500. Each member may decide how to spend the money in relation to her or his Ward. The only function which is proposed to be delegated to members is the authorisation of spend of up to £1,500. No other functions are proposed to be delegated to Ward members.
3. The restrictions and conditions on the allocation of that spend are proposed to be as follows: –
 - a) The Ward member may only authorise spend in relation to her or his Ward. However, members may pool budgets across Wards in order to benefit a wider area.
 - b) The Ward member must be satisfied that the spend would improve the economic, social or environmental well-being of their Ward.
 - c) The Ward member must consult the Communities and Neighbourhoods Team prior to authorising the spend. The Communities and Neighbourhoods Team will consult the statutory officers if they are concerned that the proposed spend could be unlawful, in contravention of any of the duties of the Authority or would result in an additional call upon resources (financial or otherwise). The Team would advise the member of the outcome of consultation with the statutory officers.
 - d) Immediately after a decision is made the Ward member must complete a pro forma decision notice (attached to this Appendix) which after completion must be sent to the Head of Law and Governance and the Chief Finance Officer. If within two days of

receipt of the pro forma the officers do not consider that the proposed spend would be unlawful, in contravention of any of the duties of the Authority or would result in an additional call upon resources (financial or otherwise) the Head of Law and Governance will make the details of the decision known to all members of Council not more than five working days from the date of the statutory officers' consideration and always on a Friday (for certainty's sake) and the decision will then be capable of call-in in the usual manner (i.e. by four members or the chair of the relevant scrutiny committee within two working days of the Friday of publication). The decision cannot be acted upon until the expiry of the call in period.

- e) In reaching a decision under their delegated powers, Ward members must consider each of the matters in the attached pro-forma. This will form the written record that must by law be sent to the Head of Law and Governance within one month of the decision being made. This record will be the Council's formal record of Ward member decisions and it will appear on the Council's website and will be available for public inspection for a period of six years. This written record and timescale is a legal requirement but, as said in (d) above, until the record is received by the Head of Law and Governance, the call-in procedure cannot be commenced and action cannot be taken on the decision.
- f) The Communities and Neighbourhoods Team will keep the record of member spending and will periodically report to Ward members and to the Head of Finance on expenditure and balances. At the end of each year a composite account will be published on the website.
- g) A Ward member may not authorise spend if that member would, if the payment were made, have a prejudicial interest in the authorisation of the spend.

WARD MEMBER DECISIONS – RECORD OF DECISION

1. Councillor -
2. Date -
3. Ward to benefit -
3. Spend authorised -
4. Name and contact details of recipient of spend -
.....
.....
5. Purpose of spend -
.....
.....
6. How will the spend promote or improve the economic, social or environmental well-being of your Ward? -.....
.....
.....
7. Have you obtained officer advice? YES/NO. If yes, summarise advice and say which officer provided it -
.....
.....
.....
.....
8. Do you have a personal interest in the proposed spend?- YES /NO
If yes, state nature of interest-.....
Is that interest also prejudicial? - YES/NO

Signed:

SINGLE EXECUTIVE MEMBER DECISION MAKING

Present arrangements

1. The Council does not operate single member decision making at present. Single member decision making is however permitted in law (Section 14, Local Government Act 2000) in respect of the exercise of executive functions by members of the Executive and is widely used through English local government in both upper and lower tier authorities. The “senior executive member” (the Leader in the case of the City Council) may discharge executive functions or may arrange for their discharge by another member of the executive.

Proposed arrangements

2. The presumption will continue to be that all functions are delegated to officers except for those functions or activities which are reserved to either the City Executive Board or individual executive members.
3. Some decisions are more appropriately made by executive members collectively (i.e. by the City Executive Board). It is proposed that the following matters be reserved for consideration and decision by the City Executive Board: –
 - recommending the Budget and Policy Framework to Council.
 - agreeing a draft Budget for consultation.
 - recommending extra spending outside the budget to Council.
 - using a year-end surplus in a trading account.
 - considering periodic financial, risk and performance management monitoring reports.
 - approving the Medium Term Financial Strategy and the Risk Management Strategy.
 - considering reports from the Audit Commission and agreeing action plans in response.
 - Making compulsory purchase orders.
 - receiving scrutiny recommendations and re-considering decisions of the Board which have been referred back from scrutiny following the call-in of a City Executive Board decision.

- matters that Councillors place on the agenda.
 - matters that the statutory Officers of the Council place on the agenda.
 - matters that a single Executive member is precluded from making a decision on because of a prejudicial interest or which the single Executive member wishes to remit to the Board.
 - responding to consultations by outside bodies where the Leader wishes the Board to approve the response.
4. It is proposed that decisions on the following matters be reserved for consideration and decision by individual Executive members: –
- appointing representatives to outside bodies.
 - adoption of supplementary planning guidance.
 - agreeing transfers between cost centres of £100,000 to £250,000 that are consistent with the Policy Framework.
 - recommending to Council transfers between cost centres that are over £250,000 or that are inconsistent with the Policy Framework.
 - recommending to Council transfer of assets between the general fund and housing revenue account.
 - accepting tenders of £250,000 or over.
 - giving project approval for projects of £100,000 or over.
 - writing off business debts of over £10,000 and personal debts of over £5,000.
 - bidding for work outside Oxford.
 - acquiring or disposing of freeholds or leaseholds with a consideration or premium over £500,000.
 - acquiring or disposing of leases with a rental value over £125,000 each year.
 - disposing of property or leases for less than best consideration.
 - making control orders.
 - changing eligibility for services.

- agreeing the community and voluntary organisations grants prospectus.
 - giving grants (except small and emergency grants, historic building grants and renovation, improvement and adaption grants for private properties).
 - setting fees and charges.
 - setting minimum service standards.
 - designating Conservation Areas
 - naming and numbering of streets if there are unresolved objections following consultation
 - responding to consultations by outside bodies where the Leader wishes an Executive member to approve the response.
5. In terms of which Executive member takes decisions on which parts of the list of functions set out in paragraph 4. above, that will follow from the allocation of political portfolios by the Leader. It is proposed however to provide for a constitutional presumption that decisions on the matters in 4. above may only be taken by a single Executive member. If political portfolios overlap such that it is not clear which single Executive member is responsible for taking a decision then the Leader will indicate which single member is to be the decision-maker.
6. The mechanics of how single Executive members reach decisions is important in order to ensure that the process is efficient and simple to operate whilst retaining openness and transparency of decision making. It is proposed that -
- a) Matters upon which single member decisions are to be made will be published in the Forward Plan. This enables three things to happen:-
- Representations from the public to be made.
 - Scrutiny involvement to apply. If scrutiny wishes to be involved in a single member matter then a scrutiny panel will be convened and the panel's report or comments will be sent to the single member for consideration alongside the officer report and any public (Forward Plan) representations received.
 - The date or period within which the single member decision will be taken to be set.

- b) Single executive member decisions will be taken by executive members in public at a time and in a place which will be published. The timetable of meetings for 2011/12 (the subject of a separate report to April Council) will set down a framework of dates when single Executive members will take decisions as and when there are any to take within their responsibilities. Notice of these public meetings will be given in accordance with the Access to Information legal requirements (ie five clear working days before the decision may be taken). Any report to be taken into account in reaching the decision must also be publicly available then. Before taking a decision single Executive members must obtain professional advice (typically, the officer report will provide that advice) and must comply with the Members' Code of Conduct (in particular in relation to personal and prejudicial interests)
- c) Officer reports and recommendations upon the matters which are the subject of single member decisions will be made available to all members via an electronic link (and by hard copy to the Scrutiny Chairs) and the public through the Council's website.
- d) Immediately after the decision is made, the single member will complete a pro-forma decision notice which will go to the Head of Law and Governance. The Head of Law and Governance will publish the pro-forma decision notice to all members of Council and the decision will then be capable of call-in in the usual manner (i.e. by four members or the chair of the relevant scrutiny committee within two working days of publication). The decision cannot be acted upon until the expiry of the call in period.
- e) If a single member decision is called in then it will be considered by a scrutiny committee or sub-committee and referred back to the single member. The single member will then in public at a single member meeting, consider the views of scrutiny and reach the final decision.
- f) A written record will be kept of all single executive member decisions. This record will be the Council's formal record of executive member decisions and it will appear on the Council's website and will be available for public inspection for a period of six years.

Recommendations

- 1. That from the start of the 2011/12 Council Year single Executive member decision making be adopted.**

- 2. That the Board approve the split of functions as set out in Annex 4 and that the Executive scheme of delegation be amended accordingly to take effect as from the start of the 2011/12 Council Year. (Note that this recommendation requires Board and not Council approval).**

CONSULTATION ANALYSIS

1. We consulted upon the proposed changes to decision-making arrangements over a five week period 18th February – 25th March 2011. We consulted by two means, namely by an on-line consultation exercise and by a paper questionnaire. The on-line consultation was completed by 96 people. The paper questionnaire resulted in 100 returned forms. An analysis of the outcome of the 'yes/no' answers from these two methods of consultation forms Appendix A to this Annex.
2. In addition, the Communities and Partnership Scrutiny Committee considered the democratic change proposals at its meeting on 10th February 2011. Its report, and the minutes of that meeting, form Appendix B to this Annex.
3. Each of the area committees except the Cowley Area Committee (the March meeting of which was cancelled because of lack of business) have considered and commented upon the democratic change proposals. Area committee comments are set out in Appendix C to this Annex. The appendix also includes the views expressed at a meeting with parish councils in February.
4. We distributed over 2,000 copies of the paper questionnaire. Some 1,400 questionnaires were sent to all libraries, community centres and doctors surgeries in the City. Residents' associations and miscellaneous interest groups on Council databases were sent questionnaires as were the planning consultants that we deal with on a regular or fairly regular basis. All Councillors were sent a copy of the questionnaire and some councillors asked for additional copies for distribution in their Wards. Copies were available at the front desks in the Town Hall, in Ramsay House and at St Aldate's Chambers. The paper questionnaire (less the front page) forms Appendix D to this Annex. The questions in the questionnaire are the same as those asked in the on-line consultation. Members will see that the questionnaire (as did the on-line consultation) refers to further information on the proposals being available. That information was the detailed report that went to the City Executive Board on 9th February 2011. The Board agreed the report for the purposes of consultation.