

## CONSTITUTION REVIEW 2015 – MISCELLANEOUS CHANGES

### 1. Planning Delegations

#### Council Responsibilities and Executive Responsibilities

##### **3.4(b) Officers' use of delegated powers**

Officers do not have to use their delegated powers: they can ask the body that delegated to them to decide (except the Head of City Development will ask the Area Planning Committee to decide on planning functions delegated from Council).

Officers who have had something delegated to them can authorise officers they line manage to do it on their behalf (unless it was delegated on condition that they do it themselves).

#### Who carries out Council Responsibilities

### 5.3 Planning

#### **(a) 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 m<sup>2</sup>
- 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 or planning conditions where those conditions were originally imposed by area planning committee

- agreeing significant amendments to approved plans subsequent to the grant of planning permission or listed building consent
- deciding planning applications that would otherwise be decided by officers that have been called in during the 21-day consultation period (see 17.3)
- deciding listed building consent applications for total or substantial demolition of listed buildings
- deciding planning applications or applications under condition for phone masts where there are objections (except applications that can go ahead, unless the Council refuses them within 56 days)
- ~~to confirm Article 4 Directions where there have been objections~~
- 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
- deciding whether to register one or more candidate heritage assets having regard to the Council's adopted criteria.

## 2. Appointment of Heads of Service

### Who carries out Council Responsibilities?

#### 5.15 Other Council responsibilities

Power to appoint staff and to set their terms and conditions (including procedures for dismissing them)	Local Government Act 1972, Section 112	Appointments committee appoints <del>D</del> irectors and head of service and recommends full Council on appointment of Chief Executive and designation of Head of Paid Service, Chief Finance Officer and Monitoring Officer. <u>Chief Executive or any Director can appoint Heads of Service (subject to 20.3).</u> Heads of service appoint everyone else <u>(except Chief Executive appoints</u>
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		where a contract for personal services is used)
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## 7. Roles of Decision-Taking Committees

### 7.7 Appointments Committee

- (a) Recommending to full Council who to appoint to the position of Chief Executive
- (b) Recommending to full Council who to appoint as Head of Paid Service, Chief Finance Officer and Monitoring Officer
- (c) Appointing Directors ~~and heads of service~~
- (d) Deciding upon the salaries of the Chief Executive and Directors.

## Employment Rules

### 20.3 Appointing Directors and Heads of Service

~~Directors and heads of service~~ are appointed by the appointments committee. At least one member of the City Executive Board must be a member of the appointments committee. Heads of Service are appointed by the Chief Executive or any Director.

Before a director or head of service is appointed, the Head of Human Resources and Facilities must tell every member of the City Executive Board who the ~~appointments committee~~ appointer wants to appoint and anything else that is relevant to the appointment.

The appointment can go ahead if the City Executive Board agrees or if it makes no objection by a deadline set by the Head of Human Resources and Facilities or if the ~~appointments committee~~ appointer does not consider any objection made by the Board relevant and justified.

### 3. Council meetings

## Full Council Procedures

### 11. Order of business at annual meeting of full Council

#### 11.1A Selection and Appointment of Civic Office Holders

The convention is that the Civic office holders i.e. the Lord Mayor, the Deputy Lord Mayor and the Sheriff will be selected for nomination to Council on the basis of cumulative length of service.

For each of the Civic Offices the Leader of the Council will offer the nomination, for the next municipal year, to the longest serving member (based on cumulative service at the start of that municipal year) who has not held that particular Office. Should that councillor decline the Leader of the Council will proceed to the next longest serving Councillor until the nomination is accepted.

Should there be two or more councillors with the same length of service the Leader will make offers in alphabetical order using last names.

The results of this process will be announced by the Leader at the February Council meeting or one as close to this as possible. In Council election years the outcome will be checked before the Annual Council meeting and should any of the councillors selected no longer be members of Council the Leader will offer the nomination again based on the process already described above.

At the Annual Council meeting the Lord Mayor will be elected and the Deputy Lord Mayor and Sheriff will be appointed.

### **11.3 Council Budget Debate Procedure**

Order of business for the full Council meeting(s) where the Council's budget, capital programme and medium term financial strategy for the following year(s) are discussed and the council tax is set.

All amendments will be subject to the normal rules of debate expect for those at 7(c) which will be taken as read by the meeting

#### Part 1 – Public business

1. Apologies and elections of chair (if the lord mayor and deputy lord mayor are absent)
2. Declarations of interest, from councillors
3. Announcements from the lord mayor, leader, head of paid service, chief finance officer and monitoring officer
4. Agree the time permitted for each stage in the procedure for the meeting and any amendments to this procedure
5. Public questions and addresses relating to a decision at this meeting (a maximum of 30 minutes fin total)
6. Report of the Council's chief finance officer on the soundness of the financial proposals before Council

7. Council's budget, capital programme and medium term financial strategy as recommended by the Executive Board (to last no more than 1 hour and 25 minutes excluding the debates at (b)). All speakers will have 3 minutes unless otherwise stated. All speakers will be nominated in advance to Committee Services (democraticservices@oxford.gov.uk) by 9.00am one working day before the meeting. The Lord Mayor will decide the order speakers are taken subject to advice from Group Leaders. Additional speakers will only be taken by the Lord Mayor should time allow.

Debate on this item shall be:

(a) Proposal by Executive Board member (15 minutes)

(b) Amendments submitted by opposition groups (proposal and debate 30 minutes for each group's amendments: proposers may speak for up to 10 minutes). These amendments must be received by Committee and Member Services by 1.00pm one working day before the meeting. These proposals will be voted on as one amendment for each group.

(c) Individual amendments submitted in writing to the clerk in advance of the meeting or at least 15mins before the start of this item at the meeting, on the form provided (40 minutes in total). Amendments will be taken in the order submitted to the clerk on the form provided and will be taken "as read" by the meeting. A proposer and seconder is required. Should the proposer and seconder agree, amendments can be taken in groups. Any amendments not taken within the time fall.

(d) Debate on the budget presented by the Executive Board, as amended (30mins or the remaining time overall, whichever is the greater).

8. Recorded vote on these proposals.

9. Adjournment for 10 minutes if necessary

10. Setting of the Council Tax for the following year.

11. Recorded vote on these proposals.

12. Any other items for decision which were relate to the business above

13. Items for decision which were not available in time for the previous ordinary meeting, and which must be determined before the next ordinary meeting.

There will be no other business at this meeting except with the agreement of the Lord Mayor, Leader and opposition group leaders: there will be no Part 2 or Part 3 of the ordinary agenda.

The Leader or in his absence his deputy shall indicate before debate which amendments they will accept without a vote.

The Head of Finance shall report on the soundness of the amendments before these are debated.

Amendments shall be presented in writing with financial information and reasons; taken as read without the requirement for the proposer to speak; and taken in order as presented to the Clerk before the start of debate on amendments.

#### 4. City Executive Board

##### **Board Procedures**

##### **12.7 Order of business**

The order of business will be:

- declarations of interest
- when the chair agrees, questions from the public for up to 15 minutes – these must be about the items for decision at the meeting (excluding the minutes) and the full text of any question must have been given to the Head of Law and Governance by 9.30 a.m. at least one clear working day before the meeting. Questions by the public on individual personal circumstances will not be permitted. No supplementary questions or questioning will be permitted. Questions by the public will be taken as read and, when the chair agrees, be responded to at the meeting either orally or in writing.
- reports from scrutiny committees
- councillor addresses on any item for decision on the board's agenda
- councillor addresses on neighbourhood issues (10 minutes)
- items for decision, including reports from Board members
- items raised by Board members

- minutes of the last meeting.

This procedure can be suspended if at least half of all the voting members are present and there is a simple majority in favour. It can only be suspended until the end of the meeting.

## **12.9 Forward Plan**

All matters on the Board agenda must have appeared on the Forward Plan (see 15.16)

## **12.11 Councillors speaking on neighbourhood issues**

A 10 minute slot will be allowed on each City Executive Board agenda for any member to raise local issues on behalf of communities directly with the Board. Priority will be given to those who have not already attended within the year and in the order received. Issues can only be raised once unless otherwise agreed by the Board. The Board's responsibility will be to hear the issue and respond at the meeting, if possible, or arrange a written response within 10 working days.

## 5. Scrutiny Committee

### **Scrutiny Committee Procedures**

#### **13.2 Membership of scrutiny committees**

##### **(a) Members of the scrutiny committee**

The scrutiny committee has twelve members. The number of members from each political group will be in proportion to its size.

Members of the scrutiny committee and their substitutes must be councillors. But they cannot be members of the Board.

##### **(b) Conflicts of interest**

Members of the scrutiny committee should not, generally, scrutinise decisions they have made but such occurrences will be rare because no member of the Board can be a member of the scrutiny committee.

##### **(c) Substitutes**

Members of the committees can send other councillors as substitutes. These will have the powers of an ordinary member of the committee.

Substitutions must be for a whole meeting. A member cannot take over from their substitute or hand over to them part of the way through. There is one exception to this: a member of the a committee may not send a substitute to a committee ~~or a panel established by a committee~~ at which a scrutiny review is being conducted and which will continue to be conducted at a subsequent meeting.

If a member wants to send a substitute, they must tell the Head of Law and Governance before the meeting.

Substitutes cannot appoint substitutes of their own. Substitutes cannot be members of the Board. Substitutes cannot be appointed attend meetings of a panel established by the committee.

### **13.15 Order of business at scrutiny committee**

The order of business will be:

- declarations of interest
- anything that has been called in
- anything else on the agenda
- any Board responses to the committee's reports
- ~~anything else on the agenda~~
- minutes

The chair has the discretion to amend the order of the agenda items.

This order can be suspended if at least half of all the voting members are present and there is a simple majority in favour. It can only be suspended until the end of the meeting.

## **6. Committee Meetings**

### **Other Committee Procedures**

#### **14.6 Meetings of committees**

##### **a. Cancelling a meeting**



If a committee has nothing to do at one of its fixed meetings, the Head of Law and Governance can cancel it ~~after consulting the chair~~.

#### **14.7 Substitutes**

Substitutes are not permitted for the Licensing and Gambling Acts Committee or the General Purposes Licensing Committee.

Only members of the General Purposes Licensing Committee can act as substitutes for the members of its sub-committees.

For other committees, members can send other councillors as substitutes. These will have the powers of an ordinary member of the committee.

Substitutions must be for the whole meeting. A member cannot take over from their substitute or hand over to them part of the way through. There is one exception to this: substitutes at the area planning committees and the planning review committee can attend for just a single item.

Substitutes on Planning Review Committee cannot have been a voting member at the meeting of the Area Committee that determined the application before it was called in the Planning Review Committee.

Substitutes cannot appoint substitutes of their own.

If a member wants to send a substitute, they must tell the Head of Law and Governance before the meeting.

#### **14.10 Disruption by the public**

##### **(a) Disruption by an individual**

If a member of the public is disrupting the meeting, the chair will warn them that unless they desist they will be asked to leave. If they carry on disrupting the meeting, the chair can halt the meeting until they leave.

##### **(b) Clearing part of the meeting room**

If there is a general disturbance in a part of a meeting room open to the public, the chair can have the area cleared.

#### **14.101 Gaps in these procedures**

If there is a gap in these procedures, the chair will decide what to do with reference to the Full Council Procedures.

#### **6. Access to Information**

## **Access to Information and Key Decision Procedures**

### **15.3 Public's rights to attend meetings**

The public can attend meetings, except when confidential or exempt information is being discussed (see 15.4). The public also have the right to record meetings that are held in public.

### **15.8 Access to meeting papers before a meeting**

The agenda and reports will be available at the town hall at least five clear working days before a meeting subject to copies being made available to members of the decision making body first. If an item or report is added later, it will be made available as soon as it is added.

Copies of the agenda, reports and background papers will be available for public inspection. The agenda, reports and background papers will also be available on the Council's website at least five clear working days before a meeting. Members of the public may register for email alerts of the publication of an agenda and accompanying reports. They may also subscribe annually for paper copies subject to payment of a charge.

### **7. Taking Instructions from political groups**

## **Code on Councillor-Officer Relations**

### **22.8 Information and Advice**

#### **(e) Officer attendance at Group Meetings**

The Leader of the Council or Leader of any of the other political groups may ask the Chief Executive or relevant Director to give or arrange a private briefing for the party group on a matter of relevance to the Council.

Any briefings offered to or requested by a party group will be offered to the other party groups.

No Officer of the Council should attend any political group meeting which includes non-Council members.

Decisions are not Council or Executive decisions and party groups do not have any delegated authority to make formally binding decisions. Officers should not take instructions from party groups.

### **22.9 Councillors' briefings on agenda and reports**

#### **(c) Requests for reports**

Instructions for reports to come to the Board or Committees can only come from the Leader, the Board, an Executive Board Member in respect of the Board and a Committee or a Committee Chair in respect of Committees. Whilst Executive Board Members ~~will routinely be consulted as part of the process~~ have political responsibility for drawing up proposals for consideration or for the agenda for a forthcoming meeting, it must be recognised that in some situations an Officer will be under a professional duty to submit a report. Similarly, senior officers will always be fully responsible for the contents of any report submitted in his/her name. This means that any such report will be amended only where the amendment reflects the professional judgement of the author of the report. Any issues arising between an Executive Member and a senior officer in this respect should be referred to the Chief Executive for resolution in conjunction with the Leader of the Council.

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