

To: Full Council

Date: 10 October 2011

Report of: Head of Law and Governance / Monitoring Officer

**Title of Report: REVIEW OF FULL COUNCIL PROCEDURES AND OTHER
CONSTITUTIONAL AMENDMENTS**

Summary and Recommendations

Purpose of report: To review the operational and constitutional procedures applicable to Council meetings to allow for more efficient public engagement and to propose other constitutional amendments.

Report Approved by: Jeremy Thomas

Policy Framework: Not applicable

It is recommended to Council that –

- (a) The changes to Council procedures described in this report are agreed by Council**
- (b) The Constitution be amended to reflect the changes proposed to the Council Procedure Rules, the Council scheme of delegation and the Contract Procedure Rules as set out in the body of this report, with effect from the 11th October 2011.**
- (c) Every Council meeting is filmed and published on the internet.**

Council Procedure Rules

1. Full Council is programmed to meet six times each year (one Annual Meeting and five ordinary meetings of which one is described as for the Budget but is not reserved exclusively for the Budget) and is open to the public. The public may address Members at Council and ask questions. Over the past two years the amount of public involvement has increased significantly and the present deadlines in the Council Procedure Rules are unhelpful in terms of ensuring that the public can follow the meeting and debate as effectively as Members. The changes proposed in this

report are promoted in order to align deadlines so that members of the public can more easily participate in and follow Council meetings.

2. Detailed below are the numbers of questions, motions etc. that have been submitted for Council from May 2006 to April 2011

Council	Addresses	Public Questions	Member Questions	Motions
2006/07	9	Nil	190	52
2007/08	17	Nil	178	29
2008/09	17	2	99	38
2009/10	18	45	66	37
2010/11	32	37	102	58
	93	84	635	214

Members' Questions on Notice

3. There are two deadlines in play in relation to questions on notice from members. The advance (but informal) deadline is approximately 4 working days before the formal deadline in the constitution which is 9.30 am on the working day before the Council meeting.
4. This practice has grown in use in order to facilitate written replies in advance of the Council meeting. Whilst that aspect is commendable, the means by which such questions and answers are published is in the form of a Briefing Note, circulated electronically, one working day before the meeting.
5. It is proposed that the deadline for questions on notice be brought forward in order that both the question and an answer can be published in the formal agenda. This will ensure that members of the public can view the questions and answers when the agenda is published, rather than having to resort to reading the Briefing Note during the meeting.
6. In order to accommodate the preparation of written answers it is proposed that the deadline for questions on notice from Members should be changed to 1 pm, 10 working days before the Council meeting.
7. This change will effectively allow 4 working days for the preparation of written answers and 1 working day for the compilation, printing and distribution of the agenda.

Motions on Notice

8. In order to facilitate more efficient Member participation it is also proposed that the deadline for motions on notice be extended from 8 working days so that it too becomes 1 pm, 10 working days before the Council meeting.

Addresses and questions by the public

9. At present the deadlines for addresses and questions by the public is 1 pm, 2 working days before the meeting. This means that the wording of addresses and questions are only reproduced in the Briefing Note.
10. It is proposed that the deadline for both addresses and questions by the public should be changed to 1 pm, 10 working days before the Council meeting.
11. This deadline would be consistent with the deadline for motions and questions by Members and more importantly would enable the text of the address and question and written replies to be reproduced in the formal agenda.
12. Clarification is needed on whether the person who has asked/submitted a question, actually asks the question at the meeting itself (reading their question aloud). Paragraph 11.9(d) states "The Lord Mayor will ask the questioner to ask their question....". The addresses/public questions part of Council has a 45 minute time slot overall.
13. It is proposed, notwithstanding that the question has been printed with the agenda, that the person does read out their question if present at the meeting and if they wish to do so. The procedure would continue as present with the Board Member verbally responding or through a written response reproduced with the agenda. There would continue to be no right of reply by the member of the public.
14. Council Procedure Rule 11.9(b) presently provides that "each question must include the name and address of the person or organisation asking it" Questions are submitted by organisations or groups under this rule to be asked in the name of individuals. We received one complaint from an individual who had no knowledge of the matter but who had been named as the questioner by an organisation.
15. Therefore, it is proposed that the reference to the 'organisation' is removed and that each individual is required to submit their own question along with their name and address. There would be no substitutes allowed to ask a question if the questioner was not present.

Public Addresses

16. At present written details of an address to full Council must be provided by 1pm two working days before the meeting. It is proposed that the rule be changed so that the complete text of the address must be supplied to the Head of Law and Governance either via the current fullcouncil@oxford.gov.uk e-mail address, by hand or post, by the date and time in paragraph 10.
17. For the last two Council meetings we have undertaken a pilot using the St. Aldate's Room where a live feed of the meeting is shown. This is a useful 'overflow' facility for the public gallery and enables members of the public to be called in to the Council Chamber to make their address without any delay and without the member of the public missing any of the meeting. It also enables the Chamber to be reserved for Members, Officers and the Press only and it is proposed to continue that practice.

Public Awareness

18. The recording of Council as a 'live feed' to the internet is now established. I am aware that there is cross party support for that recording and publishing but I am mindful of the fact that Council has not explicitly resolved to do so (thereby denying any Member the opportunity to oppose such an arrangement). Council is recommended to resolve that all Council meetings in future are the subject of a live feed to the internet.
19. In addition a leaflet will be published about Full Council and how the public can be involved, along the same lines as the "Click for Democracy" leaflet used for other agenda. This will be available on the website and more widely distributed for example at libraries, community centres and other Council offices, and would link to a form that the public would need to complete if they wished to ask a question or make an address.

Council scheme of delegation

20. In order to take account of changes to the Local Government (Miscellaneous Provisions) Act 1976 concerning powers to immediately suspend the licences of hackney carriage and private hire drivers in the interests of public safety, paragraph 5.6 of the Constitution requires amendment to read:

5.6 Taxi and private hire and other vehicle licensing

(a) Description of responsibility

All the taxi and private hire and other vehicle licensing responsibilities in Paragraph B of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000

(b) Who carries out the responsibility?

Full council sets policies on taxi and private hire and other vehicle licensing. The general purposes licensing committee:

- recommends and reviews policies on taxi and private hire and other vehicle licensing

- sets and reviews licence fees

The general purposes licensing committee appoints a hackney carriage and private hire licensing sub-committee:

- to deal with cases concerning applicants for or holders of taxi, private hire or other drivers or vehicle licences brought to the sub-committee by officers

- to decide taxi and private hire and other vehicle, driver and operator licence applications when the applicant has a conviction and the relevant service head has concerns about the nature of the offence, or the applicant or the vehicle may not be suitable for some other reason

- to withdraw and suspend licences for taxis and private hire and other vehicles and their drivers and operators.

The head of environmental development does everything else **(ADD)** including the immediate suspension of taxi and private hire drivers licences in the interests of public safety.

Also, in order to take account of the Council's Street Trading Policy, set by Council on 19th April 2010, paragraph 5.7 of the Constitution requires amendment to read

5.7 Other licensing and registration

(a) Description of responsibility

All the responsibilities in Paragraph B of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 except taxi and private hire and other vehicle licensing

(b) Who carries out the responsibility?

Full council sets policies on licensing and registration.

The general purposes licensing committee :

- recommends and reviews policies on licensing and registration

- sets and reviews licence fees

- agrees a charity collection scheme

- agrees and varies a street trading policy and scheme.

The general purposes licensing committee appoints a licensing and registration sub-committee to :

- decide sex establishment licence applications when there are objections

- (OMIT)** • *decide street trading applications that are for longer than three months*

- decide applications to renew street trading permission when there has been a **(ADD)** relevant complaint about the trader or the trader has broken the conditions of their street trading permission in the past year or where there is competition for a vacant approved site.

The head of environmental development does everything else.

Contract Rules

21. The following wording is recommended for insertion between the first and second paragraphs of Paragraph 19.3 in the Contract Procedure Rules

“The Council is seeking to ensure that all purchases made by it are undertaken through a single electronic tendering system as selected by the Head of Business Improvement (“the Selected System”). The Head of Business Improvement will provide details of the Selected System and any change to it. All purchases of goods or services with a value in excess of £1000.00 must, therefore, be undertaken through the Selected

System. All such purchases shall also comply with the thresholds for quote and tender provisions as set out in paragraph 19.11, and all other relevant provisions of these Contract rules. An exemption from using the Selected System can only be obtained with the consent of the Head of Business Improvement.”

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Background papers: None