

To: Council

Date: 25 July 2016

Report of: Monitoring Officer

Title of Report: CONSTITUTION REVIEW 2016

Summary and Recommendations

Purpose of report: This report recommends changes to the Council's constitution.

Policy Framework: N/A

Recommendation(s): Council is RECOMMENDED to approve, with immediate effect, the amendments to the Constitution outlined in the report and in:-

Appendix 1 – Full Council Procedures;
Appendix 2 – Board Procedures;
Appendix 3 - Code of Practice for dealing with planning applications at Area Committees and Planning Review Committees;
Appendix 4 – Code on Councillor-Officer Relations;
Appendix 5 - Miscellaneous proposed changes.

Appendices

Appendix 1 – Full Council Procedures
Appendix 2 - Board Procedures
Appendix 3 - Code of Practice for dealing with planning applications at Area Committees and Planning Review Committees
Appendix 4 – Code on Councillor-Officer Relations
Appendix 5 - Miscellaneous proposed changes

Summary of report

1. The Constitution is monitored to ensure that it is fit for purpose and is subject to an annual review with input from officers.

2. The report proposes changes to the provisions contained in the Council Procedures, the City Executive Board Procedures, the Code on Member-Officer Relations and the Code of Practice for dealing with planning applications at Area Planning Committees and Planning Review Committee. Revised provisions, track changed, are attached as **Appendices 1, 2, 3 and 4**. Miscellaneous changes are also proposed. These changes are shown in **Appendix 5**.

Full Council Procedures (Appendix 1)

3. Extracts of Section 11 of the Constitution are reproduced, with tracked changes, as Appendix 1. The changes to the Full Council Procedures are proposed to:-
 - correct clerical errors;
 - provide consistency within the rules and to reflect convention; and
 - allow members to properly consider recommendations on petitions.

Board Procedures (Appendix 2)

4. Extracts of Section 12 of the Constitution are reproduced, with tracked changes, as Appendix 2. The changes to the Board Procedures are proposed to provide clarity around practice and meaning.

Code of Practice for dealing with planning applications at Area Planning Committees and Planning Review Committee (Appendix 3)

5. The Code of Practice for dealing with planning applications at Area Planning Committees and Planning Review Committee is reproduced, in its entirety as Appendix 3. The changes to the Code are proposed to:-
 - provide clarity;
 - allow for adequate briefing of the chair and members; and
 - allow the efficient administration of the meetings.

Code on Councillor-Officer Relations (Appendix 4)

6. Extracts of Section 23 of the Constitution are reproduced, with tracked changes, as Appendix 4. The changes to the Code are proposed to:-
 - provide clarity;
 - reflect best practice;
 - reflect that the Council's Communications Team is not simply a press office but primarily conducts campaign and marketing work on behalf of the Council; and

- amend the reasons for and the rates of deductions in Member's Allowances.

Miscellaneous Changes (Appendix 5)

7. It is recommended that the various timescales in the Constitution are standardised to provide clarity of meaning and definitions added. For example all public speaking deadlines will refer to a number of "clear working days".
8. Extracts of the Constitution are reproduced, track changed, in Appendix 5 to illustrate other proposals to change several parts of the Constitution.
9. There are proposals to amend the terms of reference of the City Executive Board and the Licensing Committees to clarify that the Board is not responsible for setting licensing fees as set out in Appendix 5.
10. There are some permitted development applications that can proceed unless the Council determines that prior approval is required and notifies the applicant that prior approval is required within a set number of days from the application being made. In some circumstances the Council must also refuse the prior approval details and give notice of that refusal within that set time period in order to prevent the development proceeding. The potential for these applications to be called in to an Area Committee, and possibly further called in to the Planning Review Committee, gives rise to the risk that time limits expire and developments can proceed before the Council is able to make a decision. It is proposed that the Head of Planning and Regulatory Services will in future determine all of these applications and they will not be subject to call in by members. The change will also reduce the administrative burden and expense of arranging a special meeting to consider each called in application of this sort. The changes are shown in the tracked changes to Part 5.3 of the Constitution.
11. Amendments are proposed to the delegated powers given to officers that are set out in Section 5 to properly reflect the responsibilities of the Heads of Service. The proposals are set out in Appendix 5.
12. Proposals to amend Section 10 of the Constitution which deals with the designation of Proper Officers are contained in Appendix 5. The changes are to provide clarity.
13. There are proposals to amend the meeting procedure rules contained in Section 14 of the Constitution to provide clarity around public speaking on agenda items. The proposed amendments are highlighted in Appendix 5.
14. Changes are proposed in relation to the rules on substitution to clarify that members may not sit or substitute on a planning or licensing

committee unless they have undertaken the training required by the Code of Councillor-Officer Relations. The changes are reflected in Appendix 5.

15. Amendments are proposed in Appendix 5 which will provide clarity around call-in of planning decisions.
16. Appendix 5 also sets out changes to the Contract Rules in Section 19 of the Constitution which are proposed to provide clarity in relation to the authorisation for the acquisition or disposal of land and reflect changes to the executive scheme of delegation.
17. Changes to the Planning Code of Practice are proposed to update the requirement for members to attend planning training every two years instead of at least once every year.
18. There are also amendments to reflect current practice and to provide clarity around when a site visit will be needed to determine a planning application. Those proposed changes are contained within Appendix 5.

Financial and Legal Implications

19. There are no financial or legal implications arising from the recommendations contained in the report.

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Background papers: none