

## 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 (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
	4.4 Delegation to officers	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
	4.6 Ward member budgets	6	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.
	4.6 Ward member budgets	7	Include that members may pool budgets across adjoining wards	To reflect and clarify current practice
	4.6 Ward member budgets	8	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

## Appendix 1: List of proposed amendments to the Constitution

				fund projects that are political in nature.
	4.6 Ward member budgets	9	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
	4.6 Ward member budgets	10	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	11	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	12	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
	5.3 Planning	13	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
	5.3 Planning	14	Include who can call in decisions to the Planning Review Committee	To clarify current arrangements
	5.3 Planning	15	Include examples of planning functions delegated to the Head of Planning, Sustainable Development and Regulatory Services	To provide clarity of the types of planning functions delegated to the Head of Service
	5.15 Other Council responsibilities	16	Include that the Chief Executive, Directors and Heads of Service may manage their staff and take any disciplinary action necessary in accordance with the Disciplinary Policy and Procedure subject to the Employment Rules	To clarify existing arrangements
	6: Role of Board Members	6.4 Role of individual City	17	Include that seats on outside organisations and partnership bodies may be linked to

## Appendix 1: List of proposed amendments to the Constitution

	Executive Board Members		portfolio responsibilities	executive portfolios.
7: Roles of decision taking committees	7.5 Audit and Governance Committee	18	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 Disciplinary Committee	19	Include further detail about the role and procedures of the Disciplinary Committee	To provide clarity about the requirements of regulations and to clarify which roles that committee will deal with
	7.7 Appointments Committee	20	Include that the Appointments Committee will recommend proposed statutory officer appointments to Council before those appointments are made	To clarify this requirement
	7.8 Standards Committee	21	Include that the Standards Committee's role in advising the Monitoring Officer on training for members will apply to all member training not just training on ethical issues	To broaden the remit of the Standards Committee in respect of members' training to enable the committee to steer and influence future training proposals
8: Role of the Scrutiny Committee	8.2 What powers does the Scrutiny Committee have?	22	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
	8.2 What powers does the Scrutiny Committee have?	23	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	24	Remove reference to the Council having three executive directors	To reflect the current senior management structure
	9.3 Role of Head of Paid Service	25	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	To clarify the powers of the Head of Paid Service

## Appendix 1: List of proposed amendments to the Constitution

			protection/emergency planning.	
11: Council procedures	11.1 The order of business at annual meetings of Council	26	Include apologies for absence and declarations of interest	These items were missing from the order of business
	11.1 Selection and appointment of civic office holders	27	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
	11.1 Selection and appointment of civic office holders	28	Include that members of City Executive Board cannot serve as Lord Mayor or Deputy Lord Mayor	To reflect this legal requirement
	11.1 Selection and appointment of civic office holders	29	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
	11.2 Order of business at ordinary meetings of Council	30	Include apologies for absence	This was missing
	11.2 Order of business at ordinary meetings of Council	31	Move appointments to committees after announcements	So that any changes to group membership can be announced before any consequential appointments are made
	11.2 Order of business at ordinary meetings of Council	32	Include that minutes of meetings prior to the last meeting can be also agreed (also Section 11.9)	To reflect and clarify current practice
	11.2 Order of business at ordinary meetings of Council	33	Move public addresses on items for decision before any decisions carried forwards from the last meeting	So that Council can hear public address any decisions carried forwards from the previous meeting before those decisions are taken
	11.2 Order of business at ordinary meetings of Council	34	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)
	11.2 Order of	35	Move any other business (including any	So that any other business can be taken

## Appendix 1: List of proposed amendments to the Constitution

	business at ordinary meetings of Council		exempt or confidential business) to the end of Part 1 from the end of Part 3	before tea rather than at the very end of the meeting and to provide clarity about when any exempt/confidential items would be discussed
	11.3 Council budget debate procedure	36	Separate apologies and election of chair	These should be two distinct items of business
	11.4 Special meetings of Council	37	Include that special meetings must be convened for awarding honorary titles	For clarity and to reflect the law
	11.5 Time and place of Council meeting	38	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
	11.8 Minutes	39	Include that Council can discuss and agree corrections to minutes	To reflect current practice and clarify that members can raise corrections to minutes
	11.10	40	Change the deadline for questions on notice to seven clear working days before the meeting, from four clear working days before the meeting	To align the deadline for questions with the deadline for motions for simplicity and to provide more time for written responses to be prepared.
	11.11 Addresses by the public	41	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	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
	11.11 Addresses by the public and 11.13 Questions by the public	42	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
	11.11 Addresses by the public	43	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

## Appendix 1: List of proposed amendments to the Constitution

	11.12 Questions by the public	44	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
	11.17 Motions on notice	45	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
	11.17 Motions on notice	46	Include a word limit on motions of 300 words	To introduce a reasonable limit on the length of motions
	11.17 Motions on notice	47	Reword 11.18(d) about the order of motions on agendas	To clarify current practice as the current wording is difficult to follow
	11.19 Rules of debate	48	<p>Include: Monitoring Officers' advice on motions</p> <p>If the Monitoring Officer considers a motion or amendment to be unlawful, vexatious, defamatory, frivolous, offensive, beyond the powers and remit of the Council, related to employees or otherwise improper the Monitoring Officer will return it to the Member who submitted it along with an explanation in writing about why it cannot be published in its current form.</p> <p>The Monitoring Officer shall, if need be as a last resort, give a ruling as to whether the motion or amendment can be included on the agenda or briefing note circulated for the meeting.</p>	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 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	49	Include an updated order of business	To clarify and reflect current procedures
	13.16 Guest	50	Replace the term witnesses with guest	To reflect current terminology

## Appendix 1: List of proposed amendments to the Constitution

	speakers at Scrutiny Committee		speakers	
14: Other committee procedures	14.5 Chair and vice chair	51	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
	14.5 Chair and vice chair	52	Remove that the chair and vice chair can appoint a substitute who will assume the chair	To reflect the rule elsewhere in the Constitution that substitutes will have the powers of ordinary voting members
	14.6 Meetings of committees	53	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	54	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.
	New sub-section: voting at committee meetings	55	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 these rules apply to committees as well as Council
	New sub-section: Planning committee procedures	56	Include more detailed procedures for planning 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
	New sub-section: Licensing committee procedures	57	Include more detailed procedures for licensing committees including who can put items on agendas, the normal order of	To provide more clarity and consistency about how meetings operate

## Appendix 1: List of proposed amendments to the Constitution

			business and rules for public speaking and written statements.	
	Audit and Governance Committee procedures	58	Include who can put business on agendas and the normal order of business	To provide more clarity and consistency about how meetings operate
	New sub-section: Standards Committee procedures	59	Include who can put business on agendas and the normal order of business	To provide more clarity and consistency about how meetings operate
15: Access to information and key decision procedures	15.16 The Forward Plan	60	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	61	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?	62	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 example
18: Finance Rules	18.10 Budgetary Control	62a	Insert Head of Service	Clarification of authority to agree virements
	18.12 Project Approval	62b	Clarification of responsibilities	To ensure that the s151 is included in all decisions
19: Contract	19.11 Thresholds	62c	Include de minimis exemption	Clarification



## Appendix 1: List of proposed amendments to the Constitution

Rules	for quotes and tenders			
20: Employment rules	20.4 Dismissing the Chief Executive, directors and heads of services	63	Delegate the dismissal of non-statutory Heads of Service to the Chief Executive	To reflect the requirements of the regulations and align dismissals with appointments (Members of the City Executive Board would be informed of the proposed dismissal but the Disciplinary Committee would not meet)
23: Code on Councillor-Officer Relations	23.7 Deductions from Members' Allowances	64	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	65	After the third paragraph in (b) remove "These meetings shall be in addition to the cross party working group which has routine meetings"	There is no longer a cross party working group
	New sub-section: Gifts and Hospitality	66	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	67	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	68	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

## Appendix 1: List of proposed amendments to the Constitution

	24.20 Planning conditions added at the meeting	69	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	70	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	71	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
	25.2 What does this policy apply to	72	Include that parallel investigations may be 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	To provide clarity about the interactions between whistle blowing and other Council procedures
	25.3 Purpose of whistle blowing policy	73	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	74	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	75	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 disability

## Appendix 1: List of proposed amendments to the Constitution

	26.12 Indexing of allowances in the scheme	76	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	All	77	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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