

# Appendix 1

## Constitution Review 2020 – List of proposed changes

Ref.	Rationale for proposed amendment	New ref:	Proposed text
<b>Part 3</b>	<b>Council responsibilities and executive responsibilities</b>		
28.7	<p>To make provision for authorisations to be given to act on the Council's behalf if the responsible officer has a conflict of interest.</p> <p><b>Rationale:</b> To provide clarity about how officers' conflicts of interest will be avoided when delegated functions are to be undertaken. Conflicts of interest might arise where officers of the Council are on the board or working on behalf of a Council owned company or joint venture. Officers with responsibility for a decision in which they have a conflict of interest would not take the decision or delegate it to another officer. In this proposal it would fall to another member of the senior management structure, in consultation with the Head of Law and Governance and the Head of Financial Services, to authorise another officer to take the decision.</p>	3.7	<p>(f) Conflicts</p> <p>As the Council and its companies are separate legal entities, care must be taken to ensure that conflicts of interest are avoided. When Council officers are asked to provide advice in a situation where the interests of the Council and the company are not entirely aligned, individual officers should be assigned to advise or represent one side or the other, but should not act for both. <u>Officers in the senior management structure can authorise officers to undertake delegated functions (Part 4.4). Where an authorising officer has a conflict of interest another officer in the senior management structure, in consultation with the Head of Law and Governance and the Head of Financial Services, can authorise officers to undertake delegated functions as necessary.</u></p>
	<p>To make provision in the Constitution for the Council to enter into joint arrangements with other local authorities if required.</p> <p><b>Rationale:</b> To include and provide clarity about responsibilities in relation to joint arrangements. The</p>	3.8	<p><b><u>Joint arrangements</u></b></p> <p><u>Council may establish joint arrangements with one or more local authorities to exercise functions that are not executive functions in any of the participating authorities. Such arrangements may involve the appointment of a joint committee with these other local authorities and the</u></p>

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	Council has the ability to enter into joint arrangements under the Local Government Act 1972 (as amended) and provisions for joint arrangements are not currently included in the Constitution. Joint arrangements may be for functions that are legally the responsibility of the Leader (executive) or Council (non-executive).		<p><u>delegation of functions to the joint committee.</u></p> <p><u>The Leader may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities and the delegation of functions to the joint committee.</u></p>
26	<p>To make provision in the Constitution for the Council to delegate to or accept delegation from other local authorities if required and to clarify the responsibility for any such delegations.</p> <p><b>Rationale:</b> The Council has the ability under the Local Government Act 1972 (as amended) to arrange for its functions to be undertaken by another local authority by agreement. Equally other local authorities have the ability to delegate functions to the Council, as Oxfordshire County Council has recently done with Covid-19 enforcement powers. Provisions for making and accepting such delegations are not currently included in the Constitution.</p>	3.9	<p><b><u>Delegation to and from other local authorities</u></b></p> <p><u>(a) Council may delegate non-executive functions to another local authority or, in certain circumstances where these are local choice responsibilities, the executive of another local authority.</u></p> <p><u>(b) The Leader may delegate executive functions to the executive of another local authority or, in certain circumstances where these are local choice responsibilities, another local authority.</u></p> <p><u>(c) The decision to accept a delegation of executive responsibilities from another local authority shall be reserved to Cabinet.</u></p>
<b>Part 4</b>	<b>Who carries out Executive responsibilities?</b>		

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27	<p>Delegations to single Cabinet members and parameters/conditions for the delegations.</p> <p><b>Rationale:</b> To include arrangements for single Cabinet Member decisions within the Constitution. This is an option for executive decision making that is legally open to the Council but has not been preferred, with executive decisions being taken by Cabinet or officers instead. Provisions for single Cabinet Member decisions are not currently included in the Constitution. This proposal follows a decision of the Leader (noted at the Cabinet meeting on 19 December 2019) to delegate authority for decisions in relation to individual property transactions as part of the Property Investment Strategy to a single Cabinet Member. The proposal sets out the arrangements for any such decisions, including the need for a written report to be provided to the Cabinet Member.</p>	<p>4.6</p> <p>(previous 4.6 to 4.9 renumbered)</p>	<p><b><u>Delegation to single Cabinet Members</u></b></p> <p><u>The Leader may delegate executive responsibilities to a single Cabinet Member with or without consultation with officers or other Cabinet Members.</u></p> <p><u>Cabinet Members do not have to use the delegated powers: they can ask the Leader to decide. The delegation can also be withdrawn by the Leader.</u></p> <p><u>Any decisions delegated to a single Cabinet Member shall only be taken having regard to a written report submitted to them by the relevant officer within the senior management structure including any advice from the Head of Financial Services and the Head of Law and Governance.</u></p> <p><u>If a Cabinet Member with delegated powers has a disclosable pecuniary interest in a matter for decision the Cabinet Member must declare the interest as required by the Members’ Code of Conduct and not exercise the delegated function. The delegated function will instead be exercised by the Leader or another Cabinet Member authorised by the Leader.</u></p> <p><u>Key decision procedures and call in procedures will apply to any key decisions delegated to a single Cabinet Member.</u></p> <p><u>Once a Cabinet Member has taken a delegated</u></p>

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			<u>decision, the Council will produce a record of the decision.</u>
<b>Part 4</b>	<b>Who carries out executive responsibilities?</b>		
28 4.5 28	<p><b>Decisions that must be agreed by the Cabinet</b></p> <p>List to be updated to reflect the refreshed Street Naming and Numbering Policy (once agreed).</p> <p><b>Rationale:</b> To reflect the decisions required by Cabinet if there are objections to a street name or if a street name review is required. Cabinet will be asked to agree the new Street Naming and Numbering Policy on 11 November 2020.</p>	4.5 28a	Naming and numbering streets if there are unresolved objections following consultation
		4.5 28b	<u>Agreeing policy redrafts and/or any substantial amendments to the Street Naming and Numbering Policy</u>
		4.5 28c	<u>Consider whether a review of a street name should be carried out (on receipt, by the Council, of representations from local councillors and evidence that a substantial proportion of those who live in properties in the street or road are calling for a change in the street name)</u>
		4.5 28d	<u>Renaming a street in the event of there being a balance of judgments to be made or there are unresolved objections following consultation about possible names.</u>
	<b>Decisions that must be agreed by the Cabinet</b>		

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4.5	<p>To update to make provision for joint arrangements for executive functions.</p> <p><b>Rationale:</b> To include responsibilities in relation to joint arrangements for executive functions. These changes are consequential to the proposals in 3.8 and 3.9 above.</p>	<p>4.5 41</p> <p>4.5 42</p>	<p><u>Agreeing whether to discharge an executive function by way of joint arrangement.</u></p> <p><u>Agreeing whether to accept a delegation of an executive function from another local authority under joint arrangements.</u></p>
29  4.6(b)	<p><b>Ward member decisions</b></p> <p>To clarify that ward member budget spend allocations cannot be awarded to benefit individuals.</p> <p><b>Rationale:</b> To provide clarity and reflect the purpose of ward member budgets which is to provide a community benefit not to support individuals who may be struggling financially. This proposal is to make clear what is already implicit in the rules; that WMB cannot be used to benefit individuals personally. The guidance for members will also be refreshed and updated.</p>	4.7 (b)	<p>4.6 Ward member decisions</p> <p>... (b) ...</p> <p>The allocation cannot be spent on:</p> <ul style="list-style-type: none"> <li>• Projects that would financially benefit the ward member or members of their family directly</li> <li>• Projects that are party political in nature</li> <li>• Projects that conflict with the statutory functions or values of the Council</li> <li>• Projects that conflict with a Council decision or proposed course of action (e.g. to lobby against a planning application)</li> <li>• <u>Projects that would only benefit an individual personally without serving a wider community interest.</u></li> </ul>

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4.9  30	<p><b>Enforcement of CIL regulations</b></p> <p>To include responsibility for the enforcement and prosecution powers under the Community Infrastructure Levy (CIL) Regulations.</p> <p><b>Rationale:</b> To include a specific delegation for the executive functions under the CIL Regulations and to clarify responsibility. Executive functions that are not reserved to Cabinet are delegated to the relevant officer within the senior management structure under Part 4.4 of the Constitution. As powers within the CIL Regulations relate to enforcement action it is proposed to include a specific delegation of responsibility to the Head of Planning Services within the Constitution. Powers under the CIL regulations include (but are not limited to) issuing CIL Stop Notices, which prohibit development from continuing until a payment is made.</p>	4.10	<p><u>The Head of Planning Services will be responsible for the executive functions, not reserved to the Cabinet, in the Community Infrastructure Levy Regulations 2010.</u></p>
<b>Part 5</b>	<b>Who carries out Council responsibilities?</b>		
5.3	<p><b>Planning Functions</b></p> <p>A change to the planning committee structure to merge the two area planning committees and to increase delegation levels has been included in the draft budget approved by Cabinet on 9 December 2020. This change would come into effect from May 2021.</p>		<p>(b) Who carries out the responsibility?</p> <p>Council will be responsible for:</p> <ul style="list-style-type: none"> <li>• Development plan documents</li> <li>• Making a neighbourhood plan</li> </ul> <p><del>Area</del> <u>The Oxford City Planning Committees</u> will be responsible for:</p>

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31	<p><b>Rationale:</b> to provide a manageable workload for a single area planning committee it is proposed that non-major applications will be delegated to the Head of Planning Services.</p>		<ul style="list-style-type: none"> <li>• deciding planning applications for more than <u>5-10</u> residential units or for residential developments on sites with a site area of over <del>0.25</del> <u>0.5</u> hectares</li> <li>• deciding planning applications for non-residential developments on sites over 1 hectares</li> <li>• deciding planning applications for non-residential developments with new or increased floor space of more than 1,000m<sup>2</sup></li> <li>• deciding planning applications made by or on behalf of councillors or officers</li> <li>• deciding planning applications that would otherwise be decided by officers that have been called in by councillors during the initial 21-day consultation period or during subsequent periods of consultation resulting from a significant change to material planning considerations (Part 17.3)</li> <li>• <del>agreeing significant amendments to approved plans subsequent to the grant of planning permission or listed building consent</del></li> <li>• deciding listed building consent applications for total or substantial demolition of listed buildings</li> <li>• deciding planning applications or applications under condition for phone masts where there are objections (except applications that can go</li> </ul>

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			<p>ahead, unless the Council refuses them within 56 days)</p> <ul style="list-style-type: none"> <li><del>confirming and revoking tree preservation orders when there are objections</del></li> <li>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</li> <li>deciding whether to register one or more candidate heritage assets having regard to the Council's adopted criteria</li> </ul>
32  5.13	<p><b>Pensions</b> To include responsibility for stage 1 appeals decisions under the Council's existing Adjudication of Disagreements Procedure.</p> <p><b>Rationale</b> The officer responsible for these decisions has recently retired and their post has not been directly replaced, requiring a new delegation of responsibility. For clarity and visibility it is proposed to include this responsibility in the Constitution.</p>		<p><b>5.13 Pensions</b></p> <p>(a) Description of responsibility All the responsibilities in Paragraph H of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.</p> <p>(b) Who carries out the responsibility? The Chief Executive. <u>An officer authorised by the Chief Executive will act as the Council's adjudicator to determine first stage appeals in respect of decisions under the Adjudication of Disagreements Procedure operated by the Pensions Service.</u></p>

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5.15  33	<p><b>Highways</b></p> <p>Delegate the power to deal with footpath creation on Council owned land under the Highways Act 1980 to an officer.</p> <p><b>Rationale:</b> To include the delegation of a power not currently listed, which would otherwise need to be exercised by full Council.</p>		<p><b><u>5.15 Power to enter into an agreement to create a public path on Council owned land</u></b></p> <p><u>(a) Description of responsibility</u></p> <p><u>All the responsibilities in section 25 of the Highways Act 1980</u></p> <p><u>(b) Who carries out the responsibility?</u></p> <p><u>Executive Director for Development</u></p>
<b>Part 7</b>	<b>Roles of decision making committees</b>		
7.8(f)	<p><b>Appointments Committee</b></p> <p><b>Officers authorised by the Chief Executive to carry out work for other local authorities</b></p> <p>Amend the role of the Appointments Committee to include the receipt of reports from the Chief Executive on the number of officers that they have authorised to carry out work for another local authority under a delegation from that local authority (see above)(Part 9.3(g). The delegation would be accepted by the cabinet (Part 3.9) and the staffing implications would be known at the point at which the decision to accept a delegation was made.</p> <p><b>Rationale:</b> To allow for greater transparency and</p>		<p>7.8(f) To receive a report from the Head of Paid Service on senior management arrangements, to include any change, every six months. <u>This report should include the number of officers that have been authorised to carry out work for another local authority, if such authorisations have been made (Part 9.3(g)).</u></p>

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	accountability around the staffing issues that arise if the Council accepts such a delegation		
34 7.8	<p><b>Politically restricted posts</b></p> <p>Amend the role of the Appointments Committee to include consideration of appeals/objections to a post being added to the list of politically sensitive posts in the Council’s list of Politically Restricted Posts.</p> <p><b>Rationale:</b> To reflect the procedure adopted for the categorisation of posts as politically restricted by the Head of the Paid Service. Keeping a list of politically restricted posts is legal requirement and a proper officer function which is allocated to the Chief Executive in the Constitution. The legislation specifies that certain posts are politically sensitive. Senior officer posts are all on the list of politically restricted posts. Other officer posts further down the structure, with less strategic roles, may also be on the list depending on the nature of those roles if they are considered to be “sensitive” and there is a procedure for post-holders to appeal against this categorisation to the Appointments Committee. This proposal is to include that function within the terms of reference of the Appointments Committee in the Constitution.</p>	7.8(h)	<u>7.8(h) To consider appeals from post holders in roles deemed to be politically “sensitive” who wish their post to be exempt from the Council’s list of Politically Restricted Posts.</u>

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Ref.	Rationale for proposed amendment	New ref:	Proposed text
<p>39(d)</p>	<p><b>Individual dispensations</b></p> <p>Update the process for considering individual dispensations which Council has previously delegated to the Monitoring Officer at a meeting on 1 October 2018. Dispensations allow Members to take part in a meeting or decision from which they would otherwise be precluded due to having a disclosable pecuniary interest.</p> <p><b>Rationale:</b> To clarify the delegation agreed by Council on 1 October 2018. The Monitoring Officer has delegated authority to grant an individual dispensation to a Member following consultation with an Independent Person. The Standards Committee receives reports from the Monitoring officer on the granting of individual dispensations and has noted that it is not always practicable for the Monitoring Officer to consult with an Independent Person prior to granting an individual dispensation e.g. if a dispensation is sought during or immediately prior to a meeting taking place.</p>		<p>7.9 Standards Committee</p> <p>(a) Considering complaints of breaches of the Members' Code of Conduct (Part 22 Annex 1)</p> <p>(b) Making recommendations to Council on the adoption or revision of the Members' Code of Conduct</p> <p>(c) Making recommendations to Council on complaints handling arrangements in respect of breaches of the Members' Code of Conduct</p> <p>(d) Considering requests from councillors for and granting dispensation under section 33 of the Localism Act 2011 from being precluded from participation in a meeting. The Monitoring Officer can grant individual dispensations to councillors <u>following consultation with an Independent Person wherever consultation is practicable. Where consultation with an Independent Person is impracticable, the Monitoring Officer can grant individual dispensations without consultation.</u></p> <p>(e) To receive reports ...</p>
<b>Part 8</b>	<b>Role of the Scrutiny Committee</b>		
8.2	<p><b>Standing panel and review group chairs</b></p> <p>To include in the Constitution the Scrutiny Committee's long standing "operating principle" that chairs of standing</p>		<p>8.2 What powers does the Scrutiny Committee have?</p> <p>The Scrutiny Committee can:</p>

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36	<p>panels and review groups must be a member of the Scrutiny Committee.</p> <p><b>Rationale:</b> This proposal will formalise the rule that chairs of standing panels and review groups must be members of the Scrutiny Committee, providing additional clarity to members and groups. The rule is to ensure that only members of the Scrutiny Committee are responsible and accountable for the leadership of the scrutiny function. Other non-executive members can sit on these bodies but cannot chair them.</p>		<ul style="list-style-type: none"> <li>• Send reports and recommendations to the Cabinet or Council on anything the Council is responsible for or anything that affects the city or its people</li> <li>• Consider decisions that have been called in and ask for them to be looked at again (Part 17.1)</li> <li>• Monitor the Forward Plan and call for reports on items that are coming up</li> <li>• Require senior officers (Part 9.1), and Cabinet members to attend meetings and answer questions (Part 13)</li> <li>• Hold public inquiries</li> <li>• Invite people to meetings and gather evidence from them</li> <li>• Establish standing and ad hoc panels and review groups to do work and make recommendations. <u>The membership of panels and review groups will be set by the Scrutiny Committee and can be drawn from all non-executive members but the chair must be a Member of the Scrutiny Committee.</u></li> </ul>
<p><b>Part 9 Roles of Officers</b></p>			

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37 9.3(b) & (c)	<p><b>Urgency and emergency powers</b></p> <p>Add some details of the governance around decisions taken in an emergency (i.e. the need to follow the process for urgent key decisions and signpost 15.17).</p> <p><b>Rationale:</b> To clarify and signpost to the existing requirements that key decision and call in procedure rules apply to any key decisions taken using the urgency or emergency powers delegated to the Head of Paid Service. Key decisions are those that involve spending or saving &gt;£500k or that significantly impact communities living or working in two or more local wards. Under The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, key decisions must ordinarily be notified on the Forward Plan for 28 day but can be taken 5 days after the Chair of the Scrutiny Committee being notified or sooner if the Chair of Scrutiny agrees with the urgency. Key decisions are also subject to call in by the Chair of Scrutiny or any 4 Members. The Chair of Scrutiny can choose to waive Members' rights to call in urgent decisions. This proposal is intended to make the requirements clearer for anyone reading this part of the Constitution in isolation.</p>	9.3(b) & (c)	<p>(b) The Head of Paid Service is authorised to take any urgent action necessary to protect the Council's interests and assets where time is of the essence and it is impracticable to secure authority to act where such authority would otherwise be required.</p> <p>The Head of Paid Service, in so acting, will be guided by budget and the policy framework, will consult the other Statutory Officers before acting and will report, in writing, as soon as practicable to the body which would otherwise have been required to give the necessary authority to act.</p> <p><u>Key decision procedures and call in procedures (Parts 15 &amp; 17) will apply to any key decisions taken under this authorisation.</u></p> <p>(c) The Head of the Paid Service may authorise any emergency action required on any matter which shall include incurring expenditure, including those falling within the jurisdiction of a Committee or the Cabinet.</p> <p>The Head of Paid Service, in so acting, will be guided by the budget and policy framework, will consult the other Statutory Officers before acting and will report, in writing, as soon as practicable to the body which would otherwise have been required to give the necessary authority to act.</p>

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			<u>Key decision procedures and call in procedures (Parts 15 &amp; 17) will apply to any key decisions taken under this authorisation.</u>
9.3 38	<p><b>Authorising officers to work for other local authorities</b></p> <p>Add delegated power to the Chief Executive to authorise Council officers to act on behalf of another local authority.</p> <p><b>Rationale:</b> To make provision for when the Council commits Council staff to work for or on behalf of other bodies such as the other district councils e.g. for enforcing Coronavirus regulations.</p>	9.3(h)	<u>The Chief Executive can authorise Council officers to carry out work for or on behalf of other local authorities when a delegation from a local authority has been accepted (Part 3.9). Any such authorisation should be recorded when given. The Chief Executive will report to the Appointments Committee if any authorisations are given to officers to carry out such work on behalf of another authority (Part 7.8(g)).</u>
9.4	<p><b>Protection of freedoms</b></p> <p>Add delegated power to the role of the Monitoring Officer to act as the Senior Responsible Officer under the Protection of Freedoms Act 2012.</p> <p><b>Rationale:</b> To include and clarify who has this responsibility.</p>	9.4(h)	<p><u>(h) Protection of Freedoms Act 2012</u></p> <p><u>The Monitoring Officer will perform the role of the Senior Responsible Officer for the Council.</u></p>
9.4	<p><b>Data Protection Officer</b></p> <p>Add delegated powers to the role of the Monitoring Officer</p>	9.4(i)	<u>(i) General Data Protection Regulation 2015 (EU 2016/679) and Data Protection Act 2018.</u>

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	<p>to act as the Data Protection Officer under the GDPR 2015.</p> <p>*The reference to the GDPR will be updated under the MO's delegated powers as it will change before the new version of the Constitution is adopted.</p> <p><b>Rationale:</b> To include and clarify who has this responsibility.</p>		<p><u>The Monitoring Officer will perform the role of Data Protection Officer for the Council.</u></p>
<b>Part 10</b>	<b>Proper Officer</b>		
39	<p><b>Fraud investigations</b></p> <p>Include reference to the authorisations that the Head of Financial Services makes in connection with the work of the Fraud Investigations Team (Proper Officer list).</p> <p><b>Rationale:</b> To include and clarify who has this responsibility.</p>		<p>10.2 Responsibilities of proper officers</p> <p>....</p> <p><i>(add to "Table of proper officer's responsibilities"):</i></p> <p><u>Social Security Administration Act 1992</u>  <u>Section 110A</u>  <u>Issuing Authorisations</u>            Proper Officer – Head Of Financial Services</p>
<b>Part 11</b>	<b>Council procedures</b>		
11.4(e)	<p><b>Budget debate procedure</b></p> <p>To remove the need for Budget Council to agree a procedure that is set out in the Constitution.</p>		<p><del>11.4(e) Agreement of the time permitted for each stage in the procedure for the meeting and any amendments to this procedure.</del> <u>Consideration of any proposed amendments to the budget debate procedure.</u></p>

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	<p><b>Rationale:</b> To clarify that Budget Council will consider any amendments to the budget debate procedure but not the procedure itself which has previously been agreed by Council in the Constitution.</p>		
40 11.12(a)	<p><b>Public addresses</b></p> <p>To add a cross-reference the rule that priority will be given to hearing members of the public who have not spoken at Council within the last 12 months.</p> <p><b>Rationale:</b> To clarify the order in which public speakers will be heard.</p>		<p>(a) Public addresses at Council</p> <p>Members of the public may address Council for up to five minutes. This can be about anything the Council is responsible for or something that directly affects people in the city or something for decision at the meeting. A member of the public making an address may be accompanied by up to three other members of the public.</p> <p><u>Subject to 11.12(b)</u> addresses will be taken in the order in which they are received by the Head of Law and Governance but at two points in the order of business, namely:</p> <ul style="list-style-type: none"> <li>• If the address relates to a matter for decision at the meeting, during Part 1 of the order of business (11.3 (g))</li> <li>• If the address does not relate to a matter for decision at the meeting, during Part 2 of the order of business (11.3 (n))</li> </ul>
11.18(a)	<p><b>Motions on notice</b></p> <p>To make provision for emergency cross-party motions to</p>		<p>(a) Giving notice of motions</p>

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41	<p>be submitted to Council after the normal deadline of 1.00pm seven clear working days before the meeting. Any such motions would not be listed on the main Council agenda (where a placeholder would be shown), but would appear in the briefing note at the top of the order of motions.</p> <p><b>Rationale:</b> To provide flexibility for Council to consider motions at late notice where these are considered urgent and are supported by all the Leaders of political groups on the Council.</p>		<p>Some motions may be moved without notice. These are listed at 11.19. For all other motions <u>with the exception of urgent cross-party motions</u>, the full wording must be emailed to <a href="mailto:democraticservices@oxford.gov.uk">democraticservices@oxford.gov.uk</a> or received by the Head of Law and Governance by 1.00 pm at least seven clear working days before the meeting. These motions will be reproduced on the agenda for the meeting.</p> <p><u>Urgent cross-party motions supported in writing by all the Leaders of political groups on the Council may be submitted by 1.00 pm three working days before the Council meeting so that they may be circulated with the briefing note.</u></p>
11.18	<p><b>Motions on notice</b></p> <p>To include a rule that any amendments to cross-party motions must be supported in writing by all the leaders of the political groups on the Council.</p> <p><b>Rationale:</b> To ensure that Council will only consider amendments to cross-party motions that have cross-party support. Cross-party support is the basis for these motions being listed first on the agenda and taken first at meetings, ahead of motions submitted by groups.</p>	<p>11.18 (f) and repeated at 11.20 (f)</p> <p>11.18 (f) to (h) renumbered</p>	<p>(f) Amendments to motions</p> <p>Substantive amendments to motions must be submitted by 10.00 am on the working day before the Council meeting so that they may be circulated with the briefing note.</p> <p><u>Amendments to cross-party motions must be supporting in writing by all the leaders of the political groups on the Council.</u></p> <p>Minor technical or limited wording amendments may be submitted during the meeting but must be written down</p>

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Ref.	Rationale for proposed amendment	New ref:	Proposed text			
			and circulated.			
<b>Part 14</b>	<b>Other Committee Procedures</b>					
4.3 <del>4.2</del>	<p><b>Quorums and substitutes</b></p> <p>To include that the Oxford City Planning Committee has a size of 11 members and a quorum of 5 members. This change would come into effect from May 2021.</p> <p><b>Rationale:</b> To set the size of the single area planning committee at 11 members to provide for wider geographical representation and member involvement in planning deliberations than could be achieved with a committee of 9 members while ensuring that planned budget savings can still be realised.</p>		<b>Committee</b>	<b>Quorum</b>	<b>Size</b>	<b>Substitutes</b>
			<del>Area Planning Committees and Planning Review Committee</del>	5	9	Permitted. Councillors should not sit or substitute unless they have undertaken compulsory planning and development control training (held every two years)
			<u>Oxford City Planning Committee</u>	<u>5</u>	<u>11</u>	<u>Permitted. Councillors should not sit or substitute unless they have undertaken compulsory planning and development control training (held every two years)</u>

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Ref.	Rationale for proposed amendment	New ref:	Proposed text
14.5  43	<p><b>Chair and Vice Chair</b></p> <p>To include a rule that the Chair of the Audit and Governance Committee should not be a member of the Cabinet to reflect the Chartered Institute of Public Finance and Accounting (CIPFA) guidance on the membership of audit and governance committees that the Chair should not be a Cabinet Member to better facilitate the holding to account role that the committee has.</p> <p><b>Rationale:</b> To reflect current CIPFA guidance which is intended to provide for public confidence in the objectivity of the Audit and Governance Committee.</p>		<p>14.5 Chair and Vice Chair</p> <p>(a) Election of Chair and Vice Chair</p> <p>The Chair and Vice Chair are elected each year at the first meeting of the committee after Annual Council.</p> <p>The Chair and Vice Chair of all the committees must be councillors.</p> <p><u>The Chair of the Audit and Governance Committee must not be a member of the Cabinet.</u></p>
14.11	<p><b>Planning Committee procedures</b></p> <p>A change to the planning committee structure to merge the two area planning committees and to increase delegation levels has been included in the draft budget approved by Cabinet on 9 December 2020. This change would come into effect from May 2021.</p> <p><b>Rational:</b> To reflect that the single area planning committee would be responsible for determining applications that meet the thresholds set out in Part 5.3 in all wards within the city.</p>		<p>(a) Appointments to planning committees</p> <p>Council may not appoint a councillor to more than one planning committee. Any councillor that determines an application at <del>an Area</del> <u>the Oxford City Planning Committee</u> cannot re-determine the same application at the Planning Review Committee.</p> <p><u>The Oxford City Planning Committee shall be responsible for reaching decisions on the matters in 5.3 within all wards.</u></p> <p><del>The East Area Planning Committee shall be responsible for reaching decisions on the matters in 5.3 within the</del></p>


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Ref.	Rationale for proposed amendment	New ref:	Proposed text
			<p>following wards:</p> <ul style="list-style-type: none"> <li>• Barton and Sandhills, Blackbird Leys, Churchill, Cowley, Cowley Marsh, Headington, Headington Hill and Northway, Littlemore, Lye Valley, Marston, Northfield Brook, Quarry, Risinghurst and Rose Hill and Iffley</li> </ul> <p>The West Area Planning Committee shall be responsible for reaching decisions on the matters in 5.3 within the following wards:</p> <ul style="list-style-type: none"> <li>• Carfax, Hinksey Park, Holywell, Iffley Fields, Jericho and Osney, North, St. Clement's, St. Margaret's, St. Mary's, Summertown, Wolvercote.</li> </ul>
 Part 17	<b>Call-in procedures</b>		
17.4	<p><b>How are decisions called in?</b></p> <p>To strengthen the grounds for call in to the Oxford City Planning Committee to require relevant material planning considerations. Currently the Constitution states that call-in to an area planning committee must be supported by reasons but these do not have to be confined to relevant material planning considerations.</p> <p><b>Rationale:</b> To reduce the number of applications taken to committee, and also improve the level of service for applicants and other interested parties. The inclusion of a relevant material planning consideration would place a greater rigour on the call-in process and reduce the</p>		<p>Decisions are called in by sending notice of call-in to the Head of Law and Governance or emailing it to the internal call-in mailbox.</p> <p><del>Reasons for all call-ins must be given. A planning call-in to the Planning Review Committee must be supported by relevant planning considerations. 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. All planning call ins must be supported by relevant material planning considerations.</del> <u>All planning call ins must be supported by relevant material planning considerations.</u> If an executive decision is being called in because it is</p>

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Ref.	Rationale for proposed amendment	New ref:	Proposed text
	number of unnecessary call-ins to the committee allowing more time to be taken discussing the other more significant items on the agenda that would benefit from having a greater discussion. The Head of Planning Services would speak to the member before deciding the reason is not a relevant material planning consideration and the benefit of any doubt will be agreed in favour of a member's right to call in an application.		believed to be outside the budget and policy framework, the notice of call-in must say so.
<b>Part 18</b> <del>5</del>	<b>Finance rules</b>		
18.8	<p><b>Fees and charges</b></p> <p>To include that Council is responsible for setting fees and charges as part of the budget setting process and that the Cabinet is responsible for agreeing the strategy for setting fees and charges and setting fees and charges for executive functions (to the extent that the budget has not set fees and charges) (Part 4.5).</p> <p><b>Rationale:</b> To clarify the responsibility for setting fees and charges in this part of the Constitution, as already set out in Part 4.</p>		<p><b>Responsibility for budget decisions</b></p> <p>...</p> <p><i>(add to the table):</i></p> <p>Executive decisions:</p> <ul style="list-style-type: none"> <li>• <u>Agreeing the strategy for setting fees and charges and setting fees and charges for executive functions (to the extent that the budget has not set fees and charges)</u></li> </ul> <p>Council decisions:</p> <p>...</p> <ul style="list-style-type: none"> <li>• Setting fees and charges <u>as part of the budget setting process</u></li> </ul>

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Ref.	Rationale for proposed amendment	New ref:	Proposed text
18.12  46	<p><b>Project approval</b></p> <p>To raise the financial threshold for heads of service to grant project approval from less than £150,000 to less than £185,000.</p> <p><b>Rationale:</b> To align with the proposed thresholds for quotes and tenders set out in the table in Part 19. No change is proposed to the threshold for Cabinet decision of £500,000.</p>		<p><b>Project approval</b></p> <p>Project approval must be obtained for projects in accordance with the following requirements after presentation to the Council's Development Board (officer group):</p> <ul style="list-style-type: none"> <li>• Less than <del>£150</del><u>£185</u>,000 – Head of Service or Executive Director</li> <li>• <del>£150</del><u>£185</u>,000 up to £500,000 – Executive Director or Head of Financial Services in consultation with the Head of Paid Service and Monitoring Officer (and the Head of Financial Services where the decision to approve is being made by an Executive Director)</li> <li>• £500,000 and over – Cabinet</li> </ul>
<b>Part 19</b>	<b>Contract rules</b>		
19.12	<p><b>Thresholds for quotes and tenders</b></p> <p>To align the rules on seeking quotes and tenders approximately with the Find a Tender (FTS) threshold (£189,330) instead of the Official Journal of the European Union (OJEU) threshold and to make other changes to the rules on quotes and tenders recommended by the Strategic Procurement Manager.</p>		See table below
<b>19.12 Thresholds for quotes and tenders</b>			

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Ref.	Rationale for proposed amendment	New ref:	Proposed text	
47	...			
	<b>Total value of contract</b>	<b>Quotes or tendering</b>	<b>Advertisement required?</b>	<b>Process led by</b>
	>£1,000 <£10,000	<del>Obtain at least <u>Minimum</u> one quote in writing, (<u>local*</u> if possible) <u>alternatively an approved Framework may be used</u> attempt to seek at least one from a local supplier</del>	No	Officer authorised by the relevant Head of Service
	>=£10,000 <=£100 <u>25,000</u>	Obtain <u>up to</u> at least three <u>written</u> quotes ( <u>minimum two</u> ), attempt to seek at least one from a local* supplier <u>alternatively an approved Framework may be used</u>	Advertising should be considered and any contract over £25,000 <u>must be placed</u> on contracts finder in any event	Officer authorised by the relevant Head of Service
>£100 <u>25,000</u> <=£150 <u>100,000</u>	Obtain <u>up to</u> at least four <u>written</u> quotes ( <u>minimum three</u> ), <u>Attempt to seek</u> at least one of which <del>must be</del> from a local* supplier. <u>Alternatively an approved Framework may be used</u> <del>An open tender process may be used instead where it is deemed appropriate</del>	Yes, advertised on the corporate system and on contracts finder	Authorised Procurement Practitioner or Procurement Team	
>£100,000 < £185,000	Obtain up to six quotes	Yes, advertised on the corporate system	Authorised Procurement	

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48		<u>(minimum four). Attempt to seek at least one from a local* supplier. Alternatively an approved Framework may be used.</u>		<u>Practitioner or Procurement Team</u>
	<del>&gt;£150,000-£185,000</del>	<p><u>Invite tenders (procurement law and guidance must be followed for contracts over the FTS thresholds) – process conducted by Procurement Team</u></p> <p>Invite tenders (EU procurement law and guidance must be followed for contracts over EU thresholds) – process conducted by Procurement Team</p>	<p><u>The corporate system</u></p> <p><del>Yes</del></p>	Procurement Team
*suppliers that have an OX postcode				
<b>Part 21</b>	<b>Legal Rules</b>			
21.1	<b>Legal action by the Council</b>			The Head of Law and Governance can take any legal

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Ref.	Rationale for proposed amendment	New ref:	Proposed text
49	<p>To amend the legal powers delegated to the Head of Law and Governance.</p> <p><b>Rationale:</b> To provide clarity and to properly reflect the powers required by the Head of Law and Governance.</p>		<p>action necessary to carry out the Council’s decisions or protect its interests. <u>This will include:-</u></p> <ul style="list-style-type: none"> <li>• <u>to prosecute, defend, make application, serve any notice or appear on behalf of the Council in any court, tribunal or hearing on any criminal, civil or other matter (including appeals);</u></li> <li>• <u>to institute legal proceedings under any local byelaws or orders within the Council’s area; and</u></li> <li>• <u>to lodge objections to any proposal affecting the Council’s interests.”</u></li> </ul>
<b>Part 22</b>	<b>Members’ Code of Conduct</b>		
22.5(e)	<p><b>Individual dispensations</b></p> <p>Include details of the general dispensations previously granted by Council at its meeting on 1/10/18 to last for a period of 4 years.</p> <p><b>Rationale:</b> It is proposed that this existing delegation to the Monitoring Officer to grant dispensations to individual Members is included in the Constitution for visibility and ease of reference. Dispensations allow Members to take part in a meeting or decision from which they would otherwise be precluded due to having a disclosable pecuniary interest. The wording of the delegation was</p>		<p><u>Under section 33 of the Localism Act 2011 the following dispensations were granted for four years on 1 October 2018:</u></p> <ul style="list-style-type: none"> <li>• <u>Determining an allowance (including special responsibility allowances), travelling expense, payment or indemnity given to Members</u></li> <li>• <u>Housing: where the Member (or spouse or partner) holds a tenancy or lease with the Council as long as the matter does not relate to the particular tenancy or lease of the Member (their spouse or partner);</u></li> <li>• <u>Housing Benefit: where the Councillor (or spouse or</u></li> </ul>

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	agreed by Council on 1 October 2018 on the recommendation of the Standards Committee.		<p><u>partner) receives housing benefit;</u></p> <ul style="list-style-type: none"> <li>• <u>Any Ceremonial Honours given to Members;</u></li> <li>• <u>Setting the Council Tax or a precept under the Local Government and Finance Act 1992 (or any subsequent legislation); and</u></li> <li>• <u>Setting a Local Council Tax Reduction Scheme or Local scheme for the payment of business rates (including eligibility for rebates and reductions) for the purposes of the Local Government Finance Act 2012 (or any subsequent legislation)</u></li> </ul>