

Appendix 2 – Proposals to strengthen the clarity and consistency of existing provisions.

609

| #  | Ref                                     | Proposal and reasons  | Proposed wording   |
|----|---|---|--|
| 15 | 1.4 (f) Role of the Leader              | <p><b>Proposal:</b> To update the names of external bodies referred to in the Constitution</p> <p><b>Background:</b> Oxfordshire Growth Board has now been renamed the Future Oxfordshire Partnership</p>   | <p>(f) Role of the Leader</p> <p>The Leader is responsible for:</p> <p>...</p> <ul style="list-style-type: none"> <li>• appointing members to other executive positions such as the <u>Future Oxfordshire Partnership</u> <del>Oxfordshire Growth Board</del> and its advisory sub-groups</li> </ul>     |
| 16 | 1.6 (a) Scrutiny committees             | <p><b>Proposal:</b> To update the names of external bodies referred to in the Constitution</p> <p><b>Background:</b> Oxfordshire Growth Board has now been renamed the Future Oxfordshire Partnership</p>   | <p>(a) Scrutiny committees</p> <p>The Council has one scrutiny committee.</p> <p>The Council also appoints one member to Oxfordshire Joint Health Overview and Scrutiny Committee and three members to the <del>Oxfordshire Growth Board</del> <u>Future Oxfordshire Partnership</u> Scrutiny Panel.</p> |
| 17 | Part 4.4: Delegation to officers        | <p><b>Proposal:</b> To add the responsibilities of the Shareholder and Joint Venture Group (SJVG) to the list of functions that are not delegated to officers.</p> <p><b>Background:</b> The SJVG is responsible for acting as owner of the Council's companies and for safeguarding and furthering the Council's interests and investments in its companies and joint ventures. The SJVG will take decisions on any matters that are reserved to the Council as shareholder in the companies' Articles of Association or Shareholders Agreement. The terms of reference for the SJVG are already included as an annex to Part 3 of the Constitution.</p> | <p>All executive functions except the ones in Part 4.5, 4.6, and 4.7 and any executive functions delegated to the Shareholder and Joint Venture Group (see Annex 1 to Part 3) are delegated to the officers in the senior management structure (Part 9.1 and Part 9: Annex 1).</p> <p>...</p>            |
| 18 | Part 4.5: Decisions that must be agreed | <p><b>Proposal:</b> Amend bullet point 19 to clarify that Cabinet has responsibility for all powers over adopting, amending and revoking supplementary planning</p>   | <p>...19. <u>adopting, amending and revoking</u> supplementary planning guidance...</p>  |

Appendix 2 – Proposals to strengthen the clarity and consistency of existing provisions.

310

|    |  |  |  |
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|    | by Cabinet   | guidance, not just adopting supplementary planning guidance  |  |
| 19 | Part 4.5: Decisions that must be agreed by Cabinet | <p><b>Proposal:</b> To include a bullet point that Cabinet is responsible for establishing any companies or joint ventures where they are new legal entities (but not subsidiaries of existing companies).</p> <p><b>Example:</b> the new OxWED Limited Liability Partnership.</p>   | <p><u>...43. agreeing to the establishment by the Council of companies or joint ventures which are separate legal entities from the Council and are not subsidiaries of the Council's existing companies or joint ventures</u></p> <p>...</p>              |
| 20 | Part 4.5: Decisions that must be agreed by Cabinet | <p><b>Proposal:</b> Include a rule that Cabinet is responsible for decisions regarding the development of any major new plan or strategy.</p> <p><b>Rationale:</b> This is not currently expressed in the Constitution but the expectation and customer and practice is that Cabinet is responsible for adopting major executive strategy and plan documents. Cabinet's responsibility for recommending the budget and policy framework to Council is already clearly expressed in the Constitution.</p> | <p><u>...44. Agreeing to develop any major new executive plan or strategy.</u></p>   |
| 21 | Part 4 (new sub-section)                           | <p><b>Proposal:</b> To include a specific officer responsibility for housing safety.</p> <p><b>Rationale:</b> The government intends to legislate to place an obligation on social landlords to identify a nominated person responsible for ensuring compliance with health and safety requirements.</p>   | <p><u>4.9 Responsibility for housing safety</u></p> <p><u>The Executive Director for Communities and People will be responsible for ensuring that the Council is complying with the consumer standards required by the Regulator of Social Housing</u></p> |
| 22 | Part 5.2 Budget and Policy Framework               | <p><b>Proposal:</b> To update the name of the Council Strategy (currently referred to as Corporate Strategy) in the list of documents that form the Council's policy framework (as adopted by Council).</p>  | <p>...</p> <ul style="list-style-type: none"> <li>• <u>Corporate Council Strategy</u></li> </ul>   |
| 23 | 7.8(g) Appointments Committee                      | <p><b>Proposal:</b> To update the responsibility for considering applications for posts to be excluded from the list of "sensitive posts" on the list of politically restricted posts</p>  | <p>7.8 Appointments Committee</p> <p>....</p> <p><u>(g) To consider appeals from post holders in roles</u></p>   |

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|    |                                  | <p><b>Background:</b> To properly reflect the law. The Appointments Committee currently has this responsibility but the Local Government and Housing Act 1989 provides that the Head of the Paid Service must deal with applications for posts to be removed from the list of politically restricted posts</p>   | <p><del>deemed to be politically “sensitive” who wish their post to be exempt from the Council’s list of Politically Restricted Posts</del></p>   |
| 24 | Part 7.9 Standards Committee     | <p><b>Proposal:</b> To include that if an Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct and the Monitoring Officer considers it appropriate, a Local Hearing Panel will be convened to determine whether or not the Code of Conduct has been breached.</p> <p><b>Rationale:</b> To reflect the procedure for dealing with code of conduct complaints against councillors. The Local Hearing Panel will comprise at least three members of the Standards Committee plus an Independent Person.</p> | <p><b>7.9 Standards Committee</b><br/>                 (a) Considering complaints of breaches of the Members’ Code of Conduct (Part 22 Annex 1). <u>Where the Monitoring Officer considers that it is in the public interest for a complaint to be considered by the Standards Committee, a Local Hearing Panel will be convened to determine whether there has been a breach of the code. The Local Hearing Panel will comprise a minimum of three elected members of the Standards Committee plus an Independent Person. The Monitoring Officer will select the membership of each Local Hearing Panel.</u></p> |
| 25 | 9.3 Role of Head of Paid Service | <p><b>Proposal:</b> To update the responsibility for considering applications for posts to be excluded from the list of “sensitive posts” on the Council’s list of Politically Restricted Posts</p> <p><b>Background:</b> To properly reflect the law. The Appointments Committee currently has this responsibility but s.3 of the Local Government and Housing Act 1989 provides that the Head of the Paid Service must deal with applications for posts to be removed from the list of politically restricted posts</p>                                  | <p>9.3 Role of Head of Paid Service<br/>                 .....<br/> <u>(i) In consultation with the Monitoring Officer, to consider applications 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></p>   |
| 26 | Part 10.2 Proper Officers        | <p><b>Proposal:</b> To designate the Head of Business Improvement as the Proper Officer to maintain the Council’s list of Politically Restricted Posts for the</p>   | <p>...<br/>                 10.2<br/>                 ...</p>   |

Appendix 2 – Proposals to strengthen the clarity and consistency of existing provisions.

312

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|  |  | <p>purposes of s.2 of the Local Government and Housing Act 1989.</p> <p><b>Background:</b> This is currently the Chief Executive. The Head of the Paid Service must consider applications for exemption from the list so the Head of Business Improvement, who has responsibility for HR, will maintain the list.</p>                            | <table border="1"> <tr> <td>Local Government and Housing Act 1989</td> <td>Section 2(4)</td> <td>Keeping the list of politically restricted posts</td> <td><u>Head of Business Improvement Chief Executive</u></td> </tr> </table>  | Local Government and Housing Act 1989                          | Section 2(4)       | Keeping the list of politically restricted posts   | <u>Head of Business Improvement Chief Executive</u>    |            |  |  |
| Local Government and Housing Act 1989                          | Section 2(4)   | Keeping the list of politically restricted posts   | <u>Head of Business Improvement Chief Executive</u>   |  |                    |  |  |            |  |  |
| 27   | Part 10: Proper Officers                               | <p><b>Proposal:</b> To designate the Head of Law and Governance as the Proper Officer for the Local Authorities (Standing Orders) (England) Regulations 2001, covering senior appointments, dismissals and disciplinary action.</p> <p><b>Background:</b> This is currently the Head of Business Improvement, who has responsibility for HR.</p> | <p>...</p> <p>10.2</p> <p>...</p> <table border="1"> <tr> <td rowspan="2">Local Authorities (Standing Orders) (England) Regulations 2001</td> <td>Schedule 1 Part II</td> <td>Giving notice of appointments and dismissals of officers to the Cabinet in accordance with the Regulations</td> <td><u>Head of Business Improvement Law and Governance</u></td> </tr> <tr> <td>Schedule 3</td> <td>Provisions relating to disciplinary action</td> <td><u>Head of Business Improvement Law and Governance</u></td> </tr> </table> | Local Authorities (Standing Orders) (England) Regulations 2001 | Schedule 1 Part II | Giving notice of appointments and dismissals of officers to the Cabinet in accordance with the Regulations | <u>Head of Business Improvement Law and Governance</u> | Schedule 3 | Provisions relating to disciplinary action | <u>Head of Business Improvement Law and Governance</u> |
| Local Authorities (Standing Orders) (England) Regulations 2001 | Schedule 1 Part II                                     | Giving notice of appointments and dismissals of officers to the Cabinet in accordance with the Regulations   | <u>Head of Business Improvement Law and Governance</u>  |  |                    |  |  |            |  |  |
|  | Schedule 3   | Provisions relating to disciplinary action   | <u>Head of Business Improvement Law and Governance</u>  |  |                    |  |  |            |  |  |
| 28   | Part 11.11 (b) Questions and statements by councillors | <p><b>Proposal:</b> To clarify that questions on notice must relate directly to a member’s role as Lord Mayor, Cabinet Member or committee chair.</p> <p><b>Rationale:</b> To ensure that questions relate to a member’s role and not, for example, ward matters.</p>  | <p>Questions must be directed to the Lord Mayor, a Cabinet member or a committee chair <u>and relate directly to their role as the Lord Mayor, a Cabinet member or a committee chair.</u> A Cabinet member can nominate another Cabinet member to reply.</p>  |  |                    |  |  |            |  |  |
| 29   | Part 12.7  | <p><b>Proposal:</b> To ensure that the term “clear working days” has a consistent meaning throughout the Constitution.</p> <p>Part 12.7 – should state “two days” not “two clear working day before the meeting”.</p>  | <p>(b) addresses and questions by members of the public, 15 minutes in total.</p> <p>Members of the public can submit questions in writing about any item for decision at the meeting. Questions, stating the relevant agenda item, must be received by</p>   |  |                    |  |  |            |  |  |

Appendix 2 – Proposals to strengthen the clarity and consistency of existing provisions.

315

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|    |  | <p><b>Background:</b> The day on which something is done and the day of a meeting should not be counted as clear working days, only the working days in between.</p>  | <p>the Head of Law and Governance by 9.30am two <del>clear</del> working days before the meeting (e.g. for a Thursday meeting, the deadline would be 9.30 am on the Tuesday).</p> <p>...</p>   |
| 30 | Part 12.10                                     | <p><b>Proposal:</b> To ensure that the term “clear working days” has a consistent meaning throughout the Constitution.</p> <p>Part 12.10 – should state “one working day” not “one clear working day before the meeting”.</p> <p><b>Background:</b> The day on which something is done and the day of a meeting should not be counted as clear working days, only the working days in between.</p>  | <p>Oxford City councillors may, when the chair agrees, address the Cabinet on an item for decision on the agenda (other than on the minutes). The member seeking to make an address must notify the Head of Law and Governance by 9.30am at least one <del>clear</del> working day before the meeting, stating the relevant agenda items. An address may last for no more than three minutes. If an address is made, the Cabinet member who has political responsibility for the item for decision may respond or the Cabinet will have regard to the points raised in reaching its decision.</p>  |
| 31 | 14.2: Appointment and membership of committees | <p><b>Proposal:</b> To clarify that when Council appoints members to committees or a committee appoints members to a sub-committee where political balance requirement apply, Council or the committee making the appointment must comply with the wishes of the political group.</p> <p><b>Rationale:</b> Most committees must be appointed based on the principles of political proportionality. This should be done based on the nominations of political groups apart from in exceptional circumstances e.g. if a Member had been recommended to stand down from a committee following a standards investigation.</p> | <p>Council is responsible for appointing and dissolving committees and for agreeing their membership and roles. Committees are responsible for appointing any subcommittees. Apart from the Licensing and Gambling Acts Committee and any sub-committees it appoints the number of members from each political group on committees will be in proportion to the size of the group. <u>When appointing to committees or sub-committees where political balance requirements apply, Council or the committee making the appointment will have regard to the nominations made by political groups and will only deviate from appointing those members in exceptional circumstances with reasons.</u> There must always be at least one scrutiny committee and a committee that carries out responsibilities under the Licensing Act</p> |

Appendix 2 – Proposals to strengthen the clarity and consistency of existing provisions.

314

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| 32 | Part 18.12:<br>Project approval   | <p><b>Proposal:</b> To clarify what is meant by project approval and where the requirement to obtain project approval applies - to include revenue as well as capital projects and a clarification that Development Board would only consider proposals for capital projects.</p> | <p>2003 and the Gambling Act 2005.<br/>18.12 Project Approval</p> <p><u>Project Approval is the decision making process that determines whether or not to move ahead with an initiative. It applies to both revenue and capital projects.</u> Project approval must be obtained for projects in accordance with the following requirements. <u>For capital projects, project approval must follow after-presentation to the Council's Development Board (officer group).</u></p> <p>....</p>   |
| 33 | Part 18.15<br>Asset<br>Management | <p><b>Proposal:</b> To update officer post titles to reflect the current senior management structure.</p> <p><b>Background:</b> The post of Head of Corporate Property has replaced that of Regeneration and Major Projects Service Manager.</p>                                  | <p>(a) Responsibilities of <del>Regeneration and Major Projects Service Manager</del> <u>Head of Corporate Property</u></p> <p>The <del>Regeneration and Major Projects Service Manager</del> <u>Head of Corporate Property</u> will:</p> <ul style="list-style-type: none"> <li>• Produce guidelines for acquiring, managing and disposing of assets</li> <li>• Make sure the Council's records include any money from sales</li> <li>• Make sure the Council's records do not include the value of any assets that have been disposed of.</li> </ul> <p>(b) Register of Fixed Assets<br/>The Head of Financial Services will keep a register of all fixed assets worth more than £10,000. Heads of Service must report any acquisitions or disposals so that this can be kept up-to-date. Every year the Head of Financial Services (Section 151 Officer) in conjunction with the <del>Regeneration and Major Projects Service Manager</del> <u>Head of Corporate Property</u> will check that the assets are still shown at the right</p> |

Appendix 2 – Proposals to strengthen the clarity and consistency of existing provisions.

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|    |   |   | value, that they have a suitable asset life and that they have been properly depreciated.   |
| 34 | 19.12<br>Thresholds for quotes and tenders  | <p><b>Proposal:</b> To clarify who can award contracts where fewer than the required number of quotations have been received.</p> <p><b>Background:</b> The Local Government Act 2000 provides that executive decisions can be taken by an officer (but not by more than one officer collectively).</p> | <p>If fewer than the requisite number of quotations is obtained it will be possible to proceed to award a contract if it can be demonstrated that competition has been sought. Award of a contract in such circumstances is delegated to:</p> <ul style="list-style-type: none"> <li>• the relevant Head of Service up to a contract value of £100,000;</li> <li>• the relevant Head of Service <del>and</del> <u>in consultation with</u> the Head of Financial Services for contracts with a value above £100,000.</li> </ul> <p>This does not remove the obligation to secure best value for money.</p>  |
| 35 | Part 19.22:<br>Accepting quotes and tenders | <p><b>Proposal:</b> To clarify that project approval must be obtained at the start of a project.</p>  | <p>(a) Total contract value less than £150,000<br/>The Head of Service may accept the most economically advantageous quote or tender if the Council is the buyer, or the highest if the Council is the seller, as long as:</p> <ul style="list-style-type: none"> <li>• there is budget provision included in the Council's capital or revenue budget</li> <li>• project approval has been obtained <u>at the start of the project</u></li> <li>• any key decisions have been included in the Forward Plan</li> <li>• any organisation the Council is acting as agent for agrees.</li> </ul> <p>(b) Total contract value is over £150,000 but less than £500,000<br/>The Head of Financial Services or an Executive Director may accept the most economically advantageous tender if the Council is the buyer, or the highest if the Council is the seller, as long as:</p> |

315

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|    |                         |   | <ul style="list-style-type: none"> <li>• there is budget provision in the Council’s capital or revenue budget</li> <li>• project approval has been obtained <u>at the start of the project</u></li> <li>• any key decisions have been included in the Forward Plan</li> <li>• any organisation the Council is acting as agent for agrees</li> <li>• the Head of Financial Services and the Monitoring Officer have been consulted.</li> </ul> <p>(c) Total contract value £500,000 or over where the Council is the seller. Tenders of £500,000 or over must be the subject of a written report to the Cabinet.</p> <p>(d) Total contract value is over £500,000 but less than £1,000,000 where the Council is the buyer</p> <p>The Head of Financial Services or an Executive Director may accept the most economically advantageous tender, as long as:</p> <ul style="list-style-type: none"> <li>• there is budget provision in the Council’s capital or revenue budget</li> <li>• project approval has been obtained <u>at the start of the project</u></li> <li>• any key decisions have been included in the forward plan</li> <li>• any organisation the Council is acting as agent for agrees</li> <li>• the Head of Financial Services, the Monitoring Officer, the Chief Executive and the relevant Cabinet Member have been consulted .....</li> </ul> |
| 36 | 19.12<br>Thresholds for | <b>Proposal:</b> To clarify who can award contracts where fewer than the required number of quotations have | If fewer than the requisite number of quotations is obtained it will be possible to proceed to award a   |

Appendix 2 – Proposals to strengthen the clarity and consistency of existing provisions.

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|     | quotes and tenders  | <p>been received.</p> <p><b>Background:</b> The Local Government Act 2000 provides that executive decisions can be taken by an officer (but not by more than one officer collectively).</p>   | <p>contract if it can be demonstrated that competition has been sought. Award of a contract in such circumstances is delegated to:</p> <ul style="list-style-type: none"> <li>the relevant Head of Service up to a contract value of £100,000;</li> <li>the relevant Head of Service <u>and in consultation with</u> the Head of Financial Services for contracts with a value above £100,000.</li> </ul> <p>This does not remove the obligation to secure best value for money.</p> |
| 347 | 37 Part 19.29 Acquiring and disposing of land and buildings | <p><b>Proposal:</b> To update officer post titles to reflect the current senior management structure.</p> <p><b>Background:</b> The post of Head of Corporate Property has replaced that of Regeneration and Major Projects Service Manager.</p>  | <p>...</p> <p>(c) Tenders for acquisition or disposal of property are not required to be submitted through the Corporate System but must be held securely until after the tender deadline and opened after the deadline by two Officers nominated by Executive Director for Development or the <u>Head of Corporate Property Regeneration and Major Projects Service Manager</u> or an externally appointed agent.</p> <p>...</p>  |
|     | 38 Part 22: Members' Code of Conduct                        | <p><b>Proposal:</b> To include the Council's <a href="#">Procedure for dealing with code of conduct complaints against councillors</a> as an annex to Part 22.</p> <p><b>Rationale:</b> for visibility and completeness.</p>  | <p>N/A – the procedure would form an annex to Part 22.</p>   |
|     | 39 Part 23 Code on Member Officer relations                 | <p><b>Proposal:</b> To include the rule that officers must not take instructions from individual members.</p> <p><b>Rationale:</b> This rule is currently missing from the Constitution. It is important that officers are, and are seen to be, politically neutral whether or not they have more regular engagement with a particular political group.</p> | <p>23.2 Roles of councillors and officers</p> <p>...</p> <p>Employees are answerable to the Chief Executive, not to individual councillors (whatever office they hold), but there should be good communication between senior officers and councillors with special responsibility for their area of work. <u>Officers must not</u></p>  |

Appendix 2 – Proposals to strengthen the clarity and consistency of existing provisions.

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|           |  |  | <u>take instructions from individual members.</u>   |
| 40        | Part 23 Code on Member Officer relations | <p><b>Proposal:</b> To include a means of raising concerns about breaches of the Code on Member Officer relations.</p> <p><b>Rationale:</b> To provide clarity about roles and how to raise concerns.</p>  | <p>23.5 Complaints about councillors and officers</p> <p>If an officer feels a councillor is not treating them with politeness and respect, they should consider talking to the councillor directly. If they do not feel they can talk to the councillor or talking to the councillor does not help, they should talk to their line manager, Head of Service or Director immediately <u>who will inform the Monitoring Officer</u>. <del>The manager approached</del> <u>Monitoring Officer</u> will talk to the councillor or the Leader of their political group and may also tell other senior officers. The officer will be told the outcome. Officers may also make a complaint alleging a breach of the Members' Code of Conduct.</p>   |
| 318<br>41 | Part 23 Code on Member Officer relations | <p><b>Proposal:</b> To include a rule that officers will only discuss individual personal circumstances with Members with the consent of the individual.</p> <p><b>Rationale:</b> To provide clarity about the need for consent before personal data may be disclosed.</p> | <p>23.8 Information and advice</p> <p>(a) Requests for written information</p> <p>Councillors should be provided with adequate information about services or functions which they may be called upon to make decisions on or scrutinise the decisions of others about, or which affect their constituents. In the normal course of events, this information will be made routinely available by officers in the form of reports, departmental plans etc. <u>Before any information is provided to councillors consideration must be given to any data protection issues and whether the relevant consent has been sought from data subjects.</u> Members are encouraged to make use of existing sources of information wherever possible.</p> |

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| <p>42</p> | <p>Part 24.4<br/>Councillors’<br/>interests in<br/>planning<br/>applications</p> | <p><b>Proposal:</b> To include a rule that Members who are appointed to the Shareholder and Joint Venture Group must not participate in the determination of planning applications submitted by the Council’s companies and joint ventures.</p> <p><b>Rationale:</b> To reflect officer advice to members of the Shareholder and Joint Venture Group on members’ interests and public perception in relation to planning applications submitted by the Council’s companies and joint ventures.</p> | <p>(c) Avoiding perception of bias<br/>Councillors must listen to the advice of the Monitoring Officer if they may be perceived as having made up their minds in advance or having closed their minds to opposing viewpoints.</p> <p>If a member is a Cabinet member or represents the Council on an outside body and the Council or the outside body is the applicant then particular care should be taken by the member to avoid the perception of bias.</p> <p><u>If a member is a member of the Shareholder and Joint Venture Group or is otherwise responsible for acting as shareholder or owner of the Council’s companies and joint ventures they must not determine planning applications submitted by those companies and joint ventures. The member can choose to speak during the public speaking slot at a Planning Committee or Planning Review Committee meeting but they must notify the chair of their intentions before the meeting begins and must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is debated.</u></p> |
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