

CABINET – 19 OCTOBER 2010

FORMAT OF COUNTY COUNCIL MEETINGS & REVIEW OF THE CONSTITUTION

Report by the Monitoring Officer

Introduction

1. In August and November 2009, the Council agreed several significant changes to the Constitution. This report reviews the effectiveness of those changes, including the introduction in 2009 of themed debates at council meetings. It also suggests further changes, in the interests of council efficiency, which Cabinet may wish to recommend to Council.

Review of changes to the Constitution

2. The key changes to the Constitution in 2009 related to:
 - Introduction of themed debates at Council meetings
 - The order of motions on a party group rotational basis
 - Widening of scope of motions to include other public bodies
 - Abolition of the Scrutiny Co-ordinating Committee
 - Introduction of members question time at Cabinet
 - Amendments to the Protocol on Members' Rights and Responsibilities and in particular information that should be provided to local members.
3. The effectiveness of these changes is reviewed below (paragraph 13).

Themed debates & format of council meeting

4. Last year, it was decided there should be a themed debate at the annual meeting of council and at each ordinary meeting except the budget setting and quadrennial meetings. The subject was to have direct relevance to the functions and responsibilities of the council or to be about local issues involving other local public bodies (specified in the council's Constitution).
5. The themed debate at the annual meeting would be the annual review of the Oxfordshire Plan. At the September meeting, the debate would concern the annual review of the Medium Term Financial Strategy. At the other ordinary meetings, the subject of the debates would be allocated one each to the three largest political groups.
6. The proposer for a debate would specify the intended outcome and would open the debate and speak for a maximum of 15 minutes. A maximum of 90 minutes was set aside for each debate, with the Chairman having discretion to lengthen it if desirable.

7. The following debates have occurred since September 2009:

September 2009	Service and Resource Planning	Statutory Debate
November 2009	Breaking the Cycle of Deprivation	Debate chosen by the Liberal Democrat Group
January 2010	Educational Attainment	Debate chosen by the Labour Group
April 2010	Oxfordshire Plan	Statutory Debate
June 2010	Oxfordshire's MPs	Debate chosen by the Conservative Group
September 2010	Service and Resource Planning	Statutory Debate

8. An analysis of the outcomes arising from these debates has shown that:
- Much of the work that happened after the debates on Breaking the Cycle of Deprivation (November 2009) and Educational Attainment (January 2010) was ongoing project or programme work that would have happened whether or not the debate had occurred.
 - The debates offered information and a level of detail that could improve elected members' knowledge of topics they might not have otherwise been involved and gave elected members an opportunity to ask questions.
 - All of the debates resulted in practical actions such as sharing of information among partners, correspondence with stakeholders etc.
9. Political group leaders of the three largest groups on the council have also given views on the effectiveness of the debates. Views included:
- The debates had not added to the sense of well being in the County
 - The nature of discussion on Council day did not lend itself to constructive discussions
 - They did increase the knowledge and understanding of councillors but this needed to be balanced against the time they took
 - No significant difference brought about by the Debates.
10. In summary, the debates had been more useful in raising members' awareness of issues rather than contributing directly to outcomes.
11. Following discussion between group leaders, it was suggested that themed debates should be discontinued with the formal business of the council ending at 3.30 p.m. However, in order to retain the opportunity for further discussion and learning around key issues, it was suggested that the time from 3.30 – 5.00 p.m. could be available for whole council discussion and presentations around key issues, for those members who wished to be involved.

12. To effect the cessation of themed debates and the ending of council at 3.30 p.m. Council would need to agree and to amend the Constitution accordingly. The earliest date on which Council could take such a decision would be its next meeting on 2 November.
13. **It is therefore recommended that Council be recommended to cease holding themed debates at full Council and consequently to end meetings of full Council at 3.30 p.m.**

Other changes

14. The following changes would appear to have been positively received and no adverse comments have been made:
 - The ordering of motions on a party group rotational basis
 - Widening the scope of motions to include other public bodies
 - Abolition of the scrutiny co-ordinating group
 - Introduction of question times at Cabinet meetings
 - Amended Protocol on Members' Rights and Responsibilities and in particular information that should be provided to local members
15. **It is therefore recommended that these arrangements continue.**

Additional changes

Petition Schemes

16. In June this year, Council agreed to adopt a Petition Scheme. Under the Local Democracy, Economic Development and Construction Act 2009, every authority was to have a scheme in place from 15 June 2010. From 15 December 2010, a facility for allowing the public to create e-petitions must be introduced. The Coalition Government has however announced a reduction in the administrative requirements.
17. A Petition Scheme is in place and an e-petition scheme is still scheduled to go live on or before 15 December 2010. However, the Coalition Government has announced that, as from 24 September this year, the statutory guidance around petitions has been revoked. This is to "remove unnecessary prescription for local authorities" in keeping with the Coalition's "priority of cutting out all wasteful spending in order to give councils greater local flexibility to determine how to handle petitions".
18. Councils are expected to meet the minimum statutory requirements. This includes the need to establish an e-petition system. However, these decisions will now be informed by the more light-touch regime.
19. **It is therefore recommended that the revocation of the statutory guidance about petition schemes be noted.**

Council Procedure Rules

20. During the past year, several points have arisen which suggest that certain amendments to the Council Procedure Rules may be beneficial, largely for clarification. The potential amendments are incorporated in a draft copy of the Procedure Rules on deposit in the Members' Resource Centre. The amendments relate to:

Rule 5:	amend this rule to end council meetings at 3.30 p.m. (and not 5.00 p.m.) if the recommendation above about ending themed debates is carried
Rule 12.5:	clarify that the rules allowing supplementary questions from members only apply when the original question was a 'question on notice'
Rule 13:	clarify that the rules relating to the treatment of motions are, in the case of debate about the budget, subject to the Budget and Policy Framework Rules (Part 3.2)
Rule 16:	remove this rule (Themed Debates) if the recommendation above is carried
Rule 25:	clarify that the rights to present petitions to, and address, committees under Rule 10 should be subject to the committee chairman's discretion to determine the length of speeches and the order in which they shall be taken

21. **It is therefore recommended that the revised Council Procedure Rules be noted.**

Contract Procedure Rules

22. The Contract Procedure Rules which govern the supply of goods, services and works have been amended. Most of the changes are for clarification but also reflect:
- A strengthening and clarification of the requirements for mini-competitions under framework agreements
 - Cross-referencing to the Financial Procedure Rules for decisions affecting capital expenditure so that it is clear that the Contract Procedure Rules are not setting out an alternative/inconsistent regime.
23. A copy of the revised Contract Procedure Rules is on deposit in the Member's Resource Centre.
24. **It is therefore recommended that the revised Contract Procedure Rules be noted.**

Financial Procedure Rules

25. The Financial Procedure Rules were substantially revised by full Council in January this year. No other amendments are needed at this time.

Scheme of Delegation

26. The Council's scheme of delegation to officers is contained in Parts 7.3 and 7.4 of the Constitution. Part 7.3 relates to the general operational powers of the chief executive, directors and other officers. Part 7.4 relates to the specific powers of these posts. It is proposed that the scheme be rationalised by merging these two parts. Delegations to directors will be simplified as being overly prescriptive can give rise to the risk of key issues being overlooked and not included, for example when laws or regulations change. Generic delegations to directors and specific delegations to the council's statutory officers (the Chief Executive, Monitoring Officer, Chief Finance Officer) will continue to be included.
27. These delegations will be supplemented, as now, with directorate schemes of delegation which allow directors further to delegate powers to their officers. A copy of the potential Scheme of Delegation to Officers is on deposit in the Members' Resource Centre.
28. **It is recommended that Cabinet recommend Council to approve the revised format of the council's scheme of delegation and to amend the Constitution accordingly.**

RECOMMENDATION

29. **Cabinet is RECOMMENDED to consider the potential amendments to the constitution outlined in this report and to recommend Council to approve any changes agreed, including the cessation of themed debates and the proposal for ending meetings of full Council at 3.30 p.m.**

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Background papers: Letter from the Department of Communities & Local Government, 24 September 2010 "*Withdrawal of statutory guidance on petitions*"

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