

## **COUNCIL – 2 NOVEMBER 2010**

### **FORMAT OF COUNTY COUNCIL MEETINGS & REVIEW OF THE CONSTITUTION**

#### **Report by the Monitoring Officer**

#### **Introduction**

1. In August and November 2009, Council agreed several significant changes to the Constitution. This report reviews the effectiveness of those changes, including the introduction of themed debates at Council meetings. It also suggests further changes, in the interests of Council efficiency. The Cabinet gave consideration to these matters on 19 October 2010 and consequently is recommending Council to accept the changes proposed.

#### **The Constitution**

2. The Constitution sets out the rules and procedures under which the County Council operates. Some of the content of the Constitution is laid down by law<sup>1</sup>. Other parts have been drawn up specifically by the County Council to provide a framework for the business of the Council itself and of its Cabinet, scrutiny and other committees, the individual elected members, and the staff who are responsible for the day-to day running of the services which the Council provides for Oxfordshire. It also sets out practical information about those bodies and individuals and their responsibilities.
3. The Constitution has to be approved formally by the Council but the Monitoring Officer will monitor and review the operation of the Constitution to ensure that its aims, principles and requirements are given full effect and will make recommendations on any necessary amendments to it to the Council.

#### **Review of changes to the Constitution**

4. 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 Group
  - 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.

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<sup>1</sup> especially the Local Government Acts 1972 and 2000 and the Local Government and Housing Act 1989 and various regulations made under those Acts

5. The themed debates are reviewed in paragraphs 6-14 below; the effectiveness of the other issues is included at paragraph 15.

**Themed debates & format of Council meeting**

6. Last year it was decided to introduce 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).
7. 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.
8. 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.
9. 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

10. 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 in 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.

11. 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.
12. In summary, the debates had been more useful in raising members' awareness of issues rather than contributing directly to outcomes.
13. 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 of 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 topics, for those members who wished to be involved.
14. 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. Cabinet is recommending that these changes be made.

**It is recommended that Council cease holding themed debates and consequently that meetings of Council end at 3.30 p.m. but that member briefings be introduced from 3.30 – 5.00 p.m. for those members who wished to be involved.**

#### **Other changes**

15. The following changes would appear to have been positively received, no adverse comments have been made and Cabinet recommends that these arrangements should continue:
  - 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

**It is recommended that Council agree to the continuation of these arrangements**

## 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 scheduled to go live on or before 15 December 2010. However, the Coalition Government has revoked the statutory guidance around petitions as from 24 September. 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.

**It is recommended that the revocation of the statutory guidance about petition schemes be noted.**

### Council Procedure Rules

19. During the past year, several points have arisen which suggest that certain minor 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. Cabinet has noted and endorsed the amendments, which are:

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

**It is recommended that the revised Council Procedure Rules be approved.**

### **Contract Procedure Rules**

20. 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.
21. A copy of the revised Contract Procedure Rules is on deposit in the Member's Resource Centre and the amendments have been noted and endorsed by Cabinet.

**It is recommended that the revised Contract Procedure Rules be approved.**

### **Financial Procedure Rules**

22. 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**

23. 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. As a result, delegations to directors would be simplified. Being overly prescriptive can give rise to the risk of key issues being overlooked and omitted, 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) would continue to be included.
24. These delegations would 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, which has been noted and endorsed by Cabinet, is on deposit in the Members' Resource Centre.

**It is recommended that Council approve the revised format of the council's scheme of delegation and that the Constitution is amended accordingly.**

## **RECOMMENDATION**

**25. Cabinet RECOMMENDS Council to:**

- (a) cease holding themed debates and that meetings of Council formally end at 3.30 p.m.;**
- (b) introduce member briefings from 3.30 – 5.00 p.m. following meetings of Council for those members who wish to be involved;**
- (c) agree to the continuation of the following amendments:**
  - (1) the ordering of motions on a party group rotational basis**
  - (2) widening the scope of motions to include other public bodies**
  - (3) abolition of the scrutiny co-ordinating group**
  - (4) introduction of question times at Cabinet meetings**
  - (5) amended Protocol on Members' Rights and Responsibilities and in particular information that should be provided to local members**
- (d) note the revocation of the statutory guidance relating to the implementation of Petition Schemes;**
- (e) approve the revisions to the Council Procedure Rules referred to in paragraph 19 of this report;**
- (f) approve the revisions to the Contract Procedure Rules referred to in paragraph 20 of this report; and**
- (g) approve the revised format of the Council's scheme of delegation as referred to in paragraph 23 of this report.**

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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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November 2010