

# Council Report

Report of Head of Legal and Democratic Services

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To: COUNCIL

DATE: 14 May 2014



## Review of the council's constitution

### Recommendations

That Council:

1. agrees to:
  - (a) not reappoint the personnel committee;
  - (b) note that officers have delegated authority to take responsibility for staffing and health and safety matters;
  - (c) amend the terms of reference of the audit and governance committee to include responsibility for decisions on the determination of enhanced benefits in respect of redundancies and early retirements and matters relating to the Local Government Pension Scheme;
2. agrees the revised officer employment procedure rules attached to this report;
3. agrees to amend the standing orders to reflect The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 as set out in paragraph 10 of this report;
4. authorises the head of legal and democratic services to make the necessary amendments to the constitution to reflect the Crime and Policing Act 2014;
5. notes the changes to the management structure set out in paragraphs 15 to 20 of this report;
6. authorises the head of legal and democratic services to make the necessary changes to the council's constitution to reflect the changes set out in this report;
7. authorises the head of legal and democratic services to make any minor or consequential amendments to the constitution required for clarification, consistency and compliance with the council's style guide.

### Purpose of report

1. To consider proposed amendments to the constitution.

## **Strategic objectives**

2. The constitution underpins all of the council's areas of activities and, therefore, contributes to the achievement of all its strategic objectives.

## **Background**

3. Officers have undertaken a review of the constitution in accordance with the Council's decision when it first approved the constitution in 2001, and in pursuance of the requirements of Section 37 of the Local Government Act 2000 to keep the constitution under review. The Constitution Review Task Group, comprising councillors Barber, Constance, Sharp and Webber, and Cox for consideration of the councillors' planning code of practice, considered the proposals at a meeting on 4 April 2014 and the views expressed at that meeting are included in this report. Councillor Patterson submitted his apologies.

## **Personnel Committee and revised officer employment procedure rules**

4. At its meeting in September 2013 the task group considered a proposal not to reappoint the personnel committee, which has not been appointed since 2011. It noted that officers have delegated authority for staffing and health and safety matters and agreed to amend the terms of reference of the audit and governance committee to include responsibility for decisions on the determination of enhanced benefits in respect of redundancies and early retirements and matters relating to the Local Government Pension Scheme.
5. Whilst supportive of the proposal at its meeting in September the task group deferred a final decision until it had an opportunity to consider the harmonised officer employment procedure rules to ensure councillor involvement in the recruitment and dismissal of senior staff (strategic director and above). The task group considered revised procedure rules at its meeting on 4 April, made suggestions for clarification and supported Council approval of the revised procedure rules **attached**.
6. In doing so the task group supported the proposal not to reappoint the personnel committee subject to Council making appointments to the Joint Staff Committee. Council will be asked to make appointments as part of the 'appointment to committees, panels and joint committees 2014/15' report.

## **Councillors' planning code of practice**

7. The task group considered a draft revised code which was prepared by the Oxfordshire monitoring officers and reflects the revised code of conduct and guidance in respect of bias and determination.
8. The existence of such a code is designed to guide councillors and officers in the discharge of the council's statutory planning functions. It would also

inform potential developers and the public generally of the high standards of ethical conduct adopted by the council in the exercise of its planning powers. Once in place it would be important that both councillors and officers adhere to the code; if they do not, planning decisions may be vulnerable to legal challenge and/or to a complaint to the Local Ombudsman.

9. The task group made a number of amendments which have been incorporated. However, since the meeting of the task group, the Lawyers in Local Government Group has issued a revised version. In light of this development officers have, in consultation with the task group, agreed to defer this issue to allow the Oxfordshire Monitoring Officers Group to consider the revised document at its June meeting prior to further consideration by the task group.

### **The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014**

10. Regulation 2 of the above regulations amends the 2001 Regulations to require that the votes at key budget decision meetings of local authorities are recorded from 25 February 2014 (although the chairman called for recorded votes at the Council meeting held prior to this on 19 February). Regulation 4 requires the council to modify its standing orders in accordance with these amendments as soon as reasonably practicable after 25 February.
11. The task group supported a proposal to authorise the head of legal and democratic services to incorporate this amendment in the council's standing orders.

### **Crime and Policing Act 2014**

12. The Act received Royal Assent on 13 March 2014 and makes provision in a number of areas relevant to the council including anti-social behaviour, crime and disorder and the Dangerous Dogs Act 1991.
13. Officers are currently reviewing the legislation and awaiting regulations and guidance.
14. The task group supported a proposal to authorise the head of legal and democratic services to make the necessary amendments to the constitution to ensure the current delegations reflect this legislation.

### **Management restructure - amendment to the council's constitution**

15. The chief executive has undertaken a review of the management structure following the recent departure of Paul Staines, Head of Health and Housing, and the impending departure of Matt Prosser, Strategic Director.

16. After careful consideration, the chief executive, in consultation with the council leaders of South Oxfordshire and Vale of White Horse district councils, has decided not to replace Matt Prosser.
17. The chief executive has decided to replace Paul Staines with a redefined post of Head of Housing and Regeneration. Environmental Health will transfer on a permanent basis to Clare Kingston, Head of Corporate Strategy, who has taken temporary responsibility for the last month or so.
18. In addition technical services will transfer from Chris Tyson, Head of Economy, Leisure and Property to Andrew Down, Head of HR, IT and Customer Services from 27 May to allow Chris Tyson capacity to take a more leading role on certain key development projects following Matt Prosser's departure.
19. Chris Tyson and Clare Kingston will both report direct to David Buckle, Chief Executive, from 27 May.
20. Margaret Reed, Head of Legal and Democratic Services, has delegated authority to update the constitution to reflect the changes in staff responsibilities.

### **Revised constitution**

21. Council is requested to approve the changes set out in this report for implementation from 27 May 2014.

### **Financial Implications**

22. The democratic services budget for printing will meet the costs of producing copies of the amended constitution.

### **Legal Implications**

23. Section 37 of the Local Government Act 2000 requires the Council to keep its constitution under review.

### **Conclusion**

24. This report sets out a number of proposals to amend the constitution. Officers recommend that Council supports these proposals, and authorises the head of legal and democratic services to make these changes and any further minor or consequential amendments to the constitution.

**Background paper:** Paper to the Constitution Review Task Group