



WEST OXFORDSHIRE
DISTRICT COUNCIL

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Name and Date of Committee	COUNCIL – 29 NOVEMBER 2023
Subject	RECOMMENDATIONS OF THE CONSTITUTION WORKING GROUP
Wards Affected	NONE
Accountable Member	Councillor Mathew Parkinson – Chair of the Constitution Working Group. Email: Mathew.Parkinson@westoxon.gov.uk
Accountable Officer	Andrea McCaskie – Director of Governance. Email: democratic.services@westoxon.gov.uk
Report Author	Andrew Brown – Business Manager, Democratic Services. Email: democratic.services@westoxon.gov.uk
Purpose	To present recommendations of the Constitution working group relating to the adoption of Budget Procedure Rules and the terms of reference of the Performance and Appointments Committee.
Annexes	Annex A – Proposed Budget Procedure Rules
Recommendations	That Council Resolves to: <ol style="list-style-type: none">1. Approve the adoption of the Budget Procedure Rules (Annex A) as part of the Constitution (Part 5K);2. Agree to amend the terms of reference of the Performance and Appointments Committee (Part 3C) to include responsibility for “To adopt and amend employment and health and safety policies”.
Corporate Priorities	<ul style="list-style-type: none">• Working Together for West Oxfordshire
Key Decision	NO
Exempt	NO
Consultees Consultation	Director of Finance.

1. BACKGROUND

- 1.1** The Council's Constitution sets out how the Council operates, how decisions are taken and the procedures which are followed to ensure that decision-making is efficient, transparent and accountable to local people.
- 1.2** The Council has a legal duty to publish a Constitution and it should be reviewed at least annually. The Council has established a cross-party Constitution Working Group which meets regularly and makes recommendations to Council about amendments to the Constitution to keep up to date with changes to legislation, governance practice and the wishes of the Council.
- 1.3** The Constitution Working Group held a meetings 19 October 2023 and the recommendations arising from that meetings are detailed in this report.
- 1.4** This report proposes the adoption of Budget Procedure Rules and a change to the terms of reference of the Performance and Appointments Committee to include the responsibility for adding and amending employment policies.

2. BUDGET PROCEDURE RULES

- 2.1** Currently the budget debate at the Budget Setting Council Meeting in February is covered by the normal Council Procedure Rules at Part 5A of the Constitution. Many authorities have adopted specific procedure rules for the budget debate and this is considered to be good practice.
- 2.2** When setting a budget it is important that any proposals before Council have been checked by finance officers to ensure that they are arithmetically sound and, if approved, could be implemented and that the implications have been considered. Currently, there is no deadline for amendments set out in the Council Procedure Rules.
- 2.3** The adoption of Budget Procedure Rules would establish a process for checking any amendments to the budget. It would also enable the Council to vary the time allowed for speeches during the budget debate. Currently proposer of motions (but not amendments) have 10 minutes and all other speeches are capped at 5 minutes.
- 2.4** The proposed Budget Procedure Rules have been recommended by the Constitution Working Group and are set out in Annex A. The Budget Procedure Rules feature:
 - A minimum time period of 5 clear working days between the Executive meeting where a budget is recommended to Council and the Budget Setting Council Meeting.
 - A deadline for any Member to submit an amendment to the budget (3 working days before the meeting) to ensure that Finance Officers can check that any amendments are arithmetically sound and could be implemented.
 - Provisions for minor changes to be made to submitted amendments until 9.00am on the day of the meeting, provided they do not have substantial impact and are agreed with the Director of Finance.
 - A deadline for approved amendments to be circulated to all members of Council (12.00pm on the day of the Budget Setting Council Meeting).
 - Additional time for the Leader of the Council (20 minutes) and the Member seconding the Executive's budget (10 minutes) to propose and second the Executive's budget.

- Specific provisions and additional time (15 minutes) for Opposition Group Leaders to speak on the Executive’s budget and to propose any approved amendments.
- Provisions for Council to debate the budget and amendments together and then vote on them sequentially.
- Additional time for Members to speak in debate (10 minutes) where both the Executive’s budget and amendments are being debated.

2.5 If approved, the proposed Budget Procedure Rules at Annex A would form Part 5K of the Council’s Constitution.

3. PERFORMANCE AND APPOINTMENTS COMMITTEE

3.1 The Executive on 11 October 2023 considered a report titled “Human Resources (Employment) and Health and Safety Policies”. The Executive resolved to request that the Constitution Working Group considers the expansion of the terms of reference of the Performance and Appointments Committee to include responsibility for the adoption and amendment of Employment and Health and Safety Policies.

3.2 The Performance and Appointments Committee currently has responsibilities relating to the appointment and dismissal of statutory officers and conducting the appraisal of the Chief Executive.

3.3 The adoption of employment policies, as a non-executive function, could be the responsibility of full Council or delegated to a committee or officer. It was considered that the Performance and Appointments Committee would be an appropriate body to have this responsibility as this committee already deals with certain employment-related matters.

4. ALTERNATIVE OPTIONS

4.1 Council could decide not to adopt Budget Procedure Rules in which case the normal Council Procedure Rules would continue to apply.

4.2 Council could decide not to expand the terms of reference of the Performance and Appointments Committee, in which case the responsibility for adopting and amending employment and health and safety policies would remain with full Council.

5. FINANCIAL IMPLICATIONS

5.1 There are no financial implications arising from this report.

6. LEGAL IMPLICATIONS

6.1 There are no legal implications arising from this report.

7. RISK ASSESSMENT

7.1 If the Council does not adopt Budget Procedure Rules there is a risk that budget amendments may be tabled which have not been approved by finance officers.

8. EQUALITIES IMPACT

8.1 There are no equalities impacts.

9. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

9.1 There are no climate and ecological impacts.

10. BACKGROUND PAPERS

10.1 None.

(END)