

Proposed Constitutional Amendments Agreed by the Constitution Working Group

Part 1.2 How Oxfordshire County Council Operates

Section	Current text	Proposed text	Reason
1 Councillors	Oxfordshire County Council comprises 63 County Councillors elected every four years. The terms of office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election. County Councillors are democratically accountable to the residents of their electoral division. The overriding duty of County Councillors is to the whole community of Oxfordshire, but they have a special duty to their constituents, including those who did not vote for them.	Oxfordshire County Council comprises 63 County Councillors, due to increase to 69 County Councillors from May 2025 , elected every four years. The terms of office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election. County Councillors are democratically accountable to the residents of their electoral division. The overriding duty of County Councillors is to the whole community of Oxfordshire, but they have a special duty to their constituents, including those who did not vote for them.	To update to include the increase in the size of the Council.
2 Full Council	See Appendix 1	See Appendix 2	Replacing “Full Council” with “Council” is modernising the terminology. Council meets seven times a year at least, not six.

			<p>The other changes clarify what is included in the “Budget & Policy Framework” and must therefore be decided by Council.</p> <p>Also, adding the requirement to agree new posts with salary over £100,000.</p>
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Part 1.3 Decision Making

Section	Current text	Proposed text	Reason
3. Types of decision			
(b) Key Decisions	<p>A decision taker may only take a key decision in accordance with the requirements of the Cabinet Procedure Rules and Access to Information Rules in this Constitution. Regulations define “key decision” as “an executive decision which is likely to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates; or to be significant in terms of its effects on</p>	<p>A decision taker may only take a key decision in accordance with the requirements of the Cabinet Procedure Rules and Access to Information Rules in this Constitution. Regulations define “key decision” as “an executive decision which is likely to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates; or to be significant in terms of its effects on</p>	<p>The Key Decisions thresholds have not been changed since 2001. Using the RPI index, the equivalent values in 2025 would be £1.045m and £2.09m. Examples from other county councils include Hampshire (£2m), Warwickshire and Surrey (£1m)</p>

	<p>communities living or working in an area comprising two or more electoral divisions in the County.”</p> <p>The Proper Officer in determining the meaning of significant will take into account of any guidance from the Secretary of State. In assisting the Proper Officer in determining the meaning of significant it has been defined as being 25% of the annual revenue budget for the relevant service block (i.e. that part of the Council's total revenue budget allocated to the Cabinet Member for the service area concerned) or £500,000, whichever is the lower figure, and £1m in the case of capital expenditure; or 25% of the people living or working in the area affected; or 25% of the capacity, frequency or hours of operation of a service or facility.</p> <p>Officers taking a Key Decision within this definition may only do so after consultation with the relevant Cabinet Member(s) and the Section 151 Officer.</p>	<p>communities living or working in an area comprising two or more electoral divisions in the County.”</p> <p>The Proper Officer in determining the meaning of significant will take into account of any guidance from the Secretary of State. In assisting the Proper Officer in determining the meaning of significant it has been defined as being 25% of the annual revenue budget for the relevant service block (i.e. that part of the Council's total revenue budget allocated to the Cabinet Member for the service area concerned) or £1m 500,000, whichever is the lower figure, and £2m 4m in the case of capital expenditure; or 25% of the people living or working in the area affected; or 25% of the capacity, frequency or hours of operation of a service or facility.</p> <p>Officers taking a Key Decision within this definition may only do so after consultation with the relevant Cabinet Member(s) and the Section 151 Officer.</p>	
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	<p>A decision constitutes a key decision only if an outcome as determined by the Proper Officer will result directly from that decision (including a decision to adopt or alter policy), and not (for example) where the substantive decision which will produce that outcome has been or is required to be made by the full Council in accordance with the Budget and Policy Framework Procedure Rules; or where further consideration will be required following public or other consultation or any other process or procedure before the substantive decision is made.</p> <p>It is the responsibility of the relevant Director, in consultation with the Cabinet Member(s) for the service area in question, to assess whether a decision expected to be made amounts to a key decision; and where a key decision is identified as a result of such assessment the Director shall immediately notify the Proper Officer to enable the decision to be entered in the Forward Plan, in</p>	<p>A decision constitutes a key decision only if an outcome as determined by the Proper Officer will result directly from that decision (including a decision to adopt or alter policy), and not (for example) where the substantive decision which will produce that outcome has been or is required to be made by the Council in accordance with the Budget and Policy Framework Procedure Rules; or where further consideration will be required following public or other consultation or any other process or procedure before the substantive decision is made.</p> <p>It is the responsibility of the relevant Director, in consultation with the Cabinet Member(s) for the service area in question, to assess whether a decision expected to be made amounts to a key decision; and where a key decision is identified as a result of such assessment the Director shall immediately notify the Proper Officer to enable the decision to be entered in the Forward Plan, in</p>	
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	accordance with the Access to Information Rules.	accordance with the Access to Information Rules.	
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Part 3.1 Council Procedure Rules

Section	Current text	Proposed text	Reason
2 Ordinary Meetings	Insert new 2.4	Discussion of the Report from the Cabinet will not exceed 30 minutes.	To improve the chances of more motions being reached at a meeting. Councillors can also submit questions at meetings of the Cabinet.
3. Extraordinary Meetings			
3.1	Those listed below may require the Proper Officer to call Council meetings in addition to ordinary meetings and any extraordinary meetings convened under any other provision of this Constitution: (i) the Council by resolution; (ii) the Chair of the Council; (iii) the Monitoring Officer; (iv) any five Members of the Council if they have signed a requisition presented to the	Those listed below may require the Proper Officer to call Council meetings in addition to ordinary meetings and any extraordinary meetings convened under any other provision of this Constitution: (i) the Council by resolution; (ii) the Chair of the Council; (iii) the Monitoring Officer; (iv) any five ten Members of the Council if they have signed a requisition presented to the	Members of the Constitution Working Group believe that 5 Members to call an Extraordinary Meeting of Council is too low and propose to raise it to 10. The Council is required to have a procedure to deal with a proposal for the Removal of the Leader of the Council.

	Chair of the Council and they have refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition;	Chair of the Council and they have refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition; (v) at least one third of the Members of the Council if they have signed a requisition presented to the Chair of the Council to move a motion for the removal of the Leader of the Council.	
3.2	At an extraordinary meeting the Council will, in addition to the business set out in sub-paragraphs (i) to (vi) of Rule 2 above, conduct only the specific business for which the meeting has been called, and any business which, by reason of special circumstances which shall be specified in the minutes, the Chair agrees should be considered at the meeting as a matter of urgency.	At an extraordinary meeting the Council will, in addition to the business set out in sub-paragraphs (i) to (iii) (iv) and (vi) of Rule 2.2 above, conduct only the specific business for which the meeting has been called, and any business which, by reason of special circumstances which shall be specified in the minutes, the Chair agrees should be considered at the meeting as a matter of urgency.	This removes the minutes of the last meeting (ii) and changes to committees (v) from list of items to be taken at an any extraordinary Council meeting. It also corrects the Rule reference.
3.3	New section	Further to paragraph 3.1 (v) above the following rules shall apply to an extraordinary meeting of the Council to consider the removal of the Leader of the Council:	The Council is required to have a procedure to deal with a proposal for the Removal of the Leader of the Council.

		<p>3.1.1. a motion to remove the Leader of the Council may only be made at an extraordinary meeting convened for that purpose not less than 21 days from the requisition being received by the Chair of the Council</p> <p>3.1.2. Only one extraordinary meeting can be called for the purpose of considering a motion to remove the Leader of the Council in any 12 month period</p> <p>3.1.3. If at the extraordinary meeting which is called to consider a motion to remove the Leader of the Council such a motion is passed the meeting will then consider the election of a new Leader of the Council and the meeting will not close before the election of a new Leader of the Council has taken place in accordance with Rule 17.8 Voting on Appointments.</p>	
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5 Time and Place of Meetings			
5.1	<p>All meetings of the Council will:</p> <ul style="list-style-type: none"> (i) take place in the Council Chamber at County Hall, Oxford; (ii) commence at 10.30 am; (iii) be adjourned for lunch at 1 pm and finish by 3.30 pm; <p>subject to the Chair, after consultation with Group Leaders where appropriate, varying any or all of the above. In all cases, the date, place and start time shall be set out in the summons to the meeting.</p>	<p>All meetings of the Council will:</p> <ul style="list-style-type: none"> (i) take place in the Council Chamber at County Hall, Oxford; (ii) commence at 10.30 am; (iii) be adjourned for lunch at around 1 pm and finish by 3.30 pm; <p>subject to the Chair, after consultation with Group Leaders where appropriate, varying any or all of the above. In all cases, the date, place and start time shall be set out in the summons to the meeting.</p>	<p>Gives the Chair flexibility around when to break for lunch and reflects practice.</p>
8 Quorum	<p>The quorum of a meeting will be one quarter of the whole number of members, (or in the case of a committee or sub-committee, one quarter of the whole number of voting members, or three voting members, whichever is the greater, of whom a majority are members of the Council). During any meeting, if the Chair counts the number of members present and declares there is not a quorum</p>	<p>Renumber the current text as 8.1 Quorum</p> <p>and rename this Section 8 Attendance in order to broaden the scope of the section.</p>	<p>To allow a new paragraph to be added regarding virtual attendance.</p>

	present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If s/he does not fix a date, the remaining business will be considered at the next ordinary meeting.		
Insert 8.2		Members attending virtually at Council and members of statutory committees attending virtually at the committee are not considered present and therefore must not vote, do not count towards the quorum and must not speak at the meeting. The chair of Council or a committee may agree exceptions to this rule to allow Members to speak virtually.	To clarify what Members can and cannot do if attending a meeting virtually.
10.1 Petitions			
10.1.1 (ii)	notice of the desire to present the petition and information as to its subject matter is given to the Proper Officer not later than 9.00 am on the working day before the meeting;	notice of the desire to present the petition and information as to its subject matter is given to the Proper Officer not later than 9.00 am on the tenth working day before the meeting;	This earlier deadline ensures that this provision is used for genuine petitions and not as alternative way to seek to speak at a meeting. It would enable officers to give speakers more reasonable notice of their time allocation.
10.1.1 (iii)	The petition has been signed by a minimum number of 10 persons.	The petition has been signed by a minimum number of 10 50 persons resident or working in	The number of signatures required is much too low and it is proposed

		Oxfordshire with the relevant postcode supplied for each name;	to limit petitions to Oxfordshire stakeholders.
10.1.2.(iv)	all addresses shall be delivered from a location in the Council Chamber determined by the Chair.	all addresses shall be delivered from a location in the Council Chamber determined by the Chair or virtually at meetings where an online means of attending is available.	Including online participation in Part 3.1 so that Part 3.1A Virtual Procedure Rules can be deleted.
10.1.3	Any question as to the relevance of any petition shall be determined by the Chair without debate.	Any question as to the relevance of any petition shall be determined by the Chair without debate. If more than one petition has been notified on the same issue at the same meeting, the Chair may decide to accept only one of the speakers at the meeting and will let the speakers know of this decision no later than 9.00 am on the fifth working day before the meeting.	On a number of occasions, multiple petitions have been submitted on slightly different aspects of the same issue. This will give the Chair clearer discretion in insisting only one speaker if deemed appropriate.
10.1.4	The appropriate Chief Officer shall inform the petitioner within 10 working days what action will be taken as a result of the petition.	In respect of petitions presented to Council, The appropriate Chief Officer shall inform the petitioner within 10 working days what action will be taken as a result of the petition Cabinet Member will have 3 minutes to respond to the petition and state whether it	This will provide petitioners with an immediate response and clarity on what is proposed to happen following the petition.

		will be referred to Cabinet, the Cabinet Member or the relevant Chief Officer.	
10.2 Addresses			
10.2.1	Any person may address the Council on an item in the agenda for not more than 5 minutes provided that:	Any person may address the Council on an item in the agenda for not more than 53 minutes provided that:	The practice has been for the Chair to give no more than 3 minutes.
10.2.1(i)	notice of the request and the reasons for wishing to address the Council is received by the Proper Officer not later than 9.00 am on the working day before the meeting;	notice of the request and the reasons for wishing to address the Council is received by the Proper Officer not later than 9.00 am on the three working days before the meeting;	An earlier deadline would enable officers to give speakers more reasonable notice of their time allocation.
10.2.1(iv)	all addresses shall be delivered from a location in the Council Chamber determined by the Chair.	all addresses shall be delivered from a location in the Council Chamber determined by the Chair or virtually at meetings where an online means of attending is available.	Including online participation in the Part 3.1 so that Part 3.1A Virtual Procedure Rules can be deleted.
10.3 Chair's Discretion			
10.3	The rights to present petitions to, and to address meetings under Rule 10 are subject to the Chair's discretion in determining who shall speak, the length of speeches and the order in which they shall be taken.	Renumber this text as 10.3.1.	

	<p>(i) City and District Councillors be given their own speaking slot at meetings of the County Council's Planning & Regulation Committee at the discretion of the Chair of the Committee and normally only where County Councillors enjoyed a similar privilege at District and City planning meetings;</p> <p>(ii) where that reciprocal arrangement was not in place then District and City Councillors would retain the right to apply alongside other members of the public.</p>		
Move the final paragraph of 10.2 to become 10.3.2 and amend it for clarity	In determining whether to allow a person to address a meeting under these Rules the Chair should consider the previous opportunities taken by that person (including presenting a petition) (or by the organisation s/he represents) to address the Council, the Cabinet or a Committee on the same issue. Where there are a number of requests from persons wishing to present similar views on the same issue the Chair may require that the views be put by a single spokesperson. It is expected that only in exceptional circumstances	In determining whether to allow a person to address a meeting under these Rules the Chair should consider the previous opportunities taken by that person (including presenting a petition) (or by the organisation s/he represents) to address the Council, the Cabinet or a Committee on the same issue. Where there are a number of requests from persons wishing to present similar views on the same issue the Chair may require that the views be put by a single spokesperson. It is expected that only in exceptional circumstances	<p>This paragraph is not numbered in 10.2 and is more appropriate to come under 10.3 Chair's Discretion.</p> <p>The final sentence is confusing. It initially appears to set a limit of one opportunity to speak in six months but then seems to allow two.</p>

	will a person (or organisation) be allowed to address more than one meeting on a particular issue in any period of six months.	will a person (or organisation) be allowed to address more than one meeting on a particular issue, and then on not more than two occasions in any period of six months.	
Insert 10.4 Addressing a meeting virtually		Where a person is registered to address the meeting virtually, a written copy of a statement may be provided ahead of the meeting so that it can be read out on the person's behalf in the case of a failure of technology. This should be no longer than one A4 sheet; that is, capable of being read out within the time limit allowed by the Chair for speaking.	Including online participation in the Part 3.1 so that Part 3.1A Virtual Procedure Rules can be deleted.
11. Questions by the Public			
11.3. Notice of Questions	A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Proper Officer no later than 2.00 pm on the second working day before the meeting. Each question must give the name and address of the questioner and must name the member of the Council to whom it is to be put.	A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Proper Officer no later than 2.00 pm 9.00 am on the second fifth working day before the meeting. Each question must give the name and address of the questioner and must name the member of the Council to whom it is to be put.	The current deadline gives less than one working day to provide a response to include in the Schedule of Business. (The deadline for Members' Questions is seven working days.)

11.6	<p>Record of Questions</p> <p>The Proper Officer will record each question and make it available for public inspection and will immediately send a copy of the question to the member to whom it is to be put.</p>	<p>Record of Questions</p> <p>The Proper Officer will record each question and make it available for public inspection and will immediately send a copy of the question to the member to whom it is to be put. The response will be published in the Schedule of Business.</p>	<p>To reflect current practice and to match the procedure taken with Questions by Members. Responses are published in the Schedule of Business.</p>
11.7	<p>Asking the Question at the Meeting</p> <p>The Chair will invite the questioner to put the question to the member named in the notice. If a questioner who has submitted a written question is unable to be present, the member's written response will constitute the formal reply on behalf of the Council.</p>	<p>Asking the Question at the Meeting</p> <p>The Chair will invite the questioner to put the question to the member named in the notice. If a questioner who has submitted a written question is unable to be present, the member's written response will constitute the formal reply on behalf of the Council.</p>	<p>To reflect current practice. The question and response are taken as read.</p>
11.87	<p>Supplementary Question</p> <p>A questioner who has put a question in person may also put one supplementary question without notice to the member who has replied to their original question. A supplementary</p>	<p>Supplementary Question</p> <p>A questioner who has put a question in person, or virtually at meetings where an online means of attending is available, may also put one supplementary question without notice to the</p>	<p>To reflect the fact that virtual participation may be available.</p>

	question must arise directly out of the original question or the reply. The Chair may reject a supplementary question on any of the grounds set out in Rule 11.5 above.	member who has replied to their original question. A supplementary question must arise directly out of the original question or the reply. The Chair may reject a supplementary question on any of the grounds set out in Rule 11.5 above.	
12 Questions by Members			
12.5.1 Supplementary Question	The Chair will ask the questioner if s/he wishes to ask one supplementary question without notice to the member of whom the first question was asked;	The Chair will ask the questioner, if present , if s/he wishes to ask one supplementary question without notice to the member of whom the first question was asked;	To clarify that the Member must be present in the Chamber to ask a supplementary question. Another Member may not ask the question for them.
13 Motions on Notice			
13.1 Notice	13.1.1 Any member of the Council wishing to propose a motion for consideration at a meeting of the Council shall give to the Proper Officer the proposed wording of the motion in writing or by electronic mail before 2.00 pm on the tenth working day before the meeting, subject to the maximum number of	13.1.1 Any member of the Council wishing to propose a one motion for consideration at a meeting of the Council shall give to the Proper Officer the proposed wording of the motion in writing or by electronic mail before 2.00 pm on the tenth working day before the meeting, subject to the maximum number of motions from any member being 3,	To limit each Member to one motion.

	motions from any member being 3,		
13.2 Motions set out in the agenda Insert new 13.2.1		Each political group shall have only one motion on the agenda at a meeting. Where two or more motions have been submitted by members of a group, the Group Leader shall notify the Proper Officer, within 24 hours of the deadline for receipt of motions having passed, which motion is to be taken on the agenda. If no such notice has been received, the first motion received will be taken. One cross-party motion will be accepted on the agenda at a meeting – that is a motion proposed and seconded by Members of different political groups. Where more than one such motion has been submitted, only the first received will be accepted on the agenda.	To limit each political group to one motion in order to avoid unrealistically long agendas.
	13.2.1 Motions for which notice has been given will be listed on the agenda in the order in which notice was received by the Proper	13.2.12 Motions for which notice has been given the agenda will be listed on the agenda in the order in which notice was received	Not all motions for which notice has been given will necessarily appear on the final agenda if each political group is limited to one.

	Officer, subject to one motion from each political group being considered in the order determined by the Chair in consultation with the Group Leaders;	by the Proper Officer, subject to one motion from each political group being considered in the order determined by the Chair in consultation with the Group Leaders;	
	13.2.2 All other motions will appear on the agenda in the order in which they were received unless the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.	13.2.23 All other motions will appear on the agenda in the order in which they were received unless the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.	Renumbered to insert new 13.2.1 above.
17.8 Voting on Appointments	<p>17.8.1 Where a vote is required on an election or appointment and two persons are nominated, the Chair shall call for an electronic vote on the first nomination, followed by an electronic vote for the second nomination. No member shall vote for both nominees.</p> <p>17.8.2 Where a vote is required on an election or appointment and more than two persons are</p>	<p>17.8.1 Where a vote is required on an election or appointment and only one person is nominated, they shall be declared elected/appointed.</p> <p>17.8.42 Where a vote is required on an election or appointment and two persons are nominated, the Chair shall call for an electronic vote on the first nomination, followed by an electronic vote for the</p>	

	<p>nominated the following procedure shall apply:</p> <p>(i) Councillors will be invited to vote for one of the nominees;</p> <p>(ii) if one nominee secures an absolute majority of those present and voting, they shall be declared elected/appointed;</p> <p>(iii) if no nominee secures an absolute majority of those present and voting, the nominee with the least number of votes shall be eliminated from the contest;</p> <p>(iv) steps (i) - (iii) will be repeated until one nominee wins an absolute majority of those present and voting.</p>	<p>second nomination. No member shall vote for both nominees. The nominee with the highest number of votes shall be declared elected/appointed.</p> <p>17.8.23 Where a vote is required on an election or appointment and more than two persons are nominated the following procedure shall apply:</p> <p>(v) Councillors will be invited to vote electronically for each one of the nominees in turn and no member shall vote for more than one nominee;</p> <p>(vi) if one nominee secures an absolute majority¹ of those present and voting, they shall be declared elected/appointed;</p> <p>(vii) if no nominee secures an absolute majority of those present and voting, the</p>	
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¹ An absolute majority is defined as 'more votes than the other nominees combined'.

		<p>nominee with the least number of votes shall be eliminated from the contest;</p> <p>(viii) steps (i) - (iii) will be repeated until one nominee wins an absolute majority of those present and voting. That nominee shall be declared elected/appointed.</p>	
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Worked examples:

Two nominations

Cllrs Abbot and Barnes are nominated.

Cllr Abbot receives 21 votes

Cllr Barnes receives 20 votes

3 councillors abstain

Cllr Abbot is elected

Four nominations

Cllrs Cave, Davis, Eames and Farrell are nominated

1st round:

Cllr Cave 3 votes

Cllr Davis 6 votes

Cllr Eames 9 votes

**Cllr Farrell 15 votes
(1 councillor abstains)**

Total 33 votes

Cllr Cave is eliminated

2nd round:

Cllr Davis 7 votes

Cllr Eames 9 votes

Cllr Farrell 17 votes

(1 councillor abstains)

Cllr Farrell is elected – having more votes than the two remaining nominees combined – $7 + 9 = 16$.

Part 3.1A Virtual Meeting Procedure Rules

Section	Current text	Proposed text	Reason
Delete Part 3.1A	See below		This Part was initially introduced for virtual meetings and amended for hybrid meetings but is no longer required if the above amendments are made.

The County Council's formal meetings have returned to in-person meetings in physical settings. This means that voting members of the meetings must be present in the room in person. This is not the case for members of the public who have registered their wish to speak at a formal meeting or to present a petition: these can be done in person, but these engagements can also take place virtually where the Council has chosen to enable an online means of attending.

As such, the former Virtual Meetings Procedure Rules have been revoked apart from the following paragraphs relating the arrangements for handling requests from those wishing to speak or present petitions either in person or virtually where this facility is made available. These provisions have been retained in order to enable the Council to manage the use of physical space in the meetings and to enable time to discuss arrangements with potential speakers and petitioners.

1. Petitions and Public Address

1.1 Where a meeting is held with the ability for the public to join virtually, members of the public will be able to participate in the following ways.

1.2 Public Speakers

Any person may address via the platform provided the Council, Cabinet or other Council Committee or an item in the agenda for not more than 5 minutes provided that

- (i) notice of the request and the reasons for wishing to address the Council is received by the Proper Officer not later than 9.00 am **four** working days before the meeting; and
- (ii) a written copy of a statement may be provided ahead of the meeting so that it can be read out on the person's behalf in the case of a failure of technology.

This should be no longer than 1 A4 sheet; that is, capable of being read out within the time limit allowed by the Chair for speaking.

1.3 Petitions

Any person (other than a member of the Council) may present a petition at a Council meeting provided that:

- 10.1.2. notice of the desire to present the petition and the wording of the petition is given to the Proper Officer not later than 9.00 am **four** working days before the meeting; and
- (ii) the Petition is emailed to the Committee Officer named on the agenda 2 working days prior to the meeting.

When petitions are presented the presenter shall have the right to address the Council for not more than 3 minutes in support of the petition. Where a meeting is held virtually, and the addressee is unable to participate remotely their written submission will be accepted. This should be no longer than 1 A4 sheet. Notification requirements remain the same as set out above.

Part 3.3 Virement Rules

EXISTING TEXT

Virement Approvals

9. All virements will be subject to the following approval limits:

Amount	Minimum approval required
Up to and including £0.5m <i>(Subject to the cumulative rule above)</i>	Director <i>(following consultation with the Budget Holder), Section 151 Officer and relevant Cabinet Member(s)</i>
Greater than £0.5m <i>(Subject to the cumulative rule above)</i>	Cabinet <i>(following consultation with relevant Cabinet Member(s), Director and Section 151 Officer)</i>
Major Change in Policy and is worth £0.5m or more but less than £1m	Cabinet <i>(following consultation with relevant Cabinet Member(s), Director and Section 151 Officer)</i> Officer and relevant Cabinet member(s) . Section 151 Officer must consider if virements involve a major change in policy)

Any virement that involves a major change in policy and is over £1m	Council (Section 151 Officer must consider if virements involve a major change in policy)
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Exceptions to the virement rules

10. Exceptions to the virement rules are as follows:

- (i) If Section 151 Officer decides a decision by Council or Cabinet is required
- (ii) Member approval is not required where a budget will continue to be used for the approved purpose but is being moved, for example, to reflect a change in budget holder responsibilities. Such transfers will however require the approval of the relevant Finance Business Partner(s).
- (iii) Ringfenced grant funding has to be used for specified purposes. Virement to update income and expenditure budgets to match the grant notification provided by the relevant body can be actioned without further approval.
- (iv) Transfers between revenue and capital will be classed as a change in policy and will require Council approval regardless of the value.

NEW TEXT

Virement Approvals

9. All virements will be subject to the following approval limits:

Amount	Minimum approval required
Up to and including £1m £0.5m (Subject to the cumulative rule above)	Director (<i>following consultation with the Budget Holder</i>), Executive Director of Resources and Section 151 Officer and relevant Cabinet Member(s)

Greater than £1m £0.5m (<i>Subject to the cumulative rule above</i>)	Cabinet (<i>following consultation with relevant Cabinet Member(s), Director and Executive Director of Resources and Section 151 Officer</i>)
Major Change in Policy and is worth £0.5m £1m or more but less than £1m £2m	Cabinet (<i>following consultation with relevant Cabinet Member(s), Director and Executive Director of Resources and Section 151 Officer and relevant Cabinet member(s)).</i> Section 151 Officer must consider if virements involve a major change in policy)
Any virement that involves a major change in policy and is over £2m or more £1m	Council (Executive Director of Resources and Section 151 Officer must consider if virements involve a major change in policy)

Exceptions to the virement rules

10. Exceptions to the virement rules are as follows:

- (v) If **Executive Director of Resources and** Section 151 Officer decides a decision by Council or Cabinet is required
- (vi) Member approval is not required where a budget will continue to be used for the approved purpose but is being moved, for example, to reflect a change in budget holder responsibilities. Such transfers will however require the approval of the relevant **Strategic** Finance Business Partner(s).

- (vii) Ringfenced grant funding has to be used for specified purposes. Virement to update income and expenditure budgets to match the grant notification provided by the relevant body can be actioned without further approval.
- (viii) Transfers between revenue and capital will be classed as a change in policy and will require Council approval regardless of the value.

REASON

In order to align the thresholds with the proposed updated key decision thresholds.

Part 4.2 Cabinet Procedure Rules

Section	Current text	Proposed text	Reason
2 How Meetings are Conducted			
2.2 Who may attend	Any member of the Council shall be entitled to attend and observe any meeting of the Cabinet, subject to the provisions in section 7(d) of the Protocol on Councillors' Rights and Responsibilities at Part 9.2 of this Constitution (in relation to any part of a meeting from which the public has been excluded).	Any member of the Council shall be entitled to attend and observe any meeting of the Cabinet, subject to the provisions in section 7 6 (d) of the Protocol on Councillors' Rights and Responsibilities at Part 9.2 of this Constitution (in relation to any part of a meeting from which the public has been excluded).	The reference is incorrect.
3 Questions by Members of the Council			
3.3 Notice of Questions	A question may only be asked if notice has been given by delivering it in writing or by electronic mail to	A question may only be asked if notice has been given by delivering it in writing or by electronic mail to	To ensure that a question must relate to an item on the agenda and to allow an extra day for

	the Proper Officer no later than 9 am on the second working day before the meeting. Each question must give the name of the questioner and must name the member of the Cabinet to whom it is to be put.	the Proper Officer no later than 9 am on the second third working day before the meeting. Each question must relate to an item on the agenda for the meeting , give the name of the questioner and must name the member of the Cabinet to whom it is to be put.	responding, bringing the deadline into line with the proposed deadline for speaking requests.
3.6 Record of Questions	3.6.2 Where possible, the Cabinet Member will give their reply to the Proper Officer by 12.00 pm on the day of the meeting for inclusion in the Schedule of Addenda to be circulated at the meeting; otherwise, the Cabinet Member shall give a verbal reply at the meeting and, if necessary, a further written response after the meeting.	Where possible, the Cabinet Member will give their reply to the Proper Officer by 12.00 pm on the day before of the meeting for inclusion in the Schedule of Addenda to be circulated at the meeting; otherwise, the Cabinet Member shall give a verbal reply at the meeting and, if necessary, a further written response after the meeting.	Reflects practice and this earlier response deadline will be more achievable if the earlier submission deadline is adopted.
4 Right of Members to Speak			
4.1	The rights of members to speak are set out in Part 9.2 of the Constitution, Protocol on Members Rights and Responsibilities and in Part 3.1, paragraph 13 Council Procedure Rules.	The rights of members to speak are set out in Part 9.2 of the Constitution, Protocol on Members Rights and Responsibilities and in Part 3.1, paragraph 13 Council Procedure Rules.	CPR 13 refers to Council motions on notice so is not relevant to Cabinet. The reference to Part 9.2 is sufficient.

Part 4.3 Cabinet Committees

1 Proceedings of Committees	(f) the procedure for inclusion of items in the agenda for its meetings set out in paragraph 8(d) of the Protocol on Members' Rights as if it was a Council Committee.	the procedure for inclusion of items in the agenda for its meetings set out in paragraph 8 6(d) of the Protocol on Members' Rights as if it was a Council Committee.	Correction of reference.
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Part 4.4 Delegated Decisions by Individual Cabinet Members

Section	Current text	Proposed text	Reason
2. Proceedings	<p>(a) Any decision by a member of the Cabinet shall be subject to :</p> <p>(i) the Council's and the Cabinet's policies, budget and programme;</p> <p>(ii) the Access to Information Procedure Rules as they apply to the Cabinet (or, in the case of Rules 13-24, as applied by Rule 12.1);</p> <p>(iii) the provisions of the Council Procedure Rules enabling members of the public to present petitions at meetings and to request the opportunity to address meetings on items on the agenda;</p> <p>(iv) the provisions of Rule 3 of the Cabinet Procedure Rules (Questions by</p>	<p>(a) Any decision by a member of the Cabinet shall be subject to :</p> <p>(i) the Council's and the Cabinet's policies, budget and programme;</p> <p>(ii) the Access to Information Procedure Rules as they apply to the Cabinet (or, in the case of Rules 13-24, as applied by Rule 12.1);</p> <p>(iii) the provisions of the Council Procedure Rules enabling members of the public to present petitions at meetings and to request the opportunity to address meetings on items on the agenda;</p> <p>(iv) the provisions of Rule 3 of the Cabinet Procedure Rules (Questions by</p>	<p>The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 removed the requirement to have a public or any meeting to make Delegated Decisions by individual Cabinet Members.</p> <p>The proposed amendment would allow Cabinet Members the choice to have a meeting in person or online.</p> <p>There are differing examples Bucks Council does not require a meeting to be held. Glos and Wilts allow online meetings.</p> <p>Rational: efficient and effective conduct of business, and saving travel by Members and Officers.</p>

	<p>Members of the Council) as far as is practicable; and</p> <p>(v) the provisions of the Protocol on Councillors' Rights and Responsibilities at Part 9.2 to the extent specified in that Protocol.</p> <p>(b) Should a Cabinet Member not be able to be present to take decisions within her/his portfolio for which an agenda has already been published, the Leader or the Deputy Leader (or an alternative member of the Cabinet nominated by the Leader) shall be permitted to attend in her/his place. If, however, neither the Leader nor the Deputy Leader (nor any alternative Cabinet Member nominated by the Leader) can be present, the decision shall be made by the Cabinet at its next scheduled meeting unless the original Cabinet Member can be present to take a decision on a date which is before the next meeting of the Cabinet.</p>	<p>Members of the Council) as far as is practicable; and</p> <p>(v) the provisions of the Protocol on Councillors' Rights and Responsibilities at Part 9.2 to the extent specified in that Protocol.</p> <p>(b) Should a Cabinet Member not be able to be present to take decisions within her/his portfolio for which an agenda has already been published, the Leader or the Deputy Leader (or an alternative member of the Cabinet nominated by the Leader) shall be permitted to attend in her/his place. If, however, neither the Leader nor the Deputy Leader (nor any alternative Cabinet Member nominated by the Leader) can be present, the decision shall be made by the Cabinet at its next scheduled meeting unless the original Cabinet Member can be present to take a decision on a date which is before the next meeting of the Cabinet.</p> <p>(c) A Cabinet Member may choose to hold their</p>	
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		<p>decision meeting online, rather than at County Hall. This must be made clear in the agenda for the meeting and cannot be changed once the agenda has been published. If a member of the public wishes to present a petition or speak on an item on the agenda at the meeting but does not have access to a device to participate online, officers will offer them assistance to join the meeting from a council office or library and failing that, read out their statement at the meeting.</p>	
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Part 4.6 Transport Advisory Panel

Section	Current text	Proposed text	Reason
All	See Appendix 3	Delete all of Part 4.6	The Panel has not met since 2018. The Transport Working Group of the Place Overview & Scrutiny Committee provides scrutiny on Transport matters.

Part 5.1A Regulatory and Other Committees

Section	Current text	Proposed text	Reason
3 Frequency of Meetings	<p>The Committees will ordinarily meet with the following frequencies:</p> <ul style="list-style-type: none"> a) Audit & Governance Committee - 6 times a year b) Pension Fund Committee - 4 times a year c) Planning & Regulation Committee - 8 times a year <p>Additional meetings may be convened at other times. The convening and conduct of meetings will be in accordance with the Council Procedure Rules approved by the Council.</p>	<p>The Committees will ordinarily meet with the following frequencies:</p> <ul style="list-style-type: none"> a) Audit & Governance Committee - 6 times a year b) Pension Fund Committee - 4 times a year c) Planning & Regulation Committee - 8 times a year <p>Additional meetings may be convened at other times, or advertised dates may be cancelled or changed, by agreement of the relevant Committee at a meeting or by a decision of the Monitoring Officer following consultation with the Chair of the Committee, except that a meeting may not be postponed or cancelled once the agenda has been published.</p> <p>The convening and conduct of meetings will be in accordance with the Council Procedure Rules approved by the Council.</p>	<p>There is currently no procedure for making changes to the meeting schedule between meetings of a Committee, for example if there is a proposal to cancel or move the next meeting.</p>

Part 5.1B Health and Wellbeing Board

Section	Current text	Proposed text	Reason
Replace the whole Part	See Appendix 4	See Appendix 5	The new ToR agreed by the Board have not yet been adopted by Council.

Part 6.1A Overview & Scrutiny Committees

Section	Current text	Proposed text	Reason
3 Education & Young People Overview & Scrutiny Committee	<p>The terms of reference of the Committee will be:</p> <p>(ii) To focus on the following key areas</p> <p>a) All services and preventative activities/initiatives relating to children, young people, education (including Home to School Transport and Special Educational Needs and Disability), and support of families;</p> <p>b) The Council's statutory functions in relation to children's social care and safeguarding. This includes public health as they relate to children and young people where they are not covered by the Joint</p>	<p>The terms of reference of the Committee will be:</p> <p>(ii) To focus on the following key areas</p> <p>a) All services and preventative activities/initiatives relating to children, young people, education (including Home to School Transport and Special Educational Needs and Disability but excluding adult education), and support of families;</p> <p>b) The Council's statutory functions in relation to children's social care and safeguarding. This includes public health as they relate to children and young people where they are not covered by the Joint</p>	<p>Confusion has arisen over whether adult education is more appropriately a People Overview and Scrutiny Committee responsibility, given the focus on adults, or an Education and Young People Overview and Scrutiny Committee function, given its remit over Education.</p> <p>It is recommended that in light of the current workloads of the two Committees that this work be directed to the People Overview and Scrutiny Committee.</p>

	Health Overview and Scrutiny Committee; c) Matters relating to care leavers and the transition between children's and adult services d) The welfare of unaccompanied young asylum seekers e) Services for Young Carers	Health Overview and Scrutiny Committee; c) Matters relating to care leavers and the transition between children's and adult services d) The welfare of unaccompanied young asylum seekers e) Services for Young Carers	
4 People Overview & Scrutiny Committee	(a) all services and preventative activities/initiatives relating to adults in potential need of social care; (b) scrutiny of the Council's statutory functions in relation to adult social care and safeguarding. Includes public health matters as they relate to adults where they are not covered by the Joint Health Overview and Scrutiny Committee;	(a) all services and preventative activities/initiatives relating to adults in potential need of social care; (b) scrutiny of the Council's statutory functions in relation to adult social care and safeguarding. Includes public health matters as they relate to adults where they are not covered by the Joint Health Overview and Scrutiny Committee; (c) Council educational support for adults with learning difficulties.	Confusion has arisen over whether educational support for adults with learning difficulties is more appropriately a People OSC responsibility, given the focus on adults, or an Education and Young People OSC function, given its remit over Education. It is recommended that in light of the current workloads that work be directed to People Overview and Scrutiny Committee.
5. Performance & Corporate Services Overview & Scrutiny Committee	(iv) To fulfil the Council's scrutiny responsibilities under the Crime and Justice Act 2006.	(iv) To fulfil the Council's scrutiny responsibilities under the Crime and Justice Act 2006.	The annual Crime and Disorder meeting is held under legislation from the Police and Justice Act 2006. This meeting has been hosted by Place Overview and Scrutiny Committee, which is

			supported elsewhere in the constitution (Part 6.2 8 b). This reference is clearly in the wrong place. The Monitoring Officer may correct the name of the legislation, but not move the responsibilities.
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Part 6.1B The Oxfordshire Joint Health Overview & Scrutiny Committee

Section	Current text	Proposed text	Reason
18 – Duty of NHS Bodies or Health Service Providers to Consult on Substantial Developments or Variations in Provision of Service	See Appendix 6	See Appendix 7	To reflect the changes in the Health and Care Act 2022.

Part 6.1C Buckinghamshire, Oxfordshire, Berkshire West Joint Health Overview and Scrutiny Committee Terms of Reference

Section	Current text	Proposed text	Reason
All	Insert new Part	See Appendix 8	Under the terms of reference agreed by the constituent councils of the Buckinghamshire, Oxfordshire and Berkshire West Joint Health Overview and Scrutiny Committee, responsibility for

			administering its meetings falls to the Council from whom the Chair comes. Should members of the BOB HOSC appoint the current vice-Chair (or another Oxfordshire councillor) to become Chair in February 2025, responsibility for these meetings will fall to Oxfordshire County Council, likely for two years. It is recommended, therefore, that the agreed terms of reference for the BOB HOSC are included within the Council's constitution.
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Part 6.2 Overview & Scrutiny Procedure Rules

Section	Current text	Proposed text	Reason
6	The Scrutiny Committees will be responsible for setting their own work programme and in doing so they will take into account the views of the co-opted members.	Subject to the rules in Part 6.2 11 (Agenda Items) the Scrutiny Committees will be solely responsible for setting their own work programme and but in doing so they will take into account the views of the co-opted members, suggestions by members of the public or external stakeholders, and senior officers. Where suggestions from members of the public are not adopted, a response will be provided to the	This section explains the rights of the Overview and Scrutiny Committee to set its own work programme. However, there exist rules in part 6.2 (11) which allow members of the public to request or require items to be on a Scrutiny agenda. Without clarification, the two could appear to be in conflict.

		original proposer to provide a reason.	
8 (b)	<p>The Place Overview and Scrutiny Committee shall meet at least once in every twelve month period as the 'Crime and Disorder Committee' to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions.</p> <p>Footnote: Regulation 4 of the Crime and Disorder (Overview and Scrutiny) Regulations 2009</p>	<p>The Place Overview and Scrutiny Committee shall meet at least once in every twelve month period as the 'Crime and Disorder Committee' to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions.</p> <p>Footnote: Regulation 4 of the Crime and Disorder (Overview and Scrutiny) Regulations 2009 The Police and Justice Act 2006</p>	<p>The annual Crime and Disorder meeting is held under legislation from the Police and Justice Act 2006. This meeting has been hosted by Place Overview and Scrutiny Committee, which is supported elsewhere in the constitution (Part 6.2 8 b). This reference is clearly in the wrong place. The Monitoring Officer may correct the name of the legislation, but not move the responsibilities.</p>
11 (b)	<p>Any member of the Council shall be entitled to give notice, under the Procedure for a Councillor Call for Action set out in Annex 1 to the Protocol on Members' Rights and Responsibilities, to the Proper Officer that they wish an item concerning their Electoral Division and which is relevant to the functions of the Committee to be included on the agenda for that Committee. If the Proper Officer receives the request at least 15</p>	<p>Any member of the Council shall be entitled to give notice under the Procedure for a Councillor Call for Action set out in Part 9.3 Annex 1 to the Protocol on Members' Rights and Responsibilities, to the Proper Officer that they wish an item concerning their Electoral Division and which is relevant to the functions of the Committee to be included on the agenda for that Committee. If the Proper Officer receives the request at least 15</p>	<p>There has been an update to the Constitution in which the section called Councillor Call for Action protocol has been renamed Part 9.3, having previously been called Annex 1. Part 6.2 (11) b still refers to it by its old name.</p> <p>It is recommended that this is updated to correspond with the new name.</p>

	working days before a scheduled meeting of that Committee they will include it on the agenda for that meeting; otherwise it will be placed on the agenda for the following meeting of that Committee. The councillor shall have a right to speak at the meeting during consideration of that item.	working days before a scheduled meeting of that Committee they will include it on the agenda for that meeting; otherwise it will be placed on the agenda for the following meeting of that Committee. The councillor shall have a right to speak at the meeting during consideration of that item.	
13 (f)	Where Cabinet considers a report of a Scrutiny Committee the Proper Officer will include Cabinet's response on an appropriate agenda of the Scrutiny Committee.	Where Cabinet considers a report of a Scrutiny Committee a formal written response will be agreed by the Cabinet Member within 28 days for recommendations made by the Health Overview and Scrutiny Committees, and by the Cabinet within two months for all others. These deadlines may be extended with the agreement of the Chair and Deputy Chair of the relevant Committee. The Proper Officer will include Cabinet's response on an appropriate agenda of the Scrutiny Committee.	There exist statutory deadlines for responding to Scrutiny recommendations. Two months for 'standard' recommendations, and 28 days for those made by a Health Overview and Scrutiny Committee. The Constitution does not make reference to these. Whilst this absence does not obviate the legislation, including it within the constitution would make the Council's responsibilities clearer to all.
19 and 20	See Appendix 9	See Appendix 10	To provide clarity on the valid reasons for call-in, the call-in

			<p>procedures and dealing with the outcomes.</p> <p>To reduce the current 30 working days 'expiry' date on a call-in to 20 working days (in 19(u)), approximately a month, to speed up Council processes.</p>
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Part 6.3 Protocol on Scrutiny Participation

Section	Current text	Proposed text	Reason
All	See Appendix 11	Delete all of Part 6.3	<p>Part 6.3 of the Constitution, the Scrutiny Participation Protocol is lengthy, bureaucratic, and (in part) duplicates other sections of the Constitution.</p> <p>It is recommended that it be deleted and instead to add to the section on work programming in the Overview and Scrutiny Procedure Rules.</p>

Part 7.2 Scheme of Delegation to Officers

Section	Current text	Proposed text	Reason
6.4 (p)	to adjust the terms of reference of a scrutiny committee to reflect detailed changes in the remits of	to adjust the terms of reference of a scrutiny committee to reflect detailed changes in the remits of	The Scheme of Delegation makes reference to a body which does not

	individuals or bodies which are specified in those terms of reference, subject to the concurrence of the Scrutiny Co-ordinating Group in each case;	individuals or bodies which are specified in those terms of reference, subject to the concurrence of the Scrutiny Co-ordinating Group consulting with the Scrutiny Chairs and Deputy Chairs in each case;	exist, the 'Scrutiny Coordination Group'. It is recommended this is reworded to align with existing structures.
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Part 8.3 Contract Procedure Rules

Section	Current text	Proposed text	Reason
All	See Appendix 12	See Appendix 13	See Appendix 14

Part 9.2 Protocol on Members' Rights and Responsibilities

Section	Current text	Proposed text	Reason
All	See Appendix 15	Appendix 16	To reflect practice and changes made elsewhere in the Constitution as well as the Council's commitment to reducing paper. A separate protocol will address DBS checks for councillors.

Part 9.4 Policy on IT use by Members of the County Council

Section	Current text	Proposed text	Reason
All	See Appendix 17	Delete and renumber the following Parts.	The Policy is out of date and does not need to be in the Constitution.

			IT Policy is likely to change frequently and would be better distributed to Members through induction packs.
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Part 9.6 Protocol on Member-Officer Relations

Section	Current text	Proposed text	Reason
All	See Appendix 18	Appendix 19	<p>Clarification of the need to read this protocol in conjunction with other codes and protocols in the Constitution.</p> <p>New sections included:</p> <ul style="list-style-type: none"> • 3.1.2 to highlight the role of members to promote and ensure equality, diversity and inclusion; • 7 Contact between Members and Officers setting out expectations • 8 Access to Information clarifying and setting out expectations

Part 10.1 Member Allowances

Section	Current text	Proposed text	Reason
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1, 17, 18 and Schedule 1	See Appendix 20 (Rates for 2023/24)	See Appendix 21 (Rates for 2024/25)	The application of the annual indexing policy in the Member Allowances Scheme.
10	Subject to paragraph 13, an allowance shall be paid to:	Subject to paragraph 123 , an allowance shall be paid to:	Correction of reference.
11	Subject to paragraph 13 below the amounts payable shall be the amounts which are for the time being payable to officers of the Council in respect of travelling and subsistence undertaken in the course of their duties.	Subject to paragraph 123 below the amounts payable shall be the amounts which are for the time being payable to officers of the Council in respect of travelling and subsistence undertaken in the course of their duties.	Correction of reference.
22	<p>A claim under the travelling and subsistence and dependants' carers' allowance provisions of this Scheme:</p> <p>(a) shall be made in writing within two months from the date of performance of the duty in respect of which the claim is made;</p>	<p>A claim under the travelling and subsistence and dependants' carers' allowance provisions of this Scheme:</p> <p>(a) shall be made in writing or electronically within two months from the date of performance of the duty in respect of which the claim is made;</p>	Claims are now made primarily via an internet system.
25	A councillor may at any time and for any period, by notice in writing to the Chief Executive Officer, elect to forego any part of his/her	A councillor may at any time and for any period, by notice in writing or electronically to the Chief Executive Officer, elect to forego	To make it clear that e-mail communication is also acceptable.

	entitlement to an allowance under this Scheme	any part of his/her entitlement to an allowance under this Scheme	
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