

**Changes to be made by the Monitoring Officer under delegated authority**

**Oxfordshire CC Constitution**

In addition to those listed below, the Constitution will be checked prior to publication of the final version for layout, numbering, general formatting, job titles and grammatical errors.

No	Part	Change	Comments
	<b>Part 1.1 The Oxfordshire County Council Constitution</b>		
1	Paragraph 4.1 (c) and (d)  <b>Review of the Constitution</b>	(c) record and analyse issues raised <b>with</b> the Monitoring Officer by Councillors, officers, the public and other relevant stakeholders; and  (d) compare practices in the authority with those in other comparable authorities, <del>or</del> <b>and</b> national examples of best practice	Provides clarity
2	Paragraph 6 (b)  <b>Publication of the Constitution</b>	(b) The Monitoring Officer will ensure that copies of the Constitution are available for inspection at council offices, libraries and other appropriate locations, and is available electronically on the Council’s public website and can be purchased by <del>Councillors</del> <b>members</b> of the local press and the public on payment of a reasonable fee.	It would appear that ‘Councillors’ was inserted following a generic change. The rest of the constitution will be checked.

No	Part	Change	Comments
<b>Part 1.2 How Oxfordshire County Council Operates</b>			
3	Section 1, first paragraph <b>Councillors</b>	Oxfordshire County Council comprises <del>69</del> 3 County Councillors, <del>due to an increase to 69 Councillors from May 2025,</del> elected every four years (beginning 2001). 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. <b>If that date falls on a Bank Holiday, the terms will start and finish on the next day that is not a Bank Holiday (Local Government Act 1972, Section 243(1)).</b> 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.	Provides clarity.
4	Section 2, second paragraph <b>Council</b>	The Council is responsible for appointing the Leader of the Council and various committees: some of these committees are responsible for overseeing and reviewing the decisions of the Cabinet on behalf of the Council; others have statutory non-executive responsibilities to discharge. <b>Further details of the committees of the Council are summarised below. More detailed information can be found in Parts 4, 5 and 6 of this Constitution.</b> <del>A full list of the responsibilities of Council is set out below.</del>	Provides clarity.

Appendix 2

No	Part	Change	Comments
5	Section 2, fourth paragraph	A full list of the responsibilities of Council is set out below. Only the Council will exercise these following functions: .....	Provides clarity.
6	Table 2.A  <b>How Oxfordshire County Council operates</b>	<b>Plan/strategy</b>	Required as a result of changes made by the Levelling Up and Regeneration Act 2023, which have only recently come into effect
		Local Development Scheme and Development Plan Documents (including Minerals and Waste) <b>Minerals and Waste Plan</b>	
7	Section 3, third paragraph (f) and (h)  <b>The Chair of Council</b>	(f) speaks for the Council <del>as a whole</del> <b>where there is unanimity</b> on non-political issues, particularly on public occasions;	Provides clarity.
8		(h) Where the Council has expressed its wish, does not speak publicly <b>unless explicitly requested to do so by the Council</b> , <del>save in accordance in accordance with the declared wish of the Council.</del> <b>See (f) above;</b>	See above.
9	Section 4, first paragraph  <b>Cabinet</b>	The Cabinet is <del>the part of the Country Council which is</del> responsible.....	The explanation is not required.
10	Section 4, second paragraph	Many of the day-to-day decisions on these matters will, in practice, be taken by sub-committees <b>comprising of</b> Ecouncillors or by professional officers acting in	Provides clarity.

No	Part	Change	Comments
		accordance with the delegation arrangements described later.	
11	Section 6  <b>Overview and Scrutiny Committees</b>	These committees monitor the <b>delivery of the Council's strategic objectives and assist with policy development. This is done, in part, by reviewing the</b> actions of the Cabinet, <del>and the other</del> <b>including Cabinet Sub-Committees, by holding</b> and may call <b>them</b> to account. Non-Cabinet members can (subject to certain rules) require decisions of the Cabinet to be 'called in' for review by the relevant Scrutiny Committee. The committee may recommend that the Cabinet reconsider the decision, although the final decision will still remain with the Cabinet.	Provides clarity
12	Section 8  <b>The County Council's Staff</b>	The County Council employs professional staff (or 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the County Council acts within the law and uses its resources <b>effectively and efficiently.</b> <del>wisely.</del>	Provides clarity.
<b>Part 1.3 Decision Making</b>			
13	Paragraph 4  <b>Decision Making by Council Bodies Acting as Tribunals</b>	The Council, a <del>C</del> committee or <del>S</del> sub- <del>C</del> committee of the Council, a <del>C</del> councillor or an officer acting as a tribunal or in a quasi-judicial manner.....	Grammar.

Appendix 2

No	Part	Change	Comments
14	Paragraph 5  <b>Decision Making by Officers</b>	<del>The</del> Decisions <b>taken</b> by officers on executive matters will be recorded by the Council.	Grammar.
<b>Part 3.1 Council Procedure Rules</b>			
15	Paragraph 1.1.2 (iv)  <b>Annual Meeting of Council</b> and the same change in  <b>Ordinary Meetings Paragraph 2.2 (ii)</b>	approve the minutes of the last meeting. <del>and receive for information any matters arising from them</del>	To consider matters arising from the minutes would be contrary to the Local Government (Access to Information) Act 1985 (as now incorporated into the Local Government Act 1972).
16	Paragraph 1.1.2 (x)  <b>Timing and Business</b>	“be deemed to have appointed, as <b>substitute</b> <del>alternate</del> members for each member of the Council appointed to a committee, all those members of that member’s political group who are not for the time being members of that committee, save that only Members of the Cabinet shall be deemed to have been appointed as <b>substitute</b> <del>alternate</del> members for other Members of the Cabinet and only non-Cabinet members shall be deemed to have been appointed as <b>substitute</b> <del>alternate</del> members for other non-Cabinet members on scrutiny committees;”	Provides clarity.

Appendix 2

No	Part	Change	Comments
17	Paragraph 2.1 (a)  <b>Ordinary Meetings</b>	<b>Ordinary Meetings and Budget Council</b>  a) normally be held on the second <del>third</del> Tuesday in February (the budget meeting);	Provides clarity
18	Paragraph 3.1 amend (iv) and remove existing (v)  <b>Extraordinary Meetings</b>	any <del>ten</del> <b>five</b> Members of the Council if they have signed a requisition presented to the 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  <del>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.</del>	Makes the position legally compliant, in accordance with the LG Act 1972.
19	Paragraph 3.4	The Chair may exercise <del>his</del> discretion	Correction
20	Paragraph 4.2 (iv)  <b>Substitution</b>	subject to <b>the completion of</b> any training requirements specified by the Monitoring Officer	Provides clarity
21	Paragraph 6  <b>Notice of and Summons to Meetings</b>	The Proper Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, the Proper Officer will send a summons signed by him or her <del>by post and electronic mail</del> to every member of the Council or leave it at an	Clarifies the current position.

Appendix 2

No	Part	Change	Comments
		agreed designated place for collection. The summons will give the date, time and place of each meeting and specify the business to be transacted; and will be accompanied by such reports as are available. <b>A copy of the notice will be placed on public inspection and be available online.</b>	
22	Paragraph 8.2  <b>Attendance</b>	Members attending virtually at Council and members of statutory committees attending virtually at the committee are not <b>legally</b> considered <b>to be</b> present and therefore unable <del>must not</del> to vote, do not count towards the quorum and <b>will not normally be entitled to</b> <del>must not</del> speak at the meeting. The chair of Council or a committee may agree exceptions to <del>this</del> <b>the speaking</b> rule to allow Members to speak virtually.	Provides clarity. Paragraphs will be reformatted.
23	Paragraph 10.5 (i)  <b>Petitions and Request to Address Council</b>  <b>Chair's Discretion</b>	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;	Grammar.
24	Paragraph 10.5 (ii)  <b>Chair's Discretion</b>	where that reciprocal arrangement <del>was</del> <b>is</b> not in place then District and City Councillors <del>would</del> <b>will</b> retain the right to apply alongside other members of the public.	Grammar

Appendix 2

No	Part	Change	Comments
25	Paragraph 11.2  <b>Questions by the Public</b>  <b>Order of Questions</b>	Subject to the maximum time allowed for public questions at any one meeting being 30 minutes, questions will normally be listed and asked in the order they were notice of them was received by the Proper Officer. It should be noted that the Chair has the discretion to except that the Chair may group similar questions together. Where this happens the order in which the questions are listed and asked may vary from the order in which they were received.	Provides clarity
26	Paragraph 11.4  <b>Number of Questions</b>	At any one meeting no person or organisation may submit more than one question. and no more than one question may be asked on behalf of any one organisation.	Provides clarity
27	Paragraph 11.8  <b>Written Answers</b>	Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the member of the public or representative of an organisation, by to whom it was to be put, will be deemed dealt with by the provision of a written answer.	Provides clarity
28	Paragraph 12.2.1  <b>Questions on Notice at Full Council</b>	Subject to Rule 12.3, a member of the Council may ask up to 3 questions at ordinary meetings of the Council with notice, on any matters to which the Council has powers or duties affecting the County of:  (i) To the Leader of the Council;  (ii) To other Members of the Cabinet; or	Provides clarity

Appendix 2

No	Part	Change	Comments
		(iii) <del>To the Chair of a scrutiny or other council committee; at ordinary meetings of the Council on any matters in relation to which the Council has powers or duties which affects the County.</del>	
29	Paragraph 12.2.2	Subject to the maximum number of questions from any member being 3, the time allowed for Councillors' questions with notice at any one meeting being 30 minutes, questions will be <b>listed and</b> asked in the order <b>they were</b> notice of them was received by the Proper Officer. <del>except that the Chair may group together similar questions;</del> <b>It should be noted that the Chair has the discretion to group similar questions together. Where this happens the order in which the questions are listed and asked may vary from the order in which they were received.</b>	Provides clarity.
30	Paragraph 12.3.3 (iv)  <b>Notice of Questions</b>	If answering a question would require the disclosure of confidential or exempt information, <del>then</del> the Proper Officer will <del>shall</del> reply <b>to the member in an appropriate writing in a confidential manner;</b>	Provides clarity.
31	Paragraph 12.3.4	In all cases the final decision on whether a question is appropriate falls to the Chair of the Council, <b>having regard to the advice of the Proper Officer.</b>	Provides clarity and tightens the process.
32	Paragraph 12.4	The Proper Officer will <b>record</b> <del>enter</del> each question <del>in a</del> <b>which will be stored electronically and be</b> <del>book</del> open to public inspection and will immediately send a copy of the	Reflects current arrangements.

Appendix 2

No	Part	Change	Comments
	<b>Record of decisions</b>	question to the member to whom it is to be put. That Member must give her/his reply to the Proper Officer by 10 am on the <del>second</del> working day before the meeting. Rejected questions will include reasons for rejection. Copies of all accepted questions and replies will be circulated to all Councillors on the day prior to the meeting and will be made available to the public attending the meeting.	
33	Paragraph 12.6.3 <b>Response to Supplementary Question</b>	where the reply cannot conveniently be given orally <b>at the meeting</b> , a written answer <b>subsequently</b> circulated <del>later</del> to the questioner and copied to all Members of the Council.	Provides clarity.
34	Paragraph 13.1.2 <b>Motions On Notice Notice</b>	A motion which, in the opinion of the Chair, following advice from the Monitoring Officer, <b>does not comply with</b> <del>offends against</del> the requirements in Rule 13.3 (Scope) shall be excluded from the agenda. <del>but</del> <b>In such cases</b> the member who gave notice <b>of the motion</b> , it shall first be advised and allowed the opportunity to modify the motion to make it acceptable.	Provides clarity.
35	Paragraph 13.5.6 <b>Treatment of Motions</b>	A motion to amend a motion of which notice has been given under this Rule shall <b>only</b> be considered <del>only</del> if <b>it is</b> presented to the Proper Officer in writing or electronic mail by 9.00 am two working days before the meeting.	Provides clarity.

Appendix 2

No	Part	Change	Comments
36	<p>Paragraph 14.1 <b>NEW</b>  <b>xii</b> and renumber  thereafter</p> <p><b>Motions Without  Notice</b></p>	<p>The following motions may be proposed without notice:  <b>NEW</b> xii  to provide a personal explanation or point of order;</p>	<p>Corrects an omission.</p>
37	<p>Paragraph 15.2</p> <p><b>Rules of Debate</b></p> <p><b>Right to require  Motion in Writing</b></p>	<p>Unless notice of a motion has already been given, the  Chair may require it to be written down and <b>presented to  the Chair</b> handed to him/her before it is discussed.</p>	<p>Clarification.</p>
38	<p>Paragraph 15.3</p> <p><b>Secunder's Speech</b></p>	<p>A member seconding a motion or amendment may  reserve <b>their right to speak</b> her/his speech until later in the  debate but shall lose the right to speak if a motion under  Rule 14.1 (vii) "that the question be now put" is carried</p>	<p>Provides clarity.</p>
39	<p>Paragraph 15.4.1</p> <p><b>Content and  Length of Speeches</b></p>	<p>Speeches must be directed to the motion under  discussion or to a personal explanation or point of order  and it shall be the duty of the Chair to stop discussion  which <b>the Chair considers</b> in her/his judgement, is  irrelevant.</p>	<p>Provides clarity.</p>
40	<p><b>NEW</b> paragraph  15.4.3</p>	<p><b>The time limits in 15.4.2 above will be</b> subject to these  time limits being extended at the February (or budget  setting) meeting to ten minutes and five minutes  respectively, when discussing the budget.</p>	<p>Provides clarity.</p>

Appendix 2

No	Part	Change	Comments
41	<b>NEW paragraph 15.4.4</b>	<del>In subject to</del> in all cases, the Chair of the Council will <del>have</del> ing the discretion to limit the number of persons who may speak on any issue and the order of speaking in the best interests of the efficiency of the meeting. <b>The Chair shall have regard to the advice of the Proper Officer.</b>	Provides clarity.
42	Paragraph 15.6.1 after (ii)  <b>Amendments to Motions</b>	but any such amendment shall not have the effect of introducing a substantially different proposal <del>into</del> , or negating the whole motion. The amendment must not take the original motion over 250 words.	Provides clarity.
43	Paragraph 15.6.2	Only one amendment will be moved and discussed at any one time, unless the Chair determines otherwise (such as grouping amendments together) to allow for the efficient running of business. No further amendment will be moved until the amendment under discussion has been dealt with unless, in <del>the</del> view of the Chair, the efficient <del>consideration</del> <del>despatch</del> of business would be assisted if two or more amendments were debated simultaneously before being put (separately) to the vote.	Provides clarity.
44	Paragraph 15.6.8	After an amendment has been carried, the Chair will ensure that <del>members</del> <del>Councillors</del> are clear on the wording of the amended motion and, if necessary, read out the amended motion before accepting any further amendments or, if there are none, <del>putting</del> it to the vote.	Provides consistency.
45	Paragraph 15.8	A motion or amendment once proposed shall not be withdrawn except with the agreement of the <del>mover and</del> <del>second</del> er and the consent of the Council. The meeting's	Provides clarity

Appendix 2

No	Part	Change	Comments
	<b>Withdrawal of Motion</b>	consent will be signified without discussion. No member may speak on the <b>withdrawn</b> motion after the mover has asked permission to withdraw it unless permission is refused.	
46	Paragraph 15.9.4 <b>Right of Reply</b>	A member exercising a right of reply shall not introduce new matters.	Grammar.
47	Paragraph 15.11.1 <b>Closure Motions</b>	A member who has not already spoken may move, without comment, at the end of a speech of another member ‘that <b>Council moves the vote</b> the question be now put’.	Provides clarity.
48	Paragraph 15.14.1 <b>Time Limit for Debate</b>	Each debate on a motion (including any amendments) shall be subject to a time limit, which shall be determined by the Chair following publication of the agenda and following consultation with Group Leaders. <del>at the pre-meeting briefing meeting.</del> The respective time limits shall be determined having regard to the overall content of the agenda and on the basis of an initial presumption of a maximum of 30 minutes for any one debate (excluding themed debates, where a maximum of 2 hours shall be applied), and shall be notified to <b>members</b> <del>Councillors</del> through the published Schedule of Business; <del>provided that</del> <b>T</b> he Chair may extend the time limit for debate on a motion if, during the debate, the Chair thinks it desirable to allow extra time for that debate but only to take up time gained on the early despatch of previous business. <b>In such instances the Chair, will a</b> At the conclusion of the time	Provides clarity.

Appendix 2

No	Part	Change	Comments
		<p>allocated to a debate, <del>the Chair will</del> draw the attention of the meeting to this Rule. The debate <del>will shall</del> immediately be concluded as if the motion “that the question be now put” had been moved and carried in accordance with Rule 15.11.3 above, subject to the right of any seconder who has reserved <del>their her/his</del> speech until later having the right to speak before the rights of reply are exercised.</p>	
49	Paragraph 15.14.2	<p>Where an item on an agenda (for example the Report of the Cabinet) contains a number of items of business, or where items of business (for example Motions on Notice) have been grouped together on an agenda; each <del>such</del> item or grouping shall be deemed to constitute <b>an individual</b> ‘category’ of business. In such circumstances the Chair, following publication of the agenda and subsequent consultation with Group Leaders, shall determine an overall time limit to be applied to each such category. The time limits so allocated, shall be determined and notified in accordance with the arrangements set out at Rule 15.14.1 above. Any business which remains unfinished at the expiry of the time set down shall be deferred either to an adjourned meeting, to the next scheduled meeting or to an additional, extraordinary meeting. The destination of such deferred business shall be determined by the Chair. This does not apply to Motions of Notice received in accordance with Rule 13 above not proposed and seconded in accordance with Rule 15.1 above, which shall be considered to be dropped.</p>	Provides clarity.

Appendix 2

No	Part	Change	Comments
50	Paragraph 17.4  <b>Voting</b>  <b>Recorded Vote</b>	If the Chair or seven Councillors, by standing in their places, <b>where possible</b> , so require (whether before or after a show of hands or electronic vote, but before the next business has commenced) a named vote shall be taken when each member shall be called upon to register their vote electronically for or against the motion (or, if required by the Chair, saying 'yes', 'no' or 'abstain'). Where a member makes an error in registering their vote <u>they</u> may rectify the error provided this is done before the electronic vote has closed (or the next member has been called upon to vote). The Chair will clarify with Council that all Councillors have voted prior to closing the vote.	Provides clarity
51	Paragraph 18.1  <b>Minutes</b>  <b>Signing the Minutes</b>	The Chair will sign the minutes of the proceedings at the next suitable meeting. The Chair will move that the minutes of the previous meeting(s) be signed as a correct record. <b>There can be no discussion on the Minutes other than to consider</b> <del>The only part of the minutes that can be discussed at this point in the meeting is their accuracy.</del>	Provides clarity.
52	Paragraph 18.3  <b>Form of Minutes</b>	Minutes <b>are not a verbatim record and are prepared to provide a summary of the debate and to record the decisions.</b> The Minutes will contain all motions and amendments in their exact form and <b>in the</b> order that they were put to the meeting.	Provides clarity.
53	Paragraph 20.1  <b>Disturbance by Public</b>	<b>Removal of a Member of the Public</b>  If a member of the public interrupts proceedings at any meeting, the Chair shall <b>issue a warning.</b> <del>warn her/him.</del> If	Provides clarity.

Appendix 2

No	Part	Change	Comments
	<p><b>Removal of Member of the Public</b></p>	<p>they continue the interruption, the Chair will order them to leave the meeting room. If they do not leave, the Chair shall order them to be removed. If a member of the public persistently creates a disturbance, the Chair may adjourn the meeting for fifteen minutes or as long as they think necessary.</p>	
<p>54</p>	<p>Paragraph 21.3</p> <p><b>Councillors' Conduct</b></p> <p><b>Member not to be heard further</b></p>	<p>If a member in the opinion of the Chair, misconducts <del>her/himself</del> <b>themselves</b> by persistently disregarding the ruling of the Chair, by using offensive expressions or gestures, or by otherwise behaving improperly or obstructing the business of the meeting; the Chair may require that <del>the member named to</del> <b>named to</b> withdraws any offensive expression or gesture and may also move that the member named be not further heard. If seconded, this motion shall be put to a vote without debate. If carried, the member <del>named</del> shall not speak further at the meeting.</p>	<p>Provides clarity.</p>
<p>55</p>	<p>Paragraph 22.1</p> <p><b>Suspension and Amendment of Council Procedure Rules</b></p> <p><b>Suspension</b></p>	<p>All of these Council Rules of Procedure except Rule 17.5 and Rule 18.2 may be suspended by motion on notice or without notice if at least one half of the whole number of <del>Members</del> <b>Councillors</b> of the Council are present. <del>If granted, the s</del> <b>Suspension will</b> <del>can</del> only <b>apply</b> <del>be</del> for the duration of the meeting.</p>	<p>Provides clarity</p>

Appendix 2

No	Part	Change	Comments
<b>Part 4.1 The Cabinet and Current Membership of Cabinet and Shadow Cabinet</b>			
56	Paragraph 6  <b>Responsibility for Functions</b>	Cabinet Member – Functions updated  Similarly, the membership of the Cabinet and the Opposition Shadow Cabinet has been updated	Titles, names and responsibilities are updated to reflect the current position. <i>These are kept updated and administered by the MO under delegated powers.</i>
<b>Part 4.2 Cabinet Procedure Rules</b>			
57	Paragraph 3.2  <b>Order of Questions</b>	Subject to the maximum time allowed for councillors' questions with notice at any one meeting being 30 minutes, questions will be asked in the order <del>they were notice of them was</del> received by the Proper Officer; <del>except that the Chair may group together similar questions.</del> <b>It should be noted that the Chair has the discretion to group similar questions together. Where this happens the order in which the questions are listed and asked may vary from the order in which they were received.</b>	Brings into line with the suggested change to paragraph 12.2.2.  (See 29 above)
58	Paragraph 3.4, second sub-para  <b>Number of Questions</b>	The Chair may exercise his discretion around the number of questions, including multi-part questions a councillor may ask, where (taken together) these would not, in the Chair's view, take up the whole of the allotted time or otherwise prejudice any other constitutional rights.	Grammatical

No	Part	Change	Comments
59	Paragraphs 3.6.2 and 3.6.3  <b>Record of Questions</b>	Need to renumber as there are two 3.6.2s	Typing error
<b>Part 4.3 Cabinet Committees</b>			
60	<b>NEW</b> paragraph 3 and Appendix A  <b>Shareholder Committee</b>	<b>(3) Shareholder Committee</b>  The Shareholder Committee was established by Cabinet on 19 November 2024. The Terms of Reference are set out in Appendix A.	Shareholder Committee has been established. Clarifies the position.  <b>See Annex 1 attached.</b>
<b>Part 5.1A Membership of the Committees and Sub-Committees</b>			
61	Para 1, sub para 42  <b>Regulatory and other Committees - Audit and Governance Committee</b>	After existing sub para 42 insert the following heading:  <b>Ethical Governance</b>  Sub paras 43-45 remain unchanged	Corrects an omission
62	<b>Part 5.1D Membership of Other Joint Committees</b> (Correction to the title)		

No	Part	Change	Comments
<b>Part 6.1A Overview and Scrutiny Committees</b>			
63	Paragraph 1  <b>Terms of Reference</b>	<p>The Council will appoint <del>three</del> <b>four</b> Overview &amp; Scrutiny committees as set out below.</p> <p><i>Membership details for the 4 Committees will also be updated.</i></p> <ul style="list-style-type: none"> <li>• <i>Education and Young People Overview &amp; Scrutiny Committee</i></li> <li>• <i>People Overview &amp; Scrutiny Committee</i></li> <li>• <i>Performance &amp; Corporate Services Overview &amp; Scrutiny Committee</i></li> <li>• <i>Place Overview &amp; Scrutiny Committee</i></li> </ul>	Provides clarity
64	Paragraph 5	<p><b>Performance &amp; Corporate Services Overview &amp; Scrutiny Committee</b></p> <p>Its terms of reference will be:</p> <ul style="list-style-type: none"> <li>(i) To review and scrutinise the performance of the Council and to provide a focused review of: <ul style="list-style-type: none"> <li>(a) Corporate performance and directorate performance and financial reporting</li> <li>(b) Budget scrutiny</li> <li>(c) <b>Local Government Reorganisation</b></li> </ul> </li> </ul>	Updates terms of reference

No	Part	Change	Comments
		<p>(ii) To monitor the performance of the Council by means of effective key performance indicators, review of key action plans and obligations and through direct access to service managers, Cabinet Members and partners;</p> <p>(iii) To exercise the statutory right to call-in, for reconsideration, decisions made but not yet implemented by or on behalf of the Cabinet;</p>	
65	<p>Paragraph 6</p> <p><b>Place O&amp;S Committee</b></p>	<p><b>Place Overview &amp; Scrutiny Committee</b></p> <p>The Place Overview &amp; Scrutiny Committee will have a membership of 9 county councillors. The membership will be politically proportional. Its terms of reference will be: <del>Climate change, transport, highways, planning and place-based services. Including the delivery of regulatory services, fire and rescue, community safety and community services such as libraries. NB This Committee will act as the Council's 'Crime and Disorder' Committee.</del></p> <p>be:</p> <p><b>i. To focus on the following key areas:</b></p> <ol style="list-style-type: none"> <li>a. Climate change</li> <li>b. Transport</li> <li>c. Highways <b>and highway maintenance</b></li> <li>d. Planning and place-based services. <b>This includes</b> the delivery of regulatory services, fire and rescue, community safety, community services such as libraries</li> </ol>	Updates terms of reference

No	Part	Change	Comments
		<ul style="list-style-type: none"> <li data-bbox="763 277 1447 344">ii. To act as the Council's 'Crime and Disorder' Committee.</li> <li data-bbox="763 395 1447 507">iii. To exercise the statutory right to call-in, for reconsideration, decisions made but not yet implemented by or on behalf of the Cabinet.</li> </ul>	
<b>Part 6.1B The Oxfordshire Joint Health Overview and Scrutiny Committee and its Current Membership</b>			
66	Paragraph 18	<p data-bbox="741 675 1532 1214">Under Regulation 26(2) of The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, where an NHS or health service provides, or arranges for the provision of, services to persons residing within the area of several local authorities, its duty under paragraph (1) will be satisfied if it provides information to the joint overview and scrutiny committee of those authorities. The Buckinghamshire, Oxfordshire, and Berkshire West Joint Health Overview and Scrutiny Committee qualifies as the joint health overview and scrutiny committee to be informed when a variation in services will affect residents across the Buckinghamshire, Oxfordshire, and Berkshire West Geography as a collective.</p>	Clarification.

No	Part	Change	Comments
<b>Part 6.2 Overview and Scrutiny Procedure Rules</b>			
67	Paragraph 19, sub-paragraphs z and z ii  <b>Call in (Exemption)</b>	(z) The foregoing provisions of this Rule shall not apply to any decision of the Cabinet <b>in the following situations:</b> <del>where either:</del> ii. the decision is taken by the Cabinet after taking account of any recommendations or other comments by the Scrutiny Committee following a call-in of a decision taken previously by the Cabinet-; <b>or</b>	Clarifies the sentence and current arrangements.
<b>Part 7.1 Officers</b>			
68	Part 7.1  <b>Officers</b>	Reflects the new officer structure	<b>See Annex 2 attached.</b>  <i>Amendments 69 – 70 have been superseded by the changes shown in Annex 2 and are included for the purposes of transparency.</i>
69	Paragraph 2 c  <b>Functions of the statutory post of Head of Paid Service</b>	<b>Urgency.</b> The Head of Paid Service is authorised to take any urgent action necessary to protect the Council's interests and assets where time is of the essence and it is impracticable to secure authority to act where such authority would otherwise be required. The Head of Paid Service, in so acting, will be guided by the Budget and the Policy Framework at Part 1.2 of this Constitution, will	Correction.

Appendix 2

No	Part	Change	Comments
		consult the other Statutory Officers before acting and will report, in writing, as soon as practicable to the body which would otherwise have been required to give the necessary authority to act. Key decision procedures and call in procedures (Parts 8.1 and 6.2(19) of the Constitution) will apply to any key decisions taken under <del>the</del> this authorisation.	
70	Paragraph 3 b  <b>Functions of the statutory post of Monitoring Officer</b>	Ensuring lawfulness and fairness of decision making. After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer, <b>in accordance with their statutory functions</b> , will report to the Full Council or, in the case of an executive function, to the Cabinet, if <b>they the Monitoring Officer</b> considers that any proposal, decision or omission, has given, or would be likely to give rise to unlawfulness, or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered	Provides clarification.
<b>Part 7.2 Scheme of Delegation to Officers</b>			
71	Part 7.2  <b>Scheme of Delegation to Officers</b>	Provides clarity and reflects the new officer structure	<b>See Annex 3 attached</b>  <i>Amendments 72 – 75 have been superseded by the changes shown in Annex 3 and are included for the purposes of transparency.</i>

Appendix 2

No	Part	Change	Comments
72	Paragraph 1.5 (f)  <b>Introduction</b>	<del>if when any exercise</del> exercising a delegation <del>an making</del> incorrect references <b>is made</b> to any part of the Constitution, relevant statute, legislation or by <del>elaw,</del> <b>this</b> shall not, of itself, invalidate the authorised delegation.	Provides clarification
73	Paragraph 2.1 (f)  <b>Principles of Delegation</b>	Where an officer is absent from the workplace for a period of time <del>which that</del> requires others to exercise delegated authority in that officer's absence, another officer should be nominated by the Chief Executive. This nomination should be formally recorded in writing.	Provides clarification
74	Paragraph 2.1 (i)	Anything delegated to an officer is also delegated to the Chief Executive, <b>other than the statutory functions assigned to the Monitoring Officer;</b>	Provides clarification.
75	Paragraph 6.7  <b>Specific Powers and Functions</b>	For the avoidance of doubt, the delegation to the Director of Economy and Place <b>is subject to consultation</b> <del>includes the power, jointly</del> with the Director of Law & Governance and Monitoring Officer, to determine applications for certificates of lawfulness of existing or proposed use or development.	Provides clarification.
<b>Part 8.1 Access to Information Procedure Rules</b>			
76	Paragraph 3  <b>Rights to attend and Report on Meetings</b>	Rights to Attend; and Report on; Meetings	Remove commas from heading.

Appendix 2

No	Part	Change	Comments
77	Paragraph 14.2  <b>Insert NEW b</b>  <b>The Forward Plan</b>  <b>Contents of the Forward Plan</b>	<b>New (b)</b> renumber after  whether the decision is to be considered in closed session, where it involves confidential or exempt information;	This is a legal requirement and one of the drivers for legislation governing it. Brings into line with 14.3 e
78	Paragraph 16  <b>Special Urgency</b>	If by virtue of the date by which a <b>key</b> decision must be taken Rule 15 (general exception) cannot be followed, then the decision can only be taken if the decision maker obtains the agreement of the Chair of the relevant Overview and Scrutiny Committee that the taking of the decision cannot be reasonably deferred. If there is no Chair of the Scrutiny Committee, or if the Chair is unable to act, then the agreement of the Chair of the Council, or in their absence the Vice-Chair will suffice.	Clarification
79	Paragraph 20  <b>Non-Cabinet Members</b>	All members of the Council and the voting co-opted members of the <b>Education and Young</b> People Overview and Scrutiny Committee <del>will be entitled to</del> receive the Cabinet Forward Plan <b>electronically</b> each month when it is published. All members of the Council will, subject to the provisions of Section 7 of the Protocol on Councillors' Rights and Responsibilities set out at Part 9.2 of this Constitution, be entitled to receive the agenda for and minutes of each meeting of the Cabinet or a committee of the Cabinet. The voting co-opted members of the <b>Education and Young</b> People Overview and Scrutiny	Provides clarity and updates the name of the committee.

Appendix 2

No	Part	Change	Comments
		Committee will <del>be entitled to</del> receive, subject to the provisions of Section 7 of the Protocol on Councillors' Rights and Responsibilities set out at Part 9.2 of this Constitution, any items on an agenda of the Cabinet or any Committee of the Cabinet which concern the discharge of any education functions.	
	<b>8.2 Financial Procedure Rules</b>		
80	Paragraph 1.4 <b>Introduction</b>	In Part 7.1 of this Constitution, section 4(b) states that "the Director of Finance will have responsibility for the administration of the financial affairs of the council" under s.151 of the Local Government Act 1972. Part 7.2 then states at paragraph 4.1 that:	Grammar. Insert colon at end of sentence
81	Paragraph 5 – (renumber as not paragraphs 12.1 and 12.2) <b>Responsibilities of the Cabinet</b>	Renumber 5.1 and 5.2	Correction as paragraphs <b>(were)</b> incorrectly numbered.
82	Paragraph 5.1 (12.1)	The Cabinet is responsible for making sure that there is effective financial planning within the council <b>following advice from the Proper Officer.</b>	Provides clarity.

Appendix 2

No	Part	Change	Comments
83	Paragraph 6.2  <b>Responsibilities of Councillors</b>	All councillors must operate within the required accounting standards and timetables to ensure <del>that all the Council's transactions, material commitments and contracts and other</del> essential accounting information <b>is</b> <del>are</del> recorded completely, accurately and on a timely basis.	Provides clarity.
84	Paragraph 15.1  Financial Regulations	These Financial Procedure Rules set out the high-level principles and responsibilities which apply to all financial matters in the council. Regulations setting out the activities which should be undertaken in support of these financial standards are maintained on the council's intranet. The <b>Financial</b> Regulations <del>contents list of Regulations</del> is <b>attached</b> at Annex 1 below.	Financial regs are now published as part of the Constitution, in full.
<b>8.3 Contract Procedure Rules</b>			
85	Throughout	<ul style="list-style-type: none"> <li>• Rule 5.4 – provides clarity around the route to market including below threshold direct award.</li> <li>• Rule 5.6 – reflects the updated thresholds under the Procurement Act</li> <li>• Rule 7.1 – to align the text with the heading and to expressly provide for the use of Framework/Dynamic Market conditions of contract. Under the current drafting we can include these “Council’s written conditions” but the amendment adds clarity.</li> <li>• Rule 9.7 – excludes the application of certain rules to agreements with statutory undertakers which are governed by the NRSWA 1991. Although technically</li> </ul>	Provides clarity.  <b>See Annex 4 attached.</b>

Appendix 2

No	Part	Change	Comments
		<p>“contracts”, these arrangements (including sharing of costs) are governed by the Act. The Act imposes a statutory relationship between the Council and the statutory undertaker. Any terms and conditions or engagement accompanying the detailed estimates from the statutory undertakers which are inconsistent with the NRSWA have no legal force. Statutory Undertakers all have their own standard forms of detailed estimates that the council signs up to. These arrangements cannot be completely excluded from CPRs because they are not excluded from the Procurement Act 2023 but are covered under the direct award justification where above threshold and may be directly awarded where under threshold with the approval of the Procurement Team. It has only recently become apparent that these arrangements were being entered into by highways colleagues without regard to CPRs. Highway colleagues have been given advice from both Procurement &amp; Legal services that these arrangements are caught under CPRs. However, under Rule 9.1 the Director of Law and Governance can agree that these types of contracts do not have to be in accordance with terms and conditions prepared or approved by the Director of Law &amp; Governance and Monitoring Officer. It is proposed that the Director of Law &amp; Governance give such approval. The amendments to CPR 9.7 will then dovetail with this by removing the mandatory requirements in respect of bribery &amp; corruption,</p>	

No	Part	Change	Comments
		<p>payment terms and sealing contracts over £500k. Work may also be required under other legislation such as Town and County Planning or pursuant to compulsory purchase orders.</p> <ul style="list-style-type: none"> <li>• Rule 14.2 – to ensure that decisions to award are in place prior to commencement of standstill periods and to ensure key decisions to award contracts are not implemented until after the call-in period has expired. I have issued guidance to Procurement Services on this but am still seeing procurement timetables where this is being dealt with incorrectly.</li> </ul>	
	<b>8.4 Officer Employment Procedure Rules</b>		
86	Paragraph 7.5 (a)  <b>Disciplinary Action and Dismissal – Chief Officers</b>	the dismissor has notified the Proper Officer of the name of the <b>Chief Officer recommended for dismissal</b> , <del>person who the dismissor wishes to dismiss and</del> <b>along with</b> any other particulars <b>considered</b> <del>which the dismissor considers are</del> relevant to the dismissal;	Provides clarity.
87	Paragraph 7.5 (b) (i)	the Proper Officer has notified every member of the cabinet of: <ul style="list-style-type: none"> <li>(i) the name of the <b>Chief Officer recommended for dismissal</b>; <del>person who the dismissor wishes to dismiss</del></li> </ul>	Provides clarity.

No	Part	Change	Comments
	<b>8.4 Annex 2 Protocol for Employees Working Part-Time and/or Temporarily for, or Providing Consultancy to, Other Bodies or Councils</b>		
88	Paragraph 1(d)  <b>Release for Outside Work While Employed by the Council</b>	the employee has fulfilled their obligations under paragraph 12 above;	Correction.
	<b>9.1 Members' Code of Conduct</b>		
89	Paragraph 5  <b>Application of the Code of Conduct</b>	<del>Your</del> <b>The Council's</b> Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from <b>the</b> <del>your</del> Monitoring Officer on any matters that may relate to the Code of Conduct. Town and Parish Councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.	Provides clarity.
90	Paragraph 6.2.3, third sub-para	The Protection from Harassment Act 1997, defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such	Grammar. Insert comma after the date of the Act.

Appendix 2

No	Part	Change	Comments
	<b>Shall promote equalities and not discriminate against any person</b>	conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.	
<b>9.2 Protocol on Councillors' Rights and Responsibilities</b>			
91	Paragraph 5  <b>Rights of Opposition and Other Groups to Put Forward their own budgets</b>	The political groups of the Council, other than the Group(s) in power from which the Cabinet is drawn, will have the right to put forward their own proposed budgets for consideration at the relevant Council meeting (normally the February one). <b>They will be assisted by the Proper Officer in that process.</b>	Provides clarity.
92	Paragraph 7  <b>Rights of Councillors to Place Items on Agenda</b>	Correct the title:  Rights of Councillors to Place an Item on <b>an Agenda</b>	Grammar.
93	Amend paragraph 7 d (i) and <del>delete</del> 7 (iii)  <b>Rights of Councillors to</b>	notice of the request is received by the Proper Officer by 5.00 p.m. on the <del>tenth</del> <b>twentieth</b> working day before the meeting of a committee or sub-committee, <b>to enable a report to be prepared;</b>  <del>the item will normally be for oral report unless 20 working</del>	To comply with the Local Government (Access to Information) Act 1985 (as now incorporated into the Local Government Act 1972).

No	Part	Change	Comments
	<b>Place Items on an Agenda</b>	<del>days' prior notice is given to enable a report to be prepared.</del>	
94	Paragraph 11  <b>Rights of Councillors to Access to Documents and Other Information</b>	Correction to the title:  <b>Rights of Councillors to Access to Documents and Other Information</b>	Correction.
	<b>9.3 Councillor Call for Action (CCfA)</b>		
95	Paragraph 3  <b>Examples of where members may wish to use CCfA</b>	Government Guidance <del>as prepared by the then</del> on behalf of the Department for Communities and Local Government <del>now known as the Ministry of Housing, Communities and Local Government</del> - together with the Centre for Public Scrutiny gives further examples of how this new power might be used.	Provides clarity
	<b>9.4 Councillors' Planning Code of Practice</b>		
96	First paragraph, page 9-48	<b>DELETE</b> <del><b>Be careful about accepting</b> gifts or hospitality wherever possible. If some hospitality is unavoidable, ensure that it</del>	Aligns wording with the National Planning Policy Framework.

Appendix 2

No	Part	Change	Comments
	<p><b>Gifts and Hospitality</b></p>	<p>is not excessive or inappropriate. Whilst not a disclosable pecuniary interest, a councillor, nevertheless, has the option of registering this so as to demonstrate openness and transparency to avoid any allegation of corruption or impropriety.</p> <p><b>AND REPLACE WITH</b></p> <p><b>Don't</b> accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum, its acceptance is declared as soon as possible, including its addition to your register of interests where relevant.</p>	
97	<p>Third paragraph, page 9-50</p> <p><b>Procedure if Officers' Advice is not to be Followed</b></p>	<p><b>Chair</b> may adjourn briefly for proposer and seconder to discuss and formulate reasons with officers, reconvening for a vote and for reasons to be fully recorded. If <b>the</b> Chair concludes that there are opposing views amongst Committee members <b>the Chair</b> may take a vote on the proposal without adjourning for discussion with officers. In such circumstances the planning reasons for the proposal should be set out in detail before the vote is taken.</p>	Provides clarity.
<p><b>9.5 Protocol on Member/Officer Relations</b></p>			
98	<p>Paragraph 1.3</p> <p><b>Introduction</b></p>	<p>It is applicable, as appropriate, to non-<del>€</del>councillors (<b>Co-optees, Independent Members etc</b>) who are <del>M</del>members of any <del>€</del>committee or <del>€</del>sub-<del>€</del>committee of the Council.</p>	Provides clarity.

## Appendix 2

No	Part	Change	Comments
			Need to check capitalisation throughout.
99	Paragraph 3.1.3  <b>Role and Responsibilities - Members</b>	The Council will appoint the Leader and <b>also appoint</b> <del>M</del> members to serve on the Overview and Scrutiny and <b>other</b> Council <del>C</del> committees, as appropriate. Members can also be appointed to represent the Council on a range of external bodies whose work is of importance to the Council and the community.	Provides clarity.