

## List of recommended changes for approval

## Oxfordshire CC Constitution

No	Part	Change	Comments
<b>Part 1.2 How Oxfordshire County Council operates</b>			
1	Section 2  Fourth para amend (m)  <b>Council</b>	A full list of the responsibilities of Council is set out below. Only the Council will exercise these functions:  agreeing to the creation of new posts established with an annual salary exceeding £100,000; and	Amendment made due to the proposal in 2 below  <i>(See also changes to be made by the MO in Appendix 1)</i>
2	Section 2  Fourth para  <b>NEW (n) renumber existing (n) (o)</b>	<b>the appointment of Honorary Aldermen/women and the granting of the Freedom of the County; and</b>	Provides clarity and highlights existing arrangements and function of Council.  (See 1 above)
<b>Part 1.3 Decision Making</b>			
3	Paragraph 3 (b)  <b>Key Decisions</b>	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 a “key decision” as “an	Provides clarity.

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		<p>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 communities living or working in an area comprising two or more electoral divisions in the County.” <b>The regulations authorise local authorities to determine their own definitions, building on the guidance provided in the regulations, as highlighted above.</b></p> <p>The Proper Officer in determining the meaning of significant will take into account of any guidance from the Secretary of State.</p> <p><del>In assisting t</del>The Proper Officer in determining the meaning of significant, it has <del>been</del> defined ‘<b>significant</b>’ as being <b>one of the following</b>:</p> <ul style="list-style-type: none"> <li>• <del>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) Revenue expenditure of £1m or more, or</del></li> <li>• <b>Expenditure of £2m or more</b> in the case of capital expenditure;</li> <li>• <b>A decision that significantly impacts or 25% of the people living or working in two or more divisions. in the area affected;</b> or</li> </ul>	

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		<p><del>• or frequency or hours of operation of a service or facility.</del></p> <p><b>(Move to unnumbered para 5)</b> Whilst it is lawful for officers to be able to take key decisions, the working rule is that key decisions will routinely be taken by the Cabinet or individual Cabinet Members unless Cabinet or a Cabinet Member has delegated a decision to an officer, which may, depending on the circumstances, amount to a key decision in its own right. Whoever makes a key decision will need to comply with the key decision requirements by providing formal notification on the Forward Plan, together with a decision report that properly sets out the considerations for the decision including any financial and legal implications. Given the public nature of the decision making involved and the work involved in drafting a report it is considered appropriate that these decisions are taken in the main by Members. 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><b>NEW UNNUMBERED 6</b></p> <p>All key decisions should be published in advance on the Council's Forward Plan. Legally, at least 28 days' notice must be given before a key decision can be taken (unless there are exceptional, or urgent, reasons otherwise, in which case other Constitutional provisions apply). The</p>	

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		Forward Plan process is essential to enable transparency to the public. Key decisions are also subject to call-in under the Council's scrutiny rules and, as such, decisions cannot be implemented until the call-in timeframe has passed.	
4	Paragraph 3 (c)  <b>Executive and Non-Executive Decisions</b>	An executive decision other than a key decision can be taken by the Cabinet, a Committee of the Cabinet, an Individual Member of the Cabinet or an officer. <b>Please refer to paragraph 5 above.</b> Non-executive decisions are those decisions which relate to non-executive functions and are those which are set out in this Constitution and can be taken by a Council <del>C</del> committee or <del>S</del> sub- <del>C</del> committee or an officer.	Provides clarification and aligns with above
5	Paragraph 5  <b>Decision Making by Officers</b>	Decisions <b>taken</b> by officers on executive matters will be recorded by the Council. <b>In order to ensure that decisions that materially affect the Council's position are published, all decisions over £100,000 will be published. (Openness of Local Government Bodies Regulations 2014.)</b>	Provides clarity of current requirements.  See also 1 above.
<b>Part 3.1 Council Procedure Rules</b>			
6	<b>NEW</b> paragraph 3.4  <b>Extraordinary Meetings</b>	The appointment of Honorary Aldermen/women and the granting of the Freedom of the County may be held at an <b>Extraordinary meeting of the Council.</b>	Provides clarity and highlights existing arrangements and function of Council.

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7	Paragraph 5.1	<p><b>Suggested revision:</b></p> <p><b>5. TIME AND PLACE OF MEETINGS</b></p> <p>5.1 All meetings of the Council will:</p> <p>(i) take place in the Council Chamber at County Hall, Oxford;</p> <p>(ii) Commence 10.030 am;</p> <p>(iii) be adjourned for lunch around 1 pm and finish by 3.30 pm;</p> <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>	
8	Paragraph 10.1.1 (i)  <b>Petitions</b>	<p>“Any person (other than a member of the Council) may present a petition at a Council meeting provided that: the petition <b>relates the council’s functions or to the economic, social or environmental well-being of the area;</b>” <del>is relevant to a function which the Local Authority has a responsibility for and/or directly affects the County or its inhabitants</del></p>	Provides clarity
9	<b>NEW paragraph 10.3.3</b>  <b>Chair’s discretion</b>	<p><b>In the event of guest speakers being invited by the Chair to address Council, the maximum speaking time allotted may be increased by the Chair, subject to prior</b></p>	Provides clarity.

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		consultation with the Leaders and the Proper Officer.	
10	Paragraph 13.2.1  <b>Motions set out in the Agenda</b>	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 <del>the a</del> same 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.	Provides clarity.
11	Paragraph 13.2.2	<del>Motions for the agenda will be listed in the order in which notice was received 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;</del>  The order of group motions will be listed on rotation, as is the current convention, meaning that the group that appears first on the list motions for a meeting of Council, will appear last at the next meeting, and so on. In the unlikely event that not all the group motions are considered, the order of rotation will commence with the group whose motion was due to be discussed next. Any change to the order of motions will be determined by the Chair, in consultation with the Group Leaders;	Considered and agreed by CWG on 28 April 2026 but omitted in error from the report to Audit and Governance Committee on 20 May 2025.  Members of Audit and Governance Committee and CWG have been notified.
12	Paragraphs 13.2.1 – 13.2.4	Number paragraphs correctly – 13.2.1 – 13.2.4	Correction

No	Part	Change	Comments
<b>Part 4.1 The Cabinet and Current Membership of Cabinet and Shadow Cabinet</b>			
13	Paragraph 3  <b>Leader</b>	<p>The Leader will be a Councillor elected by the Council to that position. This will normally be at the Annual Meeting following whole council elections <b>which are held every four years</b>. The Leader will hold office for the <b>full four year remaining</b> term of the Council unless:</p> <ul style="list-style-type: none"> <li>(a) they resign from the office; or</li> <li>(b) they are no longer a councillor; <b>or</b></li> <li>(c) <b>on the expiry date of their fixed term of office as Leader which is the date of the post-election annual meeting which follows their election as Leader; or</b></li> <li>(d) or they are removed from office by resolution of the Council.</li> </ul> <p>In the event that the circumstances in (a) to (c) above occur to create a vacancy in the office of leader of the council, an election to fill the vacancy will be taken at the next ordinary meeting of the Council or at an extraordinary meeting of the Council. In the case of (c) the election to fill the vacancy should occur, where possible, at the same meeting at which the resolution removing the leader is passed. The newly elected leader will remain in office for the remaining term of the Council subject to paragraphs 3(a) to (c).</p>	<p>Makes the position legally compliant, in accordance with the LG Act 1972 and the Local Government Act 2000 as amended.</p> <p><i>Subject to the approval of Council, the paragraph numbering will be sorted when the Constitution is amended. Hence reference to paragraph X (a) – (c).</i></p>

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		<p>In the event of (d) above and the Council passes a resolution to remove the Leader, a new Leader is to be elected:</p> <ul style="list-style-type: none"> <li>(a) at the meeting at which the Leader is removed from office; or</li> <li>(b) at a subsequent meeting; or</li> <li>(c) at an extraordinary meeting of the Council called for that purpose</li> </ul> <p>The Leader may be removed from office by resolution of the Council on notice of a Motion to Council and approved, without amendment, by the Council. Any such Motion must be delivered to the Proper Officer in writing at least ten working days before the date of the meeting at which it is to be addressed. If the Council passes such a resolution, a new Leader is to be elected in accordance with paragraph x (a) – (c) above.</p>	
14	<p><b>NEW Paragraph 4</b></p> <p><b>Deputy Leader</b></p> <p>Re-number following paragraphs accordingly</p>	<p>The Leader will appoint at least one of the Cabinet Members as Deputy Leader, who will hold office until the end of the Leader’s term of office, unless they:</p> <ul style="list-style-type: none"> <li>• resign as Deputy Leader,</li> <li>• cease to be a councillor; or</li> <li>• are removed from office by the Leader.</li> </ul> <p>Where a vacancy occurs, the Leader must appoint another Deputy Leader. The Deputy Leader must, if for any</p>	<p>Makes the position legally compliant, in accordance with the LG Act 1972 and places into separate paragraph.</p>

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		<p>reason the Leader is unable to act or the office of Leader becomes vacant (and pending the election of a new Leader by the Council), discharge all roles and functions of the Leader. If, for any reason, both the Leader and Deputy Leader are unable to act or both positions become vacant, the Cabinet must act in the Leader’s place or must arrange for another Cabinet Member to act in their place.</p>	
15	<p>Existing paragraph 4, renumber 5</p> <p><b>Other Cabinet Members</b></p>	<p>In addition to the Deputy Leader, the Leader will appoint a maximum of eight members to serve as <del>Other</del> Cabinet Members. The Leader will maintain and publish a list of portfolio responsibilities of the individual Cabinet Members, which will be shall be Councillors appointed by the Leader and notified to the Council. <del>One of the other Cabinet Members will be designated as Deputy Leader.</del> Cabinet Members will hold office until:</p> <ul style="list-style-type: none"> <li>(a) they resign from office; or</li> <li>(b) they are no longer councillors; or</li> <li>(c) they are removed from office by the Leader of the Council who must give written notice of any removal to the Proper Officer in writing or by e-mail. The removal will take effect two working days after receipt of notice by the Proper Officer.</li> </ul>	<p>Makes the position legally compliant, in accordance with the LG Act 1972.</p>

No	Part	Change	Comments
<b>Part 7.2 Scheme of Delegation to Officers</b>			
16	Paragraph 3.4  <b>Recording of Delegations and Decisions</b>	<p>Any decision of an officer having <del>material</del> <del>substantive</del> effect shall be recorded in such a manner that all those who may have an interest in that decision have certain knowledge of its effect. <del>Additionally, in order to ensure that decisions that materially affect the Council's position are published, all decisions over £100,000 will be published. (Openness of Local Government Bodies Regulations 2014.)</del></p> <p>Any key decision shall be recorded as required by the Access to Information Rules and notification given in accordance with the Scrutiny Procedure Rules at Part 6.2 of this Constitution.</p>	Provides clarity of current requirements.
<b>Part 9.5 Protocol on Member/Officer Relations</b>			
17	<b>NEW</b> paragraph 7.4  <b>Contact Between Members and Officers</b>	<p><del>When officers are communicating with an individual member, they should exercise discretion and respect confidentiality. Officers should refrain from automatically copying such communication with other members, including those of other groups, and/or the relevant portfolio holder. Officers need to be vigilant when receiving email chain correspondence. If in doubt, officers should seek the express consent of the member concerned.</del></p>	Provides clarity

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18	<b>NEW</b> paragraph 7.5  <b>Contact Between Members and Officers</b>	Members may occasionally wish to refer their constituents to officers directly. Members should not ordinarily pass on officer details without the consent of the officer, certainly not those of junior officers (officers below grade 10). Service numbers that are available on the Council's website and/or in the public domain can be given. If in doubt, members should check with the officer or team concerned.	Provides clarity