

COUNCIL
1 April 2025

Constitutional Amendments

Report by Director of Law and Governance and Monitoring Officer

RECOMMENDATION

1. COUNCIL is RECOMMENDED

- (a) to approve amendments listed and tracked in Annex 1 (including Appendices 1 to 21) to the following Parts of the Council's Constitution, as proposed by the Constitution Working Group and, in the cases of (iii), (xii), (xiv) and (xvii), as amended by the Audit & Governance Committee:
 - (i) Part 1.2 How Oxfordshire County Council Operates;
 - (ii) Part 1.3 Decision Making;
 - (iii) Part 3.1 Council Procedure Rules;
 - (iv) Part 3.1A Virtual Meeting Procedure Rules (delete);
 - (v) Part 3.3 Virement Rules;
 - (vi) Part 4.2 Cabinet Procedure Rules;
 - (vii) Part 4.4 Delegated Decisions by Individual Cabinet Members;
 - (viii) Part 4.6 Transport Advisory Panel (delete);
 - (ix) Part 5.1A Regulatory and Other Committees;
 - (x) Part 5.1B Health and Wellbeing Board;
 - (xi) Part 6.1A Overview and Scrutiny Committees;
 - (xii) Part 6.1B Oxfordshire Joint Health Overview and Scrutiny Committee;
 - (xiii) Part 6.1C Buckinghamshire, Oxfordshire, Berkshire West Joint Health Overview and Scrutiny Committee Terms of Reference (new Part);
 - (xiv) Part 6.2 Overview and Scrutiny Committee Procedure Rules;
 - (xv) Part 6.3 Protocol on Scrutiny Participation (delete);
 - (xvi) Part 7.2 Scheme of Delegation to Officers;
 - (xvii) Part 8.3 Contract Procedure Rules;
 - (xviii) Part 9.2 Protocol on Councillors' Rights and Responsibilities;
 - (xix) Part 9.4 Policy on IT Use by Members of the County Council (delete);
 - (xx) Part 9.6 Protocol on Member-Officer Relations;
 - (xxi) Part 10.1 Members' Allowances;
 - (xxii) correct erroneous references and update titles where they have changed;
- (b) to approve additional items in Annex 2 agreed by the Audit & Governance Committee;

- (c) to approve amendments in Annex 3 agreed by the Oxfordshire Health & Wellbeing Board to its Terms of Reference;
- (d) to delegate to the Director of Law & Governance and Monitoring Officer the ability to make any necessary additional changes to the Constitution to amend any inconsistencies arising from these proposed changes and where any existing drafting in the Constitution is inconsistent with the changes set out in this report and approved by Council.

Executive Summary

2. The cross-party Constitution Working Group (“the CWG”) held seven meetings between November 2024 and February 2025 and its members were Councillor Ted Fenton (Chair), Councillor Roz Smith (Deputy Chair) and Councillors David Bartholomew, Robin Bennett, Trish Elphinstone, Mark Lygo, Stefan Gawrysiak, Liz Leffman, Kieron Mallon and Bethia Thomas (with substitutions when members were unable to attend meetings). It was tasked with considering ways of amending the Constitution and then making recommendations. The recommendations in Annex 1 and its appendices 1 to 21 arise from its work.
3. The report of the CWG was considered by the Audit & Governance Committee (AGC) at its meeting on 12 March 2025. A number of amendments set out in paragraphs 9 to 15 were agreed to the CWG proposals and the additional items in Annex 2 of this report were also agreed.
4. The Oxfordshire Health & Wellbeing Board at its meeting on 13 March 2025 agreed further amendments to its Terms of Reference as shown in Annex 3 to reflect changes to the operating model and staffing structure of the Buckinghamshire, Oxfordshire and Berkshire West Integrated Care Board (BOB ICB).
5. The detailed proposals from the CWG, in the cases of (iii), (xii), (xiv) and (xvii) as amended by the AGC, and the reasons for them are set out in Annex 1 and its Appendices 1 to 21. The proposed changes in summary are:
 - a) Part 1.2 How Oxfordshire County Council Operates to
 - (i) reflect the increased number of councillors from May 2025;
 - (ii) clarify what is included in the “Budget & Policy Framework”;
 - (iii) add the requirement to agree new posts with salary over £100,000;
 - (iv) modernise the language by referring to “Council” instead of “Full Council”.
 - b) Part 1.3 Decision Making to increase the threshold for Key Decisions to £1m revenue, and £2m capital, expenditure in line with inflation since they were first set.
 - c) Part 3.1 Council Procedure Rules including to
 - (i) establish a 30 minute limit on the Report of the Cabinet;
 - (ii) increase the number of signatures required to call an Extraordinary meeting of Council from 5 to 10;

- (iii) introduce a procedure to deal with any proposal for the removal of the Leader of the Council which the Council is required by law to have;
 - (iv) clarify what Members can and cannot do if attending a meeting virtually;
 - (v) introduce an earlier deadline for receipt of petition requests and raise the number of signatures required to 50 people resident or working in Oxfordshire;
 - (vi) ensure that a response to a petition is given at the meeting and by the relevant Cabinet Member;
 - (vii) bring forward the deadline for requests to speak to three working days and reduce the maximum speaking time from 5 to 3 minutes in line with current practice;
 - (viii) bring forward the deadline for questions from members of the public to five working days to give reasonable time to respond;
 - (ix) limit each political group to one motion per meeting with allowance for one cross-party motion;
 - (x) to clarify the rules on Voting on Appointments, providing a worked example;
 - (xi) incorporate provisions around virtual participation in meetings so that Part 3.1A can be deleted.
- d) Delete Part 3.1A Virtual Meeting Procedure Rules.
 - e) Part 3.3 Virement Rules to increase the financial limits in line with the changes to the Key Decision threshold.
 - f) Part 4.2 Cabinet Procedure Rules to require that questions must be on items on the agenda and to bring forward the deadline for questions by one day and the deadline for responses by one day.
 - g) Part 4.4 Delegated Decisions by Individual Cabinet Members to allow the option of holding delegated decision meetings virtually.
 - h) Delete Part 4.6 Transport Advisory Panel as it has not met since 2018.
 - i) Part 5.1A Regulatory and Other Committees to provide a procedure for moving the dates of, or cancelling, meetings.
 - j) Part 5.1B Health and Wellbeing Board to replace the Terms of Reference with those agreed by the Board in October 2022.
 - k) Part 6.1A Overview and Scrutiny Committees to clarify that educational support for adults with learning difficulties will come under the scope of the People Overview and Scrutiny Committee and the Crime and Disorder meeting will come under the scope of the Place Overview and Scrutiny Committee.
 - l) Part 6.1B Oxfordshire Joint Health Overview and Scrutiny Committee to reflect the changes in the Health and Care Act 2022.
 - m) Part 6.1C Buckinghamshire, Oxfordshire, Berkshire West Joint Health Overview and Scrutiny Committee Terms of Reference to add this to the Constitution.
 - n) Part 6.2 Overview and Scrutiny Committee Procedure Rules to
 - (i) clarify that members of the public may suggest items for agendas;
 - (ii) include the statutory deadlines for Cabinet Members to agree a response to scrutiny recommendations;

- (iii) provide clarity on the valid reasons for call-in, set out the call-in procedures and the process for dealing with the outcomes;
 - (iv) specify that call-in will only apply to Key Decisions;
 - (v) reduce the call-in period from 5 to 3 working days;
 - (vi) reduce the current 30 working days 'expiry' on a call-in to 20 working days, approximately a month, to speed up Council processes.
- o) Delete Part 6.3 Protocol on Scrutiny Participation.
 - p) Part 7.2 Scheme of Delegation to Officers to ensure that overview and scrutiny chairs and deputy chairs are consulted on any adjustment to the terms of reference of an overview and scrutiny committee to reflect detailed changes in the remits of individuals or bodies.
 - q) Part 8.3 Contract Procedure Rules (CPRs) to bring them into line with the Procurement Act 2023 and the Procurement Regulations 2024 and to delegate authority to the Director of Law & Governance and Monitoring Officer to amend the CPRs to comply with emerging procurement practice and further changes in procurement legislation and guidance.
 - r) Part 9.2 Protocol on Councillors' Rights and Responsibilities to reflect practice and changes elsewhere;
 - s) Delete Part 9.4 Policy on IT Use by Members of the County Council from the Constitution so that it can be updated and circulated to councillors more regularly;
 - t) Part 9.6 Protocol on Member-Officer Relations to highlight the role of councillors as being to promote equality, diversity and inclusion with new sections "Contacts between Members and Officers" and "Access to Information" to reflect practice and clarify expectations.
 - u) Part 10.1 Members' Allowances to reflect the uplift in allowances for 2024/25 and allow for electronic submission of allowance claims and notices to forgo an entitlement or part thereof.
 - v) correct erroneous references and update titles where they have changed.

Constitution Working Group

- 6. The previous review of the Constitution by a working group reported its recommendations to Council on 7 October 2022.
- 7. A draft plan was agreed at the first meeting of this CWG to reflect councillors' priorities. This formed the work programme for the Group.
- 8. Throughout the process Members of the CWG took issues back to their political groups for discussion and brought the views from their groups back to the CWG to inform its discussions.

Audit and Governance Committee

- 9. The AGC reviewed the report of the CWG at its meeting on 12 March 2025. The Committee broadly welcomed the report and recommended four changes to the proposals.

10. The Committee agreed that changing the number of signatures required for a petition from 10 to 100 was too large an increase and amended this to 50 signatures.
11. The Oxfordshire Joint Health Overview and Scrutiny Committee (OJHOSC) had been consulted on the proposed changes to Part 6.1B, which sets out its procedures, and the proposed new Part 6.1C Buckinghamshire, Oxfordshire, Berkshire West Joint Health Overview and Scrutiny Committee Terms of Reference. OJHOSC asked that the proposal to formalise the order of rotation of the Deputy Chair position among the City and District Councils be withdrawn so that they could retain flexibility in that matter. The AGC agreed to make that change.
12. The AGC agreed to add a provision to the proposed Call-in procedures that, in the event that the Director of Law & Governance and Monitoring Officer deems that a Call-in is not valid, they will report their reasoning to the next meeting of the relevant scrutiny committee.
13. The AGC also added an amendment to Part 8.3 Contract Procedure Rules in Section 8.1 Evaluation Criteria as shown in bold below:

“In determining the relevant evaluation criteria for any procurement, Authorised Officers, in consultation with their Relevant Procurement Team, must consider all factors relevant to their requirement, including environmental and social considerations, **including social value benefit where appropriate**, so far as this is lawful.”
14. The amendments agreed by the CWG, as amended by the AGC, are detailed in Annex 1 of this report along with the current text in each case and the reasons for the changes. Where there have been substantial changes throughout a Part, the current text and new text are provided in appendices.
15. The AGC also agreed to a request from the Director of Law & Governance and Monitoring Officer for the delegation in recommendation d) above as well as two amendments to Part 7.2 Scheme of Delegation to Officers shown in Annex 2:
 - Section 6.4 (a) to enable the Monitoring Officer to affix a seal by electronic means and clarify responsibilities for administration of the seal and authentication of legal documents; and
 - A new delegation as Section 6.4 (w) to allow the Monitoring Officer to make the necessary changes annually when the Scheme of Allowances provides for the indexation of allowances.

Oxfordshire Health & Wellbeing Board

16. The Health & Wellbeing Board, at its meeting on 13 March 2025, agreed further amendments to its Terms of Reference:

- (a) The Place Director for Oxfordshire role is removed as this post no longer exists within the ICB staffing structure and is replaced by the ICB Executive Director with Oxfordshire Place responsibility
- (b) The ICB Clinical Lead with Oxfordshire responsibility role is removed as this post no longer exists within the ICB staffing structure. Clinical input to the HWB will be retained via the primary care representative and via topic specific input from relevant Clinicians
- (c) The vacant Vice-Chair role is filled by the Chair of Oxford University Hospitals NHS Foundation Trust to ensure ongoing Chair/ Vice-Chair roles are shared between Local Government and NHS organisations.

17. These amendments are detailed in Annex 3.

Financial Implications

18. There are no significant financial implications arising from the proposed amendments to the Constitution.

Comments checked by:

Bick Nguyen-McBride
Assistant Finance Business Partner
Bick.Nguyen-McBride@Oxfordshire.gov.uk

Legal Implications

19. The recommendations in this report are consistent with the Council's duty under Section 9P of the Local Government Act 2000 to have a Constitution and keep it up to date. The Constitution must contain (a) a copy of the authority's standing orders for the time being, (b) a copy of the authority's code of conduct (if any) for the time being under section 28 of the Localism Act 2011 and (c) such information as the Secretary of State may direct, and (d) such other information (if any) as the authority considers appropriate.
20. The Council's Constitution complies with The Local Government Act 2000 (Constitutions)(England) Direction 2000 issued on 12 December 2000 by the then Secretary of State for the Environment, Transport and the Regions. Part 1.2 of the Council's Constitution at 2(a) confirms that adopting and changing the Constitution is reserved to approval by the Council

Comments checked by:

Anita Bradley
Director of Law and Governance and Monitoring Officer
Anita.Bradley@Oxfordshire.gov.uk

Staff Implications

21. The proposal to allow Cabinet Members the option to hold their individual decision meetings remotely will have a positive impact in reducing travel time to and from County Hall for officers in many instances. It will also reduce the time spent by Facilities Management officers and IT officers setting up and removing the audio-visual equipment required to live stream these meetings which often last for only a few minutes.

Sustainability Implications

22. The proposal to allow Cabinet Members the option to hold their individual decision meetings remotely will have a positive impact in reducing travel to and from County Hall for the Cabinet Members themselves as well as for officers in many instances.

Consultations

23. The trade unions and Human Resources officers were consulted on Part 9.6 Protocol on Member-Officer Relations and expressed no concerns.

Anita Bradley
Director of Law & Governance and Monitoring Officer

Annex: Annex 1 – the proposed amendments to the Constitution and the reasons for each as agreed by the Constitution Working Group and amended by the Audit & Governance Committee.

Annex 2 – additional items agreed by the Audit & Governance Committee.

Annex 3 – further amendments agreed by the Oxfordshire Health & Wellbeing Board to its Terms of Reference.

Contact Officer: Colm Ó Caomhánaigh, Democratic Services Manager,
colm.oacaomhanaigh@oxfordshire.gov.uk

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