

List of recommended changes for approval – January 26

Oxfordshire CC Constitution

The following suggested changes are recommended to provide clarity to the Constitution.

No	Part	Change	Comments
Part 1.2 How Oxfordshire CC operates			
1	Section 2 Fourth para amend (m) Council	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 addition in change 2 below <i>(See also changes to be made by the MO in Appendix A)</i>
2	Section 2 Fourth para NEW (n) renumber existing (n) (o)	the appointment of Honorary Aldermen/women and the granting of the Freedom of the County; and	Provides clarity and highlights existing arrangements and function of Council. (See 1 above)

No	Part	Change	Comments
Part 1.3 Decision Making			
3	Section 3, Sub-section (b) Key Decisions	<p>Insert at end, check the quote, amend, clarify contradiction</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 a “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 communities living or working in an area comprising two or more electoral divisions in the County.” The regulations authorise local authorities to determine their own definitions, building on the guidance provided in the regulations, as highlighted above.</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>In assisting tThe Proper Officer in determining the meaning of significant, it has been defined ‘significant’ as being one of the following:</p>	Provides clarity.

No	Part	Change	Comments
		<ul style="list-style-type: none"> • 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 • Expenditure of £2m or more in the case of capital expenditure; • A decision that significantly impacts or 25% of the people living or working in two or more divisions in the area affected; or • or frequency or hours of operation of a service or facility. <p>(Move to unnumbered para 5) 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</p>	

No	Part	Change	Comments
		<p>with the relevant Cabinet Member(s) and the Section 151 Officer.</p> <p>NEW UNNUMBERED 6</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 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.</p>	
4	<p>Section 3, Sub-section (c)</p> <p>Executive and Non-Executive Decisions</p>	<p>Clarify contradiction</p> <p>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. Please refer to paragraph 5 above. 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 Ccommittee or Ssub-Ccommittee or an officer.</p>	Aligns with above

No	Part	Change	Comments
5	Section 3, paragraph 5 Decision making by Officers	The decisions by officers on executive matters will be recorded by the Council. 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.)	Provides clarity of current requirements.
Part 3.1 Council Procedure Rules			
6	Section 3, New para 3.4 Extraordinary Meetings	The appointment of Honorary Aldermen/women and the granting of the Freedom of the County may be held at an Extraordinary meeting of the Council.	Provides clarity and highlights existing arrangements and function of Council.
7	Section 5 Para 5.1	<p>Suggested revision:</p> <p>5. TIME AND PLACE OF MEETINGS</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</p>	

Appendix 2

No	Part	Change	Comments
		above. In all cases, the date, place and start time shall be set out in the summons to the meeting.	
8	Section 10, para 10.1 (i) Petitions	“Any person (other than a member of the Council) may present a petition at a Council meeting provided that: the petition relates the council’s functions or to the economic, social or environmental well-being of the area; ” is relevant to a function which the Local Authority has a responsibility for and/or directly affects the County or its inhabitants	Provides clarity
9	NEW 10.3.3 Chair’s discretion	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 consultation with the Leaders and the Proper Officer.	Provides clarity.
10	Section 13 Para 13.2.1 Motion set out in Agenda	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 the a 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	Section 13 13.2.2	Number paragraphs correctly – 13.2.1 – 13.2.4	Correction

No	Part	Change	Comments
Part 7.2 Scheme of Delegation to Officers			
12	Para 3.4 Recording of Delegations and Decisions	<p>Any decision of an officer having material substantive 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. 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.)</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.
9.5 Protocol on Member/Officer Relations			
13	Para 7 New Para 7.5 Contact Between Members and Officers	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 concern of the member concerned.	Provides clarity

Appendix 2

No	Part	Change	Comments
14	Para 7 New Para 7.5 Contact Between Members and Officers	<p>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.</p>	Provides clarity