

## 1. Citizens' rights and other basic rules

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### 1.1 Summary of citizens' rights

Citizens have the right to:

- vote at local elections and get in touch with their local councillors
- sit in on Council, Cabinet and committee meetings, except when exempt or confidential items are discussed (Part 15)
- address Council and ask questions (Part 11.11)
- ask questions at the Cabinet (see Part 12.7), and the Scrutiny Committees (Part 13.8) and other committees (Part 14.8)
- contribute to Scrutiny Committee inquiries (Part 13.9)
- look at the Forward Plan which shows what key and other decisions will be taken and when (Part 15.16) – this is available on the Council's website and at the Town Hall.
- look at agendas, reports, minutes and background papers (Part 15) – agendas, reports and minutes are available on the Council's website and at the Town Hall
- look at the register of members' interests (Part 22.4) – this is available on the Council's website and at the Town Hall
- look at a copy of the Constitution (Part 2)
- sign a petition calling for a referendum on an elected mayor
- submit petitions to the Council either electronically or in paper and have officers consider what actions may be taken in response
- have petitions containing at least 1,500 signatures considered by a meeting of Council if the petition organiser makes a request for such a debate in writing to the Head of Law and Governance
- make a complaint to the Council – see the Council and Democracy page on the Council's website and follow the links to Comment, Compliments and Complaints
- complain to the ombudsman if they have already complained to the Council

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- complain to the Monitoring Officer that a councillor has broken the Members' Code of Conduct (Part 22)
- inspect the Council's accounts at an advertised time and comment to the external auditor.

### 1.2 Councillors

#### (a) Elections and terms of office

There are 48 councillors, who represent 24 wards. Each ward has two councillors.

Half the councillors are elected every other year, with elections in 2020, 2022 and so on. Following implementation of a boundary review by the Boundary Commission for England there will be an election for all Council seats in 2020. After that the Council will revert to elections for one Councillor per ward every two years.

Exceptionally, after the 2020 elections one councillor in each ward will serve for two years only and the other for four years.

Councillors serve for four years. They become councillors on the fourth day after being elected. Their term of office ends four years later, on the fourth day after the elections.

#### (b) Role of councillors

Councillors:

- set the Council's overall policies
- provide political leadership
- represent people in their wards – this may involve balancing different interests
- deal with casework for people in their wards
- go to Council and committee meetings
- work to improve Council services
- represent the Council on other bodies

#### (c) Rights and duties of councillors

The Council will give councillors the information and resources they need to do their jobs, as far as the law allows.

Councillors must obey the law and follow the Members' Code of Conduct (Part 22). They are guided by the Code on Councillor –Officer Relations (Part 23), the Planning Code of Practice (Part 24) and the ICT Acceptable Use Policy (Part 27).

#### (d) Councillors' allowances

Councillors can claim allowances (Part 26).

### 1.3 Council

#### (a) Role of Council (sometimes referred to as “full Council”)

Council is attended by all councillors. Some things can only be done by Council. These include:

- agreeing the Council’s overall budget and policies (which are known as the budget and policy framework (Part 5.2)
- changing the Constitution
- electing of the Leader in the year in which this is required
- appointing committees of Council
- confirming who will be Chief Executive, Chief Finance Officer and Monitoring Officer

Proposals that go against the budget or policy framework must normally be agreed by Council. But there is a procedure for urgent decisions outside the budget and policy framework (Part 16.4).

#### (b) Council Meetings

There are three types of Council meetings: annual meetings, ordinary meetings and special meetings (Part 11).

### 1.4 Leader and Cabinet

#### (a) Members of the Cabinet

The Cabinet is made up of the Leader, the Deputy Leader and up to eight other councillors. The Leader is appointed by Council. The Leader appoints the Deputy Leader and Cabinet members. The Leader may also wish to appoint a second, non-statutory Deputy Leader from among the eight Councillors. Members of the Cabinet cannot be Lord Mayor or Deputy Lord Mayor or a member of a scrutiny committee.

#### (b) Term of office of Cabinet members

Cabinet members hold office from when they are appointed by the Leader until:

- they are removed by the Leader
- they submit their written resignation from their Cabinet role to the Leader
- they stop being a councillor or
- they are disqualified from being a councillor

#### (c) Cabinet meetings

Cabinet meetings follow the Cabinet procedures (Part 12).

#### (d) Executive decisions

The Cabinet takes decisions collectively at Cabinet meetings. Some decisions are delegated to officers (Part 4).

Cabinet decisions must be consistent with the overall policies of Council (policy framework). They must also be within the budget set by Council.

(e) Key decisions

Some decisions that the Cabinet takes are key decisions (Part 15.14). When the Cabinet is going to take a key decision, it should be shown in the Forward Plan (Part 15.16).

(f) Role of the Leader

The Leader is responsible for:

- appointing and removing the Deputy Leader
- appointing and removing the non-statutory Deputy Leader
- appointing members to and removing members from the Cabinet
- allocating executive responsibilities
- appointing members to other executive positions such as the Future Oxfordshire Partnership and its advisory sub-groups

(g) Term of office of Leader

The Leader holds office from the date of appointment by Council for a term of up to four years or for such lesser period of time as the leader holds office as a councillor. The Leader's term of office will extend to the annual meeting of Council immediately following their normal date of retirement or failure to get re-elected and at that meeting another Leader will be appointed by Council and the former Leader's term of office will end.

(h) Deputy Leader

The Deputy Leader is appointed by the Leader. The Deputy Leader holds that office for as long as the Leader wants them to hold that position.

If the Leader is unable to act, the Deputy Leader may carry out the Leader's statutory functions (for example of appointing or removing Cabinet members) but does not assume the position of Leader. If the Leader ceases to be the Leader, the Deputy Leader also ceases to be the Deputy Leader and reverts to an ordinary Cabinet member.

(i) Non-statutory Deputy Leader

The non-statutory Deputy Leader is appointed by the Leader. The non-statutory Deputy Leader holds that office for as long as the Leader wants them to hold that position.

The non-statutory Deputy Leader does not hold a statutory role but will work on an equal basis with the statutory Deputy Leader as part of the Council's senior political leadership team.

If the Leader ceases to be the Leader, the non-statutory Deputy Leader also ceases to be the non-statutory Deputy Leader and reverts to an ordinary Cabinet member.

### 1.5 Other committees that take decisions

Other committees that take decisions include planning committees, committees to deal with licensing and regulation, committees to deal with officer appointments and dismissals and a standards committee. Part 7 describes their roles.

### 1.6 Scrutiny

#### (a) Scrutiny committees

The Council has one scrutiny committee.

The Council also appoints one member to the Oxfordshire Joint Health Overview and Scrutiny Committee and three members to the Future Oxfordshire Partnership Scrutiny Panel.

#### (b) Role of the Scrutiny Committee

The Scrutiny Committee scrutinises the Council's decisions and work (Part 8).

#### (c) Procedure at Scrutiny Committees

The Scrutiny Committee follows the scrutiny committee procedures (Part 13).

### 1.7 Lord Mayor and Deputy Lord Mayor

#### (a) Election of Lord Mayor and Deputy Lord Mayor.

The Lord Mayor and Deputy Lord Mayor are elected and appointed respectively by Council each year.

#### (b) Ceremonial role

The Lord Mayor represents the Council at civic and ceremonial events.

#### (c) Chairing Council

The Lord Mayor chairs Council. In chairing Council, the Lord Mayor will:

- promote the purpose of the Constitution (Part 2.3)
- interpret the Constitution
- get the business done efficiently but pay attention to the rights of all councillors and the interests of local people
- make Council a place for discussing the concerns of local people and holding the Cabinet to account
- encourage the public to take part in the Council's activities
- be the conscience of Council.

### **1.8 Council employees**

Council employees are called Council officers. Officers give advice, act on the Council's decisions and run the Council's services. Some officers have a special duty to make sure the Council follows the law or uses its resources wisely (Part 9).

When employing and dismissing officers, the Council follows the employment rules (Part 20).