

To: Council

Date: 14 July 2025

Report of: Director of Law, Governance and Strategy (Monitoring Officer)

Title of Report: Updates to Constitution – July 2025

Summary and recommendations	
Decision being taken:	To seek approval to the updated Committee procedures in the relevant sections of the Constitution and further amendments to the Constitution.
Key decision:	No
Cabinet Member:	Councillor Susan Brown, Leader and Cabinet Member for Partnership Working and Inclusive Economic Growth
Corporate Priority:	A Well Run Council.
Policy Framework:	None.

Recommendation(s): That Council resolves to:
<ol style="list-style-type: none"> Approve the updates to the Constitution, as listed in Appendix 1; Delegate authority to the Monitoring Officer to make any other consequential amendments to the Constitution to reflect the changes in appendix 1 to the extent that they have not been identified in the above, provided such changes are purely required as a direct consequence

Information Exempt From Publication	
N/A	N/A

Appendix No.	Appendix Title	Exempt from Publication
Appendix 1	List of proposed amendments to the Constitution	No

Introduction and background

1. The Constitution forms a key part of the Council's governance framework, setting rules, principles and procedures to enable the Council to take decisions and do its work effectively.
2. The Constitution is reviewed annually to ensure that it continues to properly reflect the law and meet the needs of the Council. This is both a tidying up exercise and an opportunity to respond to governance changes and issues that have arisen since the previous review. There will be a further review of the specific operational parts in due course, including the Financial Rules, rules concerning property transactions and other embedded policies and procedures. Due to the size of the constitution, it has needed to be done by this iterative approach.
3. A Cross-Party Constitution Review Working Group ("the Group") was formed, as per section 2.4 of the Constitution to consider suggestions from officers and elected members and shape the proposals before consideration by Full Council. The Group membership included: Councillors Nigel Chapman, Laurence Fouweather, David Henwood, Anna Railton, Lois Muddiman, Chris Smowton, Alex Powell and Louise Upton with amendments submitted by members and officers.

Proposed Amendments

4. The list of 60 proposed amendments resulting from the Constitution Review are attached at Appendix 1.
5. The proposed amendments were initially considered and debated in turn by the Group and in the latter stages of the review process the proposals were taken as read and only debated by exception. Following debate, some proposals were amended by officers to reflect member input and subsequently circulated to the Group for agreement.
6. Since the Constitution Review is in part a tidying up exercise there was a high degree of consensus on most proposals considered by the Group. A small number of proposals required amendment following member input.
7. In April 2025, all amendments were shared with the Constitution Review Group for further comments ahead of final sign-off. Further amendments outside of the Committee Procedures were put to the group in June for approval.
8. Further amendments could be made to part 4 (Who carries out executive responsibilities), following confirmation with the Leader of the Council, and will be published as an addendum to the report as part of the briefing note.

Changes to Key Decisions and Contract Rules

9. The definition of a Key Decision has been updated in Part 15, following the change approved at full Council in November 2024. Acquiring or disposing of freeholds has been increased to £750,000 in the context of the medium-term financial strategy except for disposals pursuant to right to buy legislation
10. There has been a slight amendment to the contract rules in Part 19, with exemptions and waivers for procurement, to provide clarity to Officers on ensuring there is substantial evidence for value of money to keep with the current supplier.

Committee Procedure Amendments

11. Most of the amendments were around standardising the processes for committee where the Council has the overall authority. This included setting time limits for committees, rules around public speakers for committees and aligning the procedural items for agendas, such as the approval of minutes across all formal meetings held.
12. The amendments to full Council (part 11) included further guidance and revised deadlines for Motions on Notice and amendments (11.18), Questions on Notice (11.11) and to Public Addresses. Guidance for Questions from the Public was amalgamated into Addresses from the Public. Further guidance was given for how Council would deal with petitions (11.15) and there was also provision for urgent business to include on the agenda and to meet current legislation (11.27).
13. The amendments to Cabinet procedures (part 12) included clearer guidance for addresses relating to business of the meeting from members of the public (12.10) and Councillors (12.11) along with guidance for Councillors speaking on neighbourhood items (12.12). The provision for special meetings with shorter agendas was also included.
14. The amendments for the Scrutiny Committee (part 13) included clearer guidance for public addresses and the provision for the committee to ask questions to public addresses (13.16), inclusion of Councillors addressing the Scrutiny Committee (13.17), the inclusion of a standing item to approve the recommendations from the Committee's Working Groups (13.15) and procedure for how the committee would review call-ins of Cabinet and Key Decisions (13.18).
15. There was also an amalgamation of the Operating Principles, approved by the Committee on 10 June 2025, into the Constitution, which included additional guidance for sections 13.2 (Membership of the Scrutiny Committee – Substitutes), 13.3 (Co-opted members of the Scrutiny Committee) and 13.7 (Programme of Work), in addition to a new section at 13.19 for the Standing Working Groups and Review Groups.
16. The amendments for other committees (part 14) included cancelling and rescheduling meetings in exceptional circumstances, inclusion of a four-hour time limit for all meetings (14.6), consistent public speaking guidance and provision for Councillors to speak across all committees (14.8), and a review of all committee agendas (14.11 Planning Committee, 14.12 Licensing Committee, 14.13 Audit and Governance Committee, 14.14 Standards Committee and 14.15 Appointments Committee). There is also a meeting procedure created for the Licensing Sub-Committees.
17. Call-in Procedures (part 17) were also reviewed including the removal of call-in starting from when the draft minutes were published, instead when the record of decision was published within 48 hours of the meeting taken place.
18. A criterion for call-in for executive decisions (17.8) was also drafted to allow the Director of Law, Governance and Strategy, in consultation with the Chair of the Scrutiny Committee, to determine the validity of the call-in. A new online template will also be produced to coincide with this criterion being enforced and will be located on the Members' Intranet page.

Monitoring Officer's use of delegated authority

19. Part 2.5 of the Constitution provides that the Monitoring Officer can amend the Constitution if it is to put right clerical mistakes or to make it follow the law. The

Monitoring Officer has used their delegated authority to make any changes necessary to ensure the Constitution continues to reflect the law, revise job titles and to correct clerical mistakes and inconsistencies.

Alternative Options Considered

20. Council could consider to not implemented the amendments set out in Appendix 1, however this would be considered to not be appropriate. Many of the changes proposed were received following feedback from Members.

Financial implications

21. There are no financial implications arising from the recommendations contained in this report.

Legal issues

22. A local authority is under a duty to prepare and keep up to date its Constitution under section 9P of the Local Government Act 2000 as amended. The Constitution must contain:
- the Council's standing orders/procedure rules;
 - the Council's members' code of conduct;
 - such information as the Secretary of State may direct; and
 - such other information (if any) as the authority considers appropriate.
23. A Constitution Direction was issued by the Secretary of State in December 2000 that required around 80 matters to be included within constitutions, covering members' allowances schemes, details of procedures for meetings, details of joint arrangements with other local authorities and a description of the rights of inhabitants of the area, amongst other things.
24. As set out in paragraph 18 the Monitoring Officer has delegated authority to make any amendments necessary to ensure the Constitution continues to reflect the law.
25. There are no other legal issues arising from the recommendations contained in this report.

Report author	Jonathan Malton
Job title	Committee and Member Services Manager
Service area or department	Law, Governance and Strategy
Telephone	01865 602767
e-mail	jmalton@oxford.gov.uk

Background Papers:

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| 1 | Section 9P Local Government Act 2000 |
| 2 | Report to Council Constitutional Amendments Nov 24 - FINAL.pdf |