

To: Council

Date: 24 November 2025

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

Title of Report: Updates to Constitution – November 2025

| Summary and recommendations | |
|------------------------------|--|
| Decision being taken: | To seek approval for amendments to the Constitution, including updated Committee procedures and confirmation that Council will be responsible for approving Taxi Licensing policy. |
| 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 reservation to full Council of the decision making and approval of Taxi Licensing Policy as set out in Part 5.4 of the Constitution. Approve the changes 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 report is in addition to the annual review, being both a tidying up exercise and an opportunity to respond to governance changes and issues that have arisen since the previous review.
3. The list of proposed amendments resulting from the Constitution Review are attached at Appendix 1 and summarised below.

Call-in of Planning Applications

4. Following changes to practice of circulating planning applications, this section has been to update the new practice.
5. All Councillors will continue to receive the weekly newsletter for new Planning Applications received.

Changes to Licensing Act 2003 Decisions

6. Following a review of how decisions at Licensing and Gambling Act Committee (LGAC) there are amendments to Part 5.6 in line with advice taken from Counsel by the Council.
7. Advice confirmed that the Licensing Act 2003 is clear in s7 that the LGAC is the proper decision maker in relation to saturation policy / cumulative impact assessment under s5A of the Licensing Act 2003.
8. The Act is set out so that everything rests with Committee for decision unless the Act says otherwise. Therefore, there are some approvals that remain with Full Council under s7, including the decision to approve the Statement of Licensing policy under s5, but otherwise the LGAC is the proper decision maker on all other matters. Committee Procedure Amendments

Public Speaking – Consistency

9. Following the Constitution Review in July 2025 which amended the public speaking for Cabinet and Council, further amendments are proposed to address some practical issues that have occurred in the interim and to ensure that there is consistency across meetings. As such the amendments now require in the rules for Council (11.13), Cabinet (12.10), Scrutiny Committee (13.16) and all other Committees (14.8), that full address should be submitted to the Director of Law, Governance and Strategy ahead of the deadline.
10. Planning Committee, General Purposes Licensing Casework Sub-Committee and Licensing and Gambling Acts Casework Sub-Committee, where there are separate rules around public speaking, would not be impacted with this proposed change.
11. As part of 14.13 (d), a minor amendment was proposed to clearly show the difference between the public speaking rules at the Licensing Committees and the Licensing Sub-Committees.
12. As part of 14.13 (e), the requirement of approving the minutes at the Licensing Sub-Committees was removed as part of the template agenda, as it is not best practice

to approve a set of minutes where the membership of each sub-committee is different.

13. There was also the provision for urgent business included within the order of business for full Council, as per part 11.25 of the constitution.

Contract Rules

14. There are a number of changes to the contract rules, primarily resulting from the commencement of the Procurement Act 2023.
15. The wording within the Constitution has been updated to reflect that the Public Procurement Act 2023 is now in force for all new contracts.
16. The wording has been updated to refer to Public Procurement thresholds rather than FTS (Find a Tender Service). Thresholds are published on the Councils intranet for easy user reference.
17. Clarity has been provided for the storage of hard copy contracts.

Taxi Licensing Policy

18. Taxi Licensing policy has always been reserved to Council in the Constitution.
19. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 ("the Regulations") set out that either Council or Cabinet can take decisions relating to taxi licensing policy, but the default is Cabinet unless a clear and explicit decision is taken by Council to reserve the decision to itself.
20. Historically, though Council have approved the Constitution year on year, there is no explicit decision to reserve the function to itself.
21. As such, Counsel advised that it therefore remains a decision of Cabinet.
22. Given the intention of Council has been to reserve the decision making on taxi licensing policy to itself, Council are asked to affirm this position and make the explicit resolution at the outset of his report.

Alternative Options Considered

23. Council could consider to not implemented the amendments set out in Appendix 1, however this would be considered to not be appropriate as this is updating certain practices and providing clarity to some of the rules.

Financial implications

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

Legal issues

25. 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.
26. 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.
27. All other legal issues arising from the recommendations are contained in body of 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: | |
| 1 | Section 9P Local Government Act 2000 |
| 2 | Report to Council Constitutional Amendments July 25 - FINAL.pdf |