

Divisions Affected – ALL

AUDIT AND GOVERNANCE COMMITTEE

26 November 2025

Constitution Member Working Group

Report by the Director of Law & Governance and Monitoring Officer

RECOMMENDATION

1. The Committee is **RECOMMENDED** to:
 - a. Agree with the proposal to reconvene the Constitution Member Working Group, as set out in this report;
 - b. Agree and comment as necessary, on the draft terms of reference for the working group, as set out in Annex A; and
 - c. Request the Director of Law & Governance and Monitoring Officer to seek nominations for representatives from each political group who will attend the working group meetings, in accordance with paragraph 15 of this report.

Background

2. The Council has a duty to keep its constitution under review. This includes all relevant codes and protocols, and the procedure rules for committees, as well as corrections, updates, amendments, and developments to the constitution.
3. 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.
4. A Constitution Member Working Group has served as a vital forum for cross-party engagement and consensus-building on matters relating specifically to the review and updating of the Council's constitution. It is best practice that the group remains active to ensure the constitution is kept current and fit for purpose and responds to the current needs of the Council.

5. Under provisions contained within the Local Government Act 2000 (and as subsequently amended) the Council is required to prepare and maintain a constitution. The constitution must contain:
 - The standing orders and rules of procedure of the Council;
 - The Members Code of Conduct;
 - Such other information as the Secretary of State may direct;
 - Other information (if any) as the Council considers appropriate.
6. It should be noted that since 2000, there have been over a hundred legislative changes and instructions which have been required to be included within the constitution. This highlights one of the reasons why the constitution needs to be kept under regular review.

Review of the Constitution

7. At its meeting on 17 September 2025 the Committee agreed that the Monitoring Officer should consider the reconvening of the Constitution Member Working Group. It is proposed that the Constitution Member Working Group be reestablished to focus on the review and update of the Council's constitution. It is expected that the group would need to convene three times to undertake this review with an anticipated report to Council in July 2026 or earlier if the work permits, with additional meetings arranged as necessary to address urgent or complex constitutional issues requiring prompt attention.

Objectives of the Review

8. The constitution should be seen as a "living" document and not something which is set in stone for all time, but something which is kept under regular review and which the Council is willing to adjust or clarify in the light of new or changing circumstances.
9. The constitution applies to the whole council and is therefore not something which is controlled by one political group over another. The constitution sets out processes and procedures for decision making and is a key document for the council as well as Oxfordshire's residents.
10. Having a constitution which is reviewed and updated regularly serves a valuable and relevant purpose by striking a fair balance between the interests of the various groups within the Council.
11. Most importantly the constitution needs to enable the Council to operate effectively. It must deliver:
 - good governance behaviours such as transparency, accountability, leadership and participation;
 - effective officer/member relationships;
 - clear and effective decision-making with an effective scheme of delegations that utilises officer expertise;
 - clarity and consistency.

12. It is recommended that the Monitoring Officer conduct a review of the constitution, with the goal of ensuring that the document remains current, succinct where possible, and appropriately detailed, when necessary, in alignment with the following objectives:
- Maintain a constitution that is "locally driven" and should reflect the values and culture of the Council such as openness and transparency
 - Review the scheme of delegations and where appropriate provide additional delegation to aid effective decision-making within the policy & budget framework set by elected members
 - Seek to remove any ambiguity and make roles of Committees explicit, avoiding any duplication
 - Ensure the delivery of a constitution that is fit for purpose, reflects best practice and utilises language and style that makes it more accessible to members, officers, partners and the public.

Constitution Working Group

13. The committee is recommended to agree to reconvene the Constitution Working Group with representatives from each political group, and a position for a non-grouped member.
14. It is proposed that membership should consist of:
- 2 Liberal Democrat
 - 1 Oxfordshire Alliance
 - 1 Labour & Cooperative Group
 - 1 Green
 - 1 Non-Grouped Member
15. Group Leaders will be asked to confirm their appointments to the working group and the Director of Law and Governance and Monitoring Officer will liaise with non-grouped members. The membership of the working group is not limited to Audit and Governance Committee members and can come from across the Council. As representatives of their Groups, it will be important that working group members actively engage with members in their group to consider any proposed changes and present the agreed views and comments of their group back to the Working Group, not just their own perspective.
16. The Working Group will receive the proposals of, and provide thoughts, feedback and guidance on areas for inclusion/amendment within the constitution (or on the authority's constitutional arrangements) to assist the Monitoring Officer in developing recommendations for consideration and approval at Council.
17. The Committee is asked to agree a term of reference for the working group - to aid deliberations a draft term of reference is attached at Annex A.

First Meeting

18. Subject to the Committee's approval, it is proposed that the first meeting of the reconvened Working Group take place in January 2026. Further meeting dates will be determined in consultation with nominated members to accommodate the group's work programme, availability of members and any arising needs.
19. Proposed sections for consideration at the first meeting:
 - a) Council Procedure Rules – members have expressed an interest in the review of the time allocated to particular items of business at Council;
 - b) Financial Regulations;
 - c) To note technical amendments from the Director of Law & Governance and Monitoring Officer;
 - d) Review how the current rules on motions are working;
 - e) Proper Officer functions (table);
 - f) Review operation of dispensations.
20. The Working Group will be tasked with reviewing the Council's Constitution and making recommendations for improvement where necessary. It is anticipated that the group will consider best practice from other local authorities and invite input from relevant officers or external advisors as appropriate. Progress updates and any proposed amendments will be reported to the Audit & Governance Committee in the first instance, ahead of presentation to Council for approval, ensuring transparency and oversight throughout the process.

Financial implications

21. There are no direct financial implications directly relating to, or arising from, the recommendation in this report.

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Legal implications

22. 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 to keep it up to date. The Constitution must contain (a) a copy of the authority's standing orders, (b) a copy of the authority's code of conduct (if any) 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.

23. 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 for approval by the Council

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Equality & Inclusion Implications

24. The recommendations in this report do not themselves raise equality implications. However, keeping the constitution up to date is important to its accessibility. The recommendation for bringing forward proposals for reviewing the Constitution recognises that any such proposals would involve consultation with elected members. Furthermore, public engagement at Council will no doubt form part of considerations, ensuring that the views of the wider community are included in the review process.

Anita Bradley

Director of Law & Governance and Monitoring Officer

Annex A: Draft Terms of Reference

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