

# The Constitution

## 1. Powers of the Council

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

## 2. The Constitution

This Constitution and all documents in its Parts is the Constitution of Oxfordshire County Council. The electronic copy of the Constitution appearing on the Council's website is to be regarded as the master copy of the Council's Constitution.

## 3. Purpose of the Constitution

The purpose of the Constitution is to:

- (a) set out the Council's governance arrangements which will provide clear leadership to the community in partnership with citizens and other stakeholders;
- (b) support the active involvement of citizens in the process of local authority decision-making by setting out their rights in respect of the process of decision-making and access to information;
- (c) help councillors represent their constituents more effectively;
- (d) enable decisions to be taken efficiently and effectively;
- (e) create an effective means of holding decision-makers to public account;
- (f) ensure that no one will review or scrutinise a decision in which they were directly involved;
- (g) ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
- (h) set out the standards of conduct expected of councillors and those who work for or with the Council.

## 4. Interpretation of the Constitution

- 4.1 Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above. The Council will monitor and evaluate the operation of the Constitution.

- 4.2 The ruling of the Chairman of Council as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. In interpreting this Constitution, the Chairman of Council shall seek the advice of the Monitoring Officer. Such interpretation will have regard to the purposes of this Constitution set out above.

## 5. Review and Revision of the Constitution

### Duty to Monitor and Review the Constitution

- 5.1 The Monitoring Officer will monitor and review the operation of the Constitution to ensure that its aims, principles and requirements are given full effect and make recommendations on any necessary amendments to it to the Council. In undertaking this task s/he shall:
- (a) observe meetings of different parts of the member and officer structure;
  - (b) undertake an audit trail of a sample of decisions;
  - (c) record and analyse issues raised with her/him by members, officers, the public and other relevant stakeholders; and
  - (d) compare practices in the authority with those in other comparable authorities, or national examples of best practice.

### Changes to the Constitution

- 5.2 The Monitoring Officer is authorised to make any changes to the Constitution which are required:
- (a) to comply with the law; or
  - (b) to give effect to decisions of the Council or (so far as within their powers) the Cabinet, scrutiny committees and ordinary committees; or
  - (c) to correct errors and otherwise for accuracy or rectification.

All other changes to the Constitution will only be approved by the full Council after consideration of a recommendation from the Monitoring Officer.

## 6. Suspension and Publication of the Constitution

### Suspension of the Constitution

- (a) **Limit to suspension.** The Articles of the Constitution may not be suspended. The Rules specified below may be suspended by the full Council to the extent permitted within those Rules and the law. Any temporary suspension of any part of this Constitution shall only happen

if agreed by the Chairman of the Council after s/he has sought advice from the Monitoring Officer.

- (b) **Procedure to suspend.** A motion to suspend any Rules will not be moved without notice unless at least one half of the whole number of councillors are present. The extent and duration of the suspension will be proportionate to the result to be achieved, taking into account the purposes of the Constitution set out above.
- (c) **Rules capable of suspension.** All of the Council Rules of Procedure set out in Part 3.1, except Rule 17.6 and Rule 18.2, may be suspended only for the duration of the meeting.

## 7. Publication

- (a) The Monitoring Officer will ensure that each member of the authority is made aware of the location of the Constitution on the Council's website upon delivery to her/him of that individual's declaration of acceptance of office on the member being elected to the Council. Changes to the Constitution will be notified to all members after they have been agreed.
- (b) The Monitoring Officer will ensure that copies of the Constitution are available for inspection at council offices, libraries and other appropriate locations, and is available electronically on the Council's public website and can be purchased by members of the local press and the public on payment of a reasonable fee.
- (c) The Monitoring Officer will ensure that the summary of the Constitution is made widely available free of charge within the County and is updated as necessary.