



WEST OXFORDSHIRE
DISTRICT COUNCIL

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Name and date of Committee	Council: Wednesday 28 July 2021
Report Number	Agenda item No. 12
Subject	Updates to the Constitution and Establishment of a Constitution Working Group
Wards affected	All
Accountable member	Councillor Michele Mead, Leader of the Council Email: michele.mead@westoxon.gov .
Accountable officer	Giles Hughes, Chief Executive Email: giles.hughes@westoxon.gov.uk Claire Hughes, Business Manager – Corporate Responsibility Email: claire.hughes@publicagroup.uk
Summary/Purpose	To seek Council approval for the establishment of a Constitution Working Group to conduct a full review of the Constitution.
Annexes	Annex A: Draft Terms of Reference for Constitution Working Group Annex B: Draft Work Plan for Constitution Working Group
Recommendations	a) That Parts 7 & 8 of the Constitution be deleted; b) That a Constitution Working Group be established, in accordance with the terms of reference set out at Annex A; and c) That the proposed work plan for the Constitution Working Group at Annex B be noted.
Corporate priorities	Modern Council Services and Sustainable Finance: Delivering excellent modern services whilst ensuring the financial sustainability of the Council
Key Decision	N/A
Exempt	No
Consultees/ Consultation	Monitoring Officer Deputy Chief Executive/S151 Officer Interim Head of Legal Services Senior Management Business Managers

1. BACKGROUND

- 1.1. The Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. The Council has a duty to publish an up to date Constitution and it should be reviewed annually by the Monitoring Officer with any necessary changes being considered by Council.
- 1.2. The Constitution must contain:
 - (a) the Council's standing orders/procedure rules;
 - (b) the members' code of conduct;
 - (c) such information as the Secretary of State may direct;
 - (d) such other information (if any) as the authority considers appropriate.
- 1.3. Whilst some changes have been made to the Constitution a comprehensive review has not been conducted for some time and therefore it is recommended that Council agrees to establish a Constitution Working Group to conduct a full review of the Constitution over the coming months.

2. OFFICER SCHEME OF DELEGATION

- 2.1. The existing Officer Delegation Rules as published in the Constitution are out of date, although the necessary delegations have been approved by Council and are in place.
- 2.2. A comprehensive review has been commenced, and will be considered by Senior Managers and the proposed Working Group before being presented to a future Council meeting.

3. PARTS 7 AND 8 (MANAGEMENT STRUCTURE AND MEMBERSHIP OF EXECUTIVE)

- 3.1. Part 7 of the Constitution sets out the Management Structure of the Council but would require updating to reflect the current arrangements, including the relationship with Publica. Whilst included in the original model constitutions produced by the government at the time the Cabinet system was introduced, there is no current requirement for such information to be contained within the Constitution, and it is recommended that this Part is deleted accordingly.
- 3.2. Part 8 of the Constitution sets out the membership of the Executive. This information is actively published and updated on the Council's website and it is not necessary to include it as part of the Constitution. It is therefore recommended that this Part is also deleted.

4. CONSTITUTION WORKING GROUP

- 4.1. As referenced in the introduction to this report it has been sometime since a full review of the Constitution has been completed. In accordance with best practice it is therefore recommended that the Council establishes a Constitution Working Group which can work with the Chief Executive, Monitoring Officer and the Business Manager for Corporate Responsibility to conduct a wholesale review and make recommendations to Council for approval.
- 4.2. Proposed terms of reference for the Group are included at Annex A.
- 4.3. Given the scale of the task, the work would need to be completed over a period of time as agreed with the Group. However, a draft high level timeline is included at Annex B for Council's information. This will be reviewed and updated as necessary, during the life of the Working Group.

5. FINANCIAL IMPLICATIONS

- 5.1. None specific or arising from this report.

6. LEGAL IMPLICATIONS

- 6.1. Save that any changes to the Constitution need to be approved by Council, there are no specific legal implications arising from the recommendations in this report.

7. RISK ASSESSMENT

- 7.1. There are no specific risks associated with this report. However, failure to have a robust and up to date Constitution, could place the Council at risk of legal challenge.

8. ALTERNATIVE OPTIONS

- 8.1. Council could choose not to constitute the proposed Working Group.

9. BACKGROUND PAPERS

- 9.1. Council's Constitution.