



WEST OXFORDSHIRE
DISTRICT COUNCIL

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Name and date of Committee	Council – 27 April 2022
Report Number	Agenda Item 7
Subject	CONSTITUTION OF THE COUNCIL
Wards affected	ALL
Accountable member	Suzi Coul, Chair of the Constitution Working Group Email: suzi.coul@westoxon.gov.uk
Accountable officer	Claire Hughes, Business Manager for Corporate Responsibility claire.hughes@publicagroup.uk
Summary/Purpose	This reports provides Council with a summary of the work of the Constitution Working Group and asks Council to approve the amended Constitution with effect from Annual Council in May 2022.
Annexes	Annex A - Revised Constitution
Recommendation/s	Council are asked to approve the revised Constitution with effect from Annual Council in May 2022.
Corporate priorities	Modern Council Services and Sustainable Finance: Delivering excellent modern services whilst ensuring the financial sustainability of the Council
Key Decision	No
Exempt	No
Consultees/ Consultation	Constitution Working Group

I. MAIN POINTS

- 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; and
 - (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. Therefore, on 28 July 2021 Council resolved to set up a Constitution Working Group (CWG) to conduct a full review of the Constitution.

2. CONSTITUTION WORKING GROUP

- 2.1. The CWG was made up of seven councillors; Suzi Coul (Chair), Jake Acock, Julian Cooper, Joy Aitman, Dean Temple, Ted Fenton and Andy Graham. They were supported by Democratic Services, the Business Manager for Corporate Responsibility and the Interim Monitoring Officer.
- 2.2. Since its formation in July 2021, the group has met on numerous occasions and has now completed its review which has resulted in the production of a new Constitution (Annex A). The main changes that have resulted from the review are identified below.

3. MAIN CHANGES TO CONSTITUTION

- 3.1. The main changes that result from the review of the Constitution can be summarised as follows:
 - a) The process of reproducing minutes of all the Committee minutes will be replaced with a more general Member's question time. This will enable Members to ask questions of the Chair, Leader, a Cabinet Member or Committee Chair on any matter, not just those which are referenced in minutes of previous meetings (See Part 5: Policy and Procedure Rules, 5A Council Procedure Rules, Rule 10: Questions).
 - b) The introduction of a new rule which will prohibit Cabinet members from being the Chair of any Regulatory Committee (Planning and Licensing) (See Part 2: Articles of the Constitution, Article 4 – The Cabinet).
 - c) The officer scheme of delegation has been updated to reflect the arrangement with Publica and to limit the potential risk to the Council of making ultra vires decisions (See Part 4: Officer Scheme of Delegation).
 - d) The Audit and General Purposes Committee has been renamed the Audit and Governance Committee to reflect its remit and give more clarity to the roles that it undertakes.

- e) The document is now written in accordance with the Council's accessibility guidance.
- f) All gender references have been removed e.g. she/he, his/her and Chairman has been updated to Chair to reflect the Council's Equality Policy.

3.2. In addition, the new Members' Code of Conduct as approved by the Standards Sub-Committee on 23 March 2022 has been incorporated and is attached as Annex B.

3.3. The Standards Sub-Committee also agreed a Local Hearing Panel Procedure Rules which will form part of the Constitution and is attached as Annex C.

4. FINANCIAL IMPLICATIONS

4.1. There are no financial implications arising from this report. However, members will note that the Financial Procedure Rules are yet to be updated. These will be coming forward to members for consideration in due course.

5. LEGAL IMPLICATIONS

5.1. There are no direct legal implications arising from this report.

6. RISK ASSESSMENT

6.1. 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.

7. EQUALITIES IMPACT

7.1. Not required. However, the revised Constitution complies with the Council's accessibility requirements and has been updated to removed gender specific references in line with the Council's Equality Policy.

8. ECOLOGICAL AND CLIMATE EMERGENCY IMPLICATIONS

8.1. Not required

9. ALTERNATIVE OPTIONS

9.1. Council could choose to reject the changes proposed by the Constitution Working Group.

10. BACKGROUND PAPERS

The following documents have been identified by the author of the report in accordance with section 100D.5(a) of the Local Government Act 1972 and are listed in accordance with section 100 D.1(a) for inspection by members of the public:

- Agenda Item 12 Full Council 28 July 2021
- Existing Constitution

These documents will be available for inspection during normal office hours for a period of up to 4 years from the date of the meeting. Please contact democratic services via democratic.services@westoxon.gov.uk