

## **Cherwell District Council Annual Constitution Review 2021/2022**

### **Background**

The Constitution is the document by which, in accordance with the law, the Council exercises all its powers and duties. It is essential that it is reviewed to ensure it remains fit for purpose.

A resolution of the 2020 Constitution review ([Council Minute 61 refers](#)) was that an annual review of the Constitution be introduced whereby, the Overview and Scrutiny Committee would consider and make recommendations to Full Council for agreement, with the potential for the Committee to convene a Constitution Review Working Group to offer advice if appropriate. The annual review would also include notice of any changes required by law.

### **Constitution Review Working Group (CRWG)**

#### **Terms of Reference**

##### **1. Purpose**

The Constitution Review Working Group has been established by the Overview & Scrutiny Committee to support the work of the 2021/2022 Constitution Review. It will undertake this role by:

- a) Working with the Monitoring Officer to review areas in the Constitution to ensure that they are fit for purpose and put forward appropriate changes
- b) Considering changes proposed by Members, Officers and advice from the Monitoring Officer
- c) Where possible by consensus, refer proposed changes to the Overview and Scrutiny Committee by way of recommendation for consideration and subsequent recommendation to Council for approval

##### **2. Membership**

9 members: 5 Conservative; 2 Labour; 1 Progressive Oxfordshire; 1 Independent

Substitutes are not permitted to ensure consistency.

Group Leaders will nominate their Group representatives. If a Group Leader chooses not to nominate representatives to the CRWG, this will not prevent the CRWG meeting and progressing its work, subject to the quorum requirements being met.

Members of the CRWG will be representatives of their respective political group and will express the agreed views of their political group when those are fed back to the CRWG.

### **3. Chairman and Vice-Chairman**

The Chairman and Vice-Chairman of the Constitution Review Working Group will be appointed at the first meeting of the CRWG.

### **4. Quorum**

The quorum of a meeting of the Constitution Review Working Group will be 3 members and, wherever possible, with at least two Groups represented.

### **5. Frequency of Meetings**

The Constitution Review Working Group will meet as and when required.

All meetings will be virtual and held in private at dates and times to be agreed by CRWG members.

### **6. Scope of the 2021/2022 Annual Constitution Review**

The areas the review will consider are focussed on ensuring the Constitution is up-to-date and fit for purpose.

- Overall review of all sections to ensure consistency of language, accessible format and layout
- Officer Scheme of Delegation (ensuring it reflects the management structure, operational practice and any changes in Government policy)
- Contract Procedure Rules
- Financial Procedure Rules
- Members' Planning Code of Conduct (to introduce guidance and procedures to allow councillors to engage with development proposals at the pre-application stage, in accordance with Government guidance, so they can provide input to development proposals whilst they are still being formulated)
- Councillor call-in of planning applications
- Clarity regarding matters reserved to Council/Executive/Committees
- Clarity regarding non-Committee/Executive Members attending and speaking at Committees/Executive

### **7. Timetable for 2021/2022 Annual Constitution Review**

Date	Activity
Tuesday 30 November 2021	Review scope and Working Group Terms of Reference endorsed by Overview & Scrutiny Committee
December 2021	Working Group established and first meeting held
December 2021 – February 2022	Officer work on the review areas with working group considering aspects. Working Group members liaise with their Political Groups on review areas to ensure they present their Groups views on all aspects

## Appendix 2

Tuesday 18 January 2022 (agenda published 10 Jan)	Working group, through its Chairman, provides an update to the Overview & Scrutiny Committee
Tuesday 15 March 2022 (agenda published 7 March)	Overview & Scrutiny Committee to consider proposals from the working group and make recommendations to Full Council
Wednesday 18 May 2022 (agenda published 10 May)	Full Council considers recommendations from the Overview & Scrutiny Committee with a view to their adoption