

Constitution Annual Review Update

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 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.

Whilst the Committee agreed to establish a working group and agreed terms of reference for the group at its 30 November 2021 meeting, the Labour and Progressive Oxfordshire Groups did not wish to participate in the working group. Notwithstanding, the annual review was due to commence its work in early 2022 with a view to submitting proposals to the March Overview & Scrutiny Committee to make recommendations to Full Council. However, the decisions of Cherwell District Council and Oxfordshire County Council (OCC) to formally serve notice to terminate the formal partnership working arrangements between the two councils has impacted the review.

At the 7 February 2022 Extraordinary Council meeting, an interim Monitoring Officer was appointed and given delegated authority to undertake a review of the existing Scheme of Delegation to ensure that decision making is both effective and efficient. The interim Monitoring Officer was also delegated responsibility to undertake amendments to the Council's Constitution to reflect the resolutions arising from the report regarding the termination of the s.113 partnership with OCC.

The delegations granted by Council do not however incorporate all areas that were agreed as the scope of the 2021/2022 annual Constitution review. To ensure that the sections of the Constitution listed below are updated in accordance with Government guidance and best practice, the Committee is recommended to give delegated authority to the Monitoring Officer, in consultation with the officers as detailed, to review these sections and submit to the 19 May 2022 Council meeting with a view to their adoption. The Monitoring Officer would keep Group Leaders, relevant Lead Members and Committee Chairman apprised of the updates.

- Contract Procedure Rules, in consultation with the S151 Officer
- Financial Procedure Rules, in consultation with the S151 Officer
- 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), in consultation with the Assistant Director Planning and Development
- Councillor call-in of planning applications, in consultation with the Assistant Director Planning and Development
- Addition of the Council budget debate speaking procedures (currently based on custom)
- General review of all sections to ensure consistency of language, accessible format and layout