

<b>This report is public</b>	
<b>Updates to the Constitution</b>	
<b>Committee</b>	Council
<b>Date of Committee</b>	21 May 2025
<b>Portfolio Holder presenting the report</b>	Councillor Chris Brant, Portfolio Holder for Corporate Services
<b>Date Portfolio Holder agreed report</b>	13 May 2025
<b>Report of</b>	Monitoring Officer, Shiraz Sheikh

## **Purpose of report**

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. This is to update members with the latest changes following meetings of the Constitution Review Group (CRG).

## **1. Recommendations**

Council resolves:

- 1.1 To approve the changes to Part 20 Contract Procedure Rules (Appendix 1).
- 1.2 To approve the changes to the Motions Process 4.18 (Appendix 2).
- 1.3 To approve the changes to Part 4a Overview and Scrutiny Committee Procedure Rules (Appendix 3) and the associated Overview and Scrutiny Reference Guide (Appendix 4)
- 1.4 To approve the updated terminology to reflect the preference of the Chairman as outlined in paragraph 4.18 below.

## **2. Executive Summary**

- 2.1 Amongst the duties of the Monitoring Officer is responsibility for monitoring and reviewing the operation of the Constitution, and for recommending ways in which it can be amended.
- 2.2 Changes to the Constitution may only be made with the approval of the Council and/or by the Monitoring Officer arising from decisions of the Council or the Executive; where legislation requires a change in wording or terminology; or to make minor or consequential amendments.

## Implications & Impact Assessments

Implications		Commentary		
<b>Finance</b>		There are no financial implications associated with this report Michael Furness, Section 151 Officer 9 May 2025		
<b>Legal</b>		Every local authority is under a duty to prepare and keep up to date its Constitution under s.9P of the Local Government Act 2000 Shiraz Sheikh, Monitoring Officer, 12 May 2025		
<b>Risk Management</b>		There is no Risk implications associated with this report Julie Miles, Performance Analyst and Developer, 12 May 2025		
Impact Assessments		Positive	Neutral	Negative
<b>Equality Impact</b>			X	
<b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?			X	
<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?			X	
<b>Climate &amp; Environmental Impact</b>				
<b>ICT &amp; Digital Impact</b>				
<b>Data Impact</b>				
<b>Procurement &amp; subsidy</b>				
<b>Council Priorities</b>		Not applicable		
<b>Human Resources</b>		Not applicable		
<b>Property</b>		Not applicable		

<b>Consultation &amp; Engagement</b>	Constitution Review Group
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## Supporting Information

### 3. Background

- 3.1 A full review of the Constitution started in December 2023. A Constitution Review Group (CRG) was subsequently established, comprising the Monitoring Officer and his deputy, officers from Democratic and Elections and five members representing the political groups of the Council. The members of the political groups were selected by the Group Leaders.
- 3.2 The CRG's work has continued in the 2024/2025 municipal year with Group Leaders again appointing members of their political groups to the CRG.

### 4. Details

#### **Contract Procedure Rules Update (Part 20)**

- 4.1 Contract Procedure Rules establish the regulatory framework governing the Council's procurement of goods, services, and works, and the disposal of specified assets. The summary of the changes is below and are highlighted in yellow in Appendix 1.
- 4.2 Section 1 (*Introduction*) has been amended to include expanded guidance on applicable Procurement Rules and reference points for locating supporting documentation. has been updated to add more information around Procurement Rules and where the information can be found.
- 4.3 Section 2 (*Scope*) has been revised to incorporate provisions from the Procurement Act 2023, reflecting procedural updates and compliance requirements.
- 4.4 The Section 6 (*Tender Evaluation*) now adopts the MAT (Most Advantageous Tender) methodology, superseding MEAT, to enable broader evaluation criteria aligned with lifecycle cost analysis and strategic value.
- 4.5 The *Record Retention* protocol has been updated to mandate enhanced documentation practices and define retention periods in line with governance and audit standards.

#### **Changes to the Motion Process (Part 4.18)**

- 4.6 The changes to the Motion Process have been introduced to reflect the amendments as agreed with the Constitution Review Group. The proposed changes are summarised below and are highlighted in yellow in Appendix 2.

- 4.7 It is proposed that if the motion does not fall into the relevant meetings remit (for example it is not a Council function) then as agreed, it will stand referred to the relevant body (for example Executive). However, the proposer will have 5 minutes to speak to the motion and the Leader or relevant Portfolio Holder will have 5 mins to respond. This ensures that full council is sighted.
- 4.8 There is a report to the referred meeting on the issue and the proposer is entitled to attend and be part of the debate.
- 4.9 It also includes the convention of the motion being amended for clarification or withdrawn but with the relevant member being consulted.
- 4.10 For clarification it is now included that the meeting chairman can also move items of business necessary for the effective administration of the business on the agenda reflecting the proper convention.

### **Overview and Scrutiny Procedure Rules Update (Part 4a)**

- 4.11 The Overview and Scrutiny procedure rules and terms of reference are currently provided at Part 4a of the Cherwell District Council Constitution and were originally approved by Council at the meeting of the 26 February 2024. The proposed updates included in this report reflect a review carried out by the Interim Principal Officer Scrutiny and Democratic Lead and are highlighted in yellow.
- 4.12 These procedure rules provide for how the Council will carry out the functions conferred by Section 21 of the Local Government Act 2000, which provide for Executive decision making arrangements, which have been adopted by Cherwell District Council. Executive arrangements by a local authority must include provision for the appointment by the Council of one or more overview and scrutiny committees
- 4.13 The Statutory Scrutiny Guidance was published last year by the Ministry of Housing, Communities and Local Government. This presents an opportunity time to review the Council's Overview and Scrutiny procedure rules. The Statutory Scrutiny Guidance is available for reference below.
- 4.14 The Government recognises that all authorities have democratic mandates, are ultimately accountable to local people and that authorities themselves are best placed to know which scrutiny arrangements are most appropriate for their own individual circumstances. The Statutory Guidance does however strongly urge all councils to cast a "critical eye" over their existing arrangements and ensure they embed a culture that allows overview and scrutiny to flourish.
- 4.15 In addition, the Council's Overview and Scrutiny procedure rules state that Members and Officers must have regard to the Council's Scrutiny Guidance (or any replacement of such guidance) from time to time. It may also be a good time to review the Council's Scrutiny Guidance in conjunction with the review of the Council Constitution.

### **Draft Overview and Scrutiny Reference Guide**

- 4.16 This document is designed to be used as a reference guide alongside the detailed section of the Constitution Part 4a and builds upon the Cherwell Council Scrutiny Guide February 2025
- 4.17 The changes made to the guide are highlighted and reflect the current practices.

### **Terminology**

- 4.18 The Constitution Review Group have proposed a clarification to the terminology for Committee “Chairs”. It will be up to the member elected as the Chairman to decide on whether they want to be known as a Chairman, Chairwoman, Chairperson or Chair as their preference.

### **Formatting of the Constitution & further updates**

- 4.19 To make the Constitution easier to follow and for it be user friendly we are working to re-format and produce it digitally. This work is ongoing under the delegation afforded to the Monitoring Officer.
- 4.20 The CRG will continue to meet to consider further amendments to the Constitution with reports submitted to Council as required.

## **5. Alternative Options and Reasons for Rejection**

- 5.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: Not to agree the recommendations. This is not recommended as it is important that the Constitution is kept up to date.

## **6 Conclusion and Reasons for Recommendations**

- 6.1 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.

### **Decision Information**

<b>Key Decision</b>	Not applicable
<b>Subject to Call in</b>	Not applicable
<b>If not, why not subject to call in</b>	Not applicable
<b>Ward(s) Affected</b>	All

### **Document Information**

<b>Appendices</b>	
<b>Appendix 1</b>	Proposed updated Contract Procedure Rules
<b>Appendix 2</b>	Proposed changes to the Motions Process
<b>Appendix 3</b>	Proposed changes to the Overview and Scrutiny Committee Procedure Rules
<b>Appendix 4</b>	Proposed Overview and Scrutiny Committee Reference Guide
<b>Background Papers</b>	None
<b>Reference Papers</b>	None
<b>Report Author</b>	Patrick Davis, Democratic and Elections Officer
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<b>Corporate Director Approval (unless Corporate Director or Statutory Officer report)</b>	Report of Statutory Officer, Monitoring Officer