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# Project Scope: Review of Constitution

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## 1. Introduction

Under provisions contained within the Local Government Act 2000 (and as subsequently amended) the Council is required to prepare and maintain a Constitution.

The Constitution must contain:

- The standing orders and rules of procedure of the Council.
- The Members Code of Conduct
- Such other information as the Secretary of State may direct
- Other information (if any) as the Council considers appropriate

Secretaries of State have produced since 2000 more than 100 different matters that are required to be included within the Constitution including members allowance schemes, joint working arrangements with other local authorities and pay policy statements.

The Constitution must be available for inspection by the public at all reasonable hours and a copy can be requested upon payment of a reasonable fee.

## 2. The Project

### Project Purpose

It has been said that prime objective of a good local authority is to have an accessible and modern Constitution. The Constitution should be seen as a “living” document— i.e. not something which is set in stone for all time, but something which is kept under regular review and which the Council is willing to adjust or clarify in the light of new or changing circumstances.

The Constitution should be “owned” by the whole Council—i.e., not something which is under the control of the largest group or any other part of the Council but something in which the whole Council has a genuine interest.

Having a Constitution which is reviewed and updated regularly serves a valuable and relevant purpose by striking a fair balance between the interests of the various groups within the Council—e.g., between the largest political group and opposition group, between all Councillors and between Councillors and officers.

Most importantly the Constitution needs to enable the Council to operate effectively. It must deliver:

- good governance behaviours
- effective officer/member relationships
- clear and effective decision-making
- strong accountability
- clarity and consistency

### Project Objectives

The project will seek to deliver a complete review of the existing Constitution, and revise and update the language and content where needed. The aim is to produce a modern, concise where appropriate and detailed where needed document supported by the following objectives:

- Produce a Constitution that is "Fit for Purpose" and "Understandable" by Councillors, Officers, Partners and the public
- Develop a Constitution that is "locally driven" and should reflect the values and culture of Oxfordshire County Council.
- Review the terms of reference of existing Committees and ensure that their role is clear, effective and contributes positively to local democratic principles
- Review scheme of delegations and where appropriate provide additional delegations
- Seek to remove any ambiguity and make roles of Committees explicit avoiding any duplication (for example clear scrutiny arrangements)
- Deliver a Constitution that is modern, reflects best practice and utilises language and style that will make it more accessible
- Insert additional - based on key themes raised in member engagement exercise

### Project Scope

Undertake a complete review of the Constitution complete for submission to Council in 2021-22 including review and revision of;

The Document:

- Document - improved modern style and format
- simplifying number of parts and avoiding duplication
- glossary of terms (and acronyms)
- organisational structure charts
- use of flow charts and diagrams in the Constitution outlining decision-making bodies
- diagram showing all the Council's committee and sub-committees
- hyperlinks within document to enable easy navigation
- consistent use of terminology across the Constitution

Content:

- Delegations – clear, concise, modern style set out of Member and Officer delegations
- Member and Officer Roles
- Contract Standing Orders – ensure they reflect post-Brexit requirements
- Financial Code of Practice
- Rules of Procedure
- Member/ Officer Protocols
- Identified other elements of the Constitution (complaints process)
- Review threshold scheme for petitions

Also, to consider;

- Identify corrections required to content
- Consideration of Officer training
- Member training
- Setting up a maintenance schedule for new document
- Identifying best practice to adopt (LGA / other councils)
- Ensuring compliance with the MHCLG Open and Accountable local government guidance

Out of scope but to note:

- Member Allowances

### Timescale

Proposals to Audit & Governance Committee – 16 March 2022

### Consultees

- Group Leaders
- Constitution Working Party
- CEDR
- Monitoring Officer
- Overview & Scrutiny Function
- Council
- Stakeholders as identified

### Dependencies

- Councillor engagement and cooperation
- Staff engagement
- Committee timetabling
- Consensus on recommendations (if possible)

### Assumptions

- It is assumed that the proposed changes being made will not be contentious, to allow us to meet the challenging timescales
  - It is assumed that all existing Committees will continue in place.
  - It is assumed that the Project will be able to call on all required resources on demand, as there is an extremely constrained timescale.
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### Timescales

Stage	Purpose/ Action	Stakeholders	Timescale
1. Initial Member Engagement	Create Member survey, send to all Councillors for completion 20 August – 3 September <b>Actions to be led by Monitoring Officer</b>	Councillors CEDR	20 August – 3 September

2. Report to A&G Committee	Report to Audit & Governance Committee to: <ul style="list-style-type: none"> <li>i) consider member survey results</li> <li>ii) agree objectives and scope of the review</li> <li>iii) create Constitution Working Group (CWG) and agree its terms of reference</li> </ul> <b>Report to be produced by Monitoring Officer</b>	Audit & Governance Committee	15 September
3. Structure, format & style	<ul style="list-style-type: none"> <li>• Review best practice and guidance on modern, user-friendly, accessible structure, format and style</li> <li>• Consider best practice design principles</li> <li>• Consider whether or not the current structure is appropriate/ how easy is it to find things/ how much cross-referencing is required</li> <li>• Consider approaches to indexing, summarising, use of hyperlinks, use of diagrams and flow charts</li> </ul> <b>Process to be managed by Monitoring Officer with support from Officers and engagement with CWG</b>	Constitution Working Group	Update to Audit & Governance Committee – 17 November
4. Review of content	Statutory Requirements <ul style="list-style-type: none"> <li>• ensure up to date</li> <li>• identify what is required for inclusion within constitution</li> <li>• review ‘other’ content and purpose it serves – can it be provided through hyperlinks if it is still needed?</li> <li>• Consider how to present on website, use of public guides and a landing page, use of Modern.gov to set out</li> </ul> <b>Monitoring Officer led in consultation with CWG</b>	Constitution Working Group	Update to Audit & Governance Committee – 19 January
	Review Governance elements of constitution to ensure they are fit for purpose and in line with agreed design principles <ul style="list-style-type: none"> <li>• Procedural Standing Orders</li> <li>• Use of Articles</li> <li>• Responsibility for functions</li> <li>• Budget and Policy Frameworks</li> <li>• Decision-making</li> <li>• Cabinet rules</li> <li>• Scrutiny rules</li> <li>• Committee terms of reference</li> <li>• Public engagement – speaking, questions, access, webcasting, petitions etc</li> <li>• Codes and Protocols</li> </ul> <b>Monitoring Officer led in consultation with CWG</b>	Constitution Working Group Cabinet Overview & Scrutiny Committees CEDR	Proposals to Audit & Governance Committee – 16 March 2022
	Review Finance Procedural Rules	Constitution Working Group Appropriate Officers	
	Review Contract Standing Orders	Constitution Working Group Appropriate Officers	
	Review Scheme of Delegations	Constitution Working Group Appropriate Officers	

	Review other identified elements		
5. Report Proposals	Present Draft Constitution to Audit & Governance Committee for endorsement and then to Council for adoption.		Proposals to Audit & Governance Committee – 16 March 2022
6. Ensure ongoing review	<p>Set out steps to ensure that there is a clear mechanism in place for:</p> <ul style="list-style-type: none"> <li>• Monitoring Officer periodic review</li> <li>• Reacting to changes in legislation</li> <li>• Programme developed to set out importance of the Constitution, increase understanding and political awareness</li> </ul>		