

Divisions Affected - All

AUDIT AND GOVERNANCE COMMITTEE

11 May 2022

UPDATE ON ACTIVITIES OF THE CONSTITUTION REVIEW WORKING GROUP

Report by Director of Law and Governance

RECOMMENDATION

1. The Committee is RECOMMENDED:

- (a) To note the progress of the Working Group made to date and the areas to be covered in the report to be delivered by 31 July 2022.
- (b) To approve, in principle, the idea that the Working Group should continue its work after 31 July 2022.

Executive Summary

- 2. The Working Group has found that updating the content and presentation of a complex and lengthy legal document like the Council's Constitution is not a simple task. Differing views are held on styles of wording and presentation and reaching consensus on proposed changes takes time.
- 3. Other local authorities regard constitutional review as a rolling process to be carried on all the time (rather than something done in temporary bursts of activity and then left). The Working Group thinks this approach is sensible and would like to be able to carry on with its work after 31 July, perhaps meeting on a bi-monthly basis.
- 4. The Working Group has nevertheless made progress and should be able to present conclusions by 31 July on a number of topics.

Activity of the Working Group

- 5. After a couple of introductory meetings in 2021, the main work of the Working Group has been done in meetings on 11 January, 23 February, 9 March and 13 April 2022.

This has included:

- (a) Considering better ways of presenting the Constitution on the Council's website (including improving accessibility for those using mobile devices, putting links to

- the Constitution throughout the website, providing explanatory diagrams and even providing a video introducing “newcomers” to the Constitution)
- (b) Considering the principle of removing the Articles and incorporating them into the main body of the Constitution and then carrying out detailed textual work to effect this
 - (c) Carrying out detailed textual work to condense, clarify and (where appropriate) correct Parts 9.2 and 9.6 (Protocols on Members’ Rights and Responsibilities and Member/Officer Relations)
 - (d) Beginning discussion on updating Parts 3.1 (Council Procedure Rules) and 6.2 (Overview and Scrutiny Procedure Rules) and
 - (e) Reviewing the Constitution against a list of Statutory Requirements.
6. The Working Group plans to carry out further work on updating Parts 3.1 and 6.2 at its meeting on 11 May and to receive a report on Part 8.3 (Contract Procedure Rules) at its meeting on 9 June.
7. The report to the Audit and Governance Committee (which will be finalised and approved at a meeting on 6 July before being delivered by 31 July) is likely to contain recommendations on the presentation of the Constitution on the Council’s Website, the Removal of the Articles and some suggestions for amendment of Parts 9.2 and 9.6.

Financial Implications

8. Other than the need to ensure appropriate officers are available to service the Working Group should it continue beyond 31 July, the recommendations in this report have no direct financial implications for the Council.

Comments checked by:

Lorna Baxter, Director of Finance lorna.baxter@oxfordshire.gov.uk

Legal Implications

9. The recommendations in this report are consistent with the Council’s statutory duty to have a Constitution and keep it up to date.

Comments checked by:

Sukdave Ghuman, Head of Legal sukdave.ghuman@oxfordshire.gov.uk

Staff Implications

10. The Working Group has been serviced by existing staff from the Council’s legal services, policy and IT departments. It is anticipated that these departments will be able to continue to provide staff to service the Working Group beyond 31 July.

ANITA BRADLEY
Director of Law and Governance

Annex: Nil

Background papers: Nil

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