

STROUD DISTRICT COUNCIL**AGENDA****COUNCIL****ITEM NO****25 APRIL 2019****6d**

Strategy and Resources Committee, 11 April 2019 - Agenda Item 10

Report Title	RECOMMENDATIONS OF THE CONSTITUTION WORKING GROUP
Purpose of Report	To set out the recommendations of the Constitution Working Group
Decision(s)	The Committee RECOMMENDS to Council that the Role Profiles for Councillors section of the Council's Constitution be amended as shown in the Appendix to this Report, in accordance with the recommendations set out in this report
Financial Implications and Risk Assessment	<p>There are no financial implications arising from this report.</p> <p>Andrew Cummings - Head of Finance & Section 151 Officer Email: andrew.cummings@stroud.gov.uk</p> <p>Risk assessment – the risk of not keeping this section of the constitution up to date with current practices is that it may become increasingly irrelevant.</p>
Legal Implications	<p>Changes to the Constitution must be approved by full Council; as such, any changes recommended by the Committee on the basis of this report will need to be approved at a Council meeting.</p> <p>Mike Wallbank, Solicitor Email: mike.wallbank@stroud.gov.uk</p>
Report Author	Mike Wallbank, Solicitor Email: mike.wallbank@stroud.gov.uk
Options	The Committee may chose to adopt some, all or none of the recommendations set out in this report.
Background Papers/ Appendices	<p>Constitution section 16 – Role Profiles for Councillors</p> <p>Appendix 1 – draft amended Role Profiles for Councillors document.</p>

1. INTRODUCTION / BACKGROUND

- 1.1 The Constitution Working Group (CWG) was set up by this committee on 12th July 2018. The CWG was tasked with considering the following areas and making recommendations to the committee as to whether any amendments to the Council's Constitution would be appropriate:

- 1.1.1 Whether a further redistribution of functions between committees should take place to reduce the number of committees;
 - 1.1.2 A review of the Council's financial Regulations to assess how best to engage committees and Members in the budget setting process; and
 - 1.1.3 A review of the Role Profiles for Councillors to further promote and improve Member involvement in the decision making process.
- 1.2 The CWG has already reported back to Committee on 1.1.1 and 1.1.2 above. The CWG met on 24th January and 19th and 28th February 2019 to consider 1.1.3 above. The purpose of this report is to set out the observations and recommendations arising from those meetings.

2. ISSUES FOR CONSIDERATION

- 2.1 The CWG reviewed each section of the Role Profiles for Councillors document. It considered in particular whether each aspect of the role description remained relevant and whether any duties were no longer relevant and should therefore be removed; it was also considered whether anything could be added which might serve to assist Member participation in decision making.
- 2.2 The amendments proposed by the CWG are set out in the appendix to this report.

INDIVIDUAL ROLES

3. CHAIR OF COUNCIL

- 3.1 It was noted that this role has changed somewhat in recent times; it was proposed that the role description should be amended to reflect these changes. It was also considered that the role description should be reflective of the fact that the role is, to some extent, what the individual holder makes of it.
- 3.2 The town twinning arrangement has now been in abeyance for some years; it was therefore proposed to remove reference to this.
- 3.3 The nature of civic awareness events within the community has changed in recent years and the group noted that the Chair does not hold the budget for such events: it was therefore proposed to amend the role description to reflect the Chair's participation in such functions where appropriate rather than being to initiate them.
- 3.4 It is not clear as to whether the Chair is still chairing briefings for Council meetings; Committee may wish to consider the format of these meetings going forward and in particular, whether they should continue to be chaired by the Chair of Council.

- 3.5 The group considered that the reference to supervision of an annual civic service should be deleted, given that in recent years such an event has not take place and that in any event, this aspect of the role is covered in other parts of the description.
- 3.6 The reference to the spending of the Civic Fund was no longer considered to be applicable, given that this is no longer administered by the Chair.
- 3.7 The group discussed the length of the Chair's term of office and there was a consensus that a 1 year term is insufficient to enable to an individual to develop in the role. It was therefore suggested that the current stated expectation that the Chair shall serve a 1 year term should be abandoned. This would also enable an incoming Chair to make best use of any training received upon taking up the role, which may not be available immediately.
- 3.8 It was suggested that the role description should have an additional bullet point added with the wording "*To sit on the Standards Panel when considering disciplinary matters*", in order to reflect the Investigations Procedure set out elsewhere in the Constitution.

4. VICE-CHAIR OF COUNCIL

The Group did not conclude that any alterations to the existing role description were necessary.

5. CHAIR OF A COMMITTEE

The Group concluded that this role description is largely adequate. However, it did consider that the requirement to produce annual reports to Council was often not being fulfilled. It was felt this should be noted by Committee in order to remind committee chairs of this requirement, which the group considered to be an important one.

6. COMMITTEE CHAIRS – SPECIFIC TERMS OF REFERENCE

Again, these were considered to be largely satisfactory. The Group suggests that it would be appropriate to add the words "*and having regard to the Corporate Delivery Plan*" after the second bullet point referring to role of the Strategy and Resources Chair.

7. COMMITTEE VICE-CHAIRS

No amendments were considered necessary.

8. LEADER OF THE COUNCIL

No amendments were considered necessary.

9. POLITICAL GROUP LEADER

The existing profile covers most aspects of the role, however, it was suggested that the words *“to promote good working relationships between political parties and between members and officers of the Council for the benefit of the District as a whole.”* should be inserted added to the role description, to reinforce the need to ensure that the overarching objectives of the Council are taken into account.

10. ALL COUNCILLORS

10.1 The Group recommends that the words *“and ensure regular attendance and ensure that they are adequately briefed and prepared for the meeting.”* should be added at the end of the second bullet point in the existing description, to reinforce the expectations of members.

10.2 In addition, the addition of the words *“as appropriate”* after the final bullet point would assist in catering for areas where there are a number of parish councils in a single ward.

11. OTHER MATTERS

A query was raised as to the status of working groups and whether they should be regarded as sub-committees. The Court of Appeal has made it clear that task and finish and working groups are an accepted and justified part of the conduct of Council business, provided that such groups do not have any delegated decision making powers. As such, the setting up of a group (such as this one) to consider matters and make recommendations to the Council or a committee is lawful.

12. FURTHER ACTIONS AND POTENTIAL FUTURE BUSINESS

This report concludes the work of the Group as defined by the resolution of 12th July 2018. It is expected that the report of the forthcoming peer review may identify areas for consideration or improvement in the existing constitution. It is anticipated that a report regarding such will be presented to a future committee meeting.