

STROUD DISTRICT COUNCIL

COUNCIL

THURSDAY, 25 APRIL 2024

Report Title	Updates to the Constitution			
Purpose of Report	This report brings forward to Council recommended amendments to sections 2 (Meeting of the Council) and 4 (Scheme of Delegation) of the Constitution, as approved by the Constitution Working Group at its meeting on 22 February 2024.			
Decision(s)	That Council RESOLVES to approve the revised section 2 (Meetings of the Council) and section 4 (Scheme of Delegation) of the Constitution			
Consultation and Feedback	The amendments were considered and agreed by the Constitution Working Group at its meeting on 22 February 2024			
Report Author	Claire Hughes, Corporate Director (Monitoring Officer) Email: claire.hughes@stroud.gov.uk			
Options	The Council may determine not approve the amendments.			
Background Papers	The Constitution			
Appendices	Appendix A – Section 2 (Meetings of the Council) showing proposed amendments as tracked changes Appendix B - Section 4 (Scheme of Delegation) showing proposed amendments as tracked changes			
Implications (further details at the end of report)	Financial	Legal	Equality	Environmental
	No	No	No	No

1. Introduction

- 1.1 The Constitution is a live document which requires regular review and revision. As part of its ongoing review the Constitution Working Group (CWG) met on 22 February 2024 to consider proposed changes to Sections 2 and 4.
- 1.2 This report sets out the recommendations from the CWG to Council.

2. Section 2 (Meetings of the Council)

- 2.1 Section 2 of the Constitution sets out the meetings of the Council and the terms of reference for each committee.
- 2.2 With the exception of the Audit and Standards Committee the terms of reference have been limited, which, on occasion has resulted in it being unclear which committee has responsibility for specific functions. The proposed amendments update the section to reflect current practice.
- 2.3 The proposed amendments marked as tracked changes in Appendix A were considered by the Constitution Working Group on 22 February 2024 who approved them for ratification by Council.

3. Section 4 (Scheme of Delegation)

- 3.1 Section 4 of the Constitution sets out the Scheme of Delegation for officers. This is the document which identifies which decisions may be taken by officers as opposed to being presented to a committee or Council.
- 3.2 The current scheme has been updated to reflect the existing officer structure, and to clarify some areas where it was unclear whether matters were delegated or not.
- 3.3 The biggest proposed change relates to planning enforcement, specifically the recommendation to move away from the current process which requires the circulation of an expediency report for consultation. Feedback from the service area is that this process is a significant operational constraint, is restrictive and not consistent with other Local Planning Authorities. Experience suggests that members do not engage with the process and is somewhat disingenuous as it implies some ability to be involved in the decision making whereas any decision to refer enforcement matters to DCC lies with the Head of Development Management.
- 3.4 It is therefore recommended that the process is updated to reflect the scheme of delegation. This would mean that enforcement decisions are notified to relevant ward members and then reported to the DCC via a regular enforcement report.
- 3.5 The proposed amendments, showed as tracked changes in Appendix B, were considered by the Constitution Working Group on 22 February 2024, who approved them for ratification by Council.

4. Implications

4.1 Financial Implications

There are no financial implications arising from this decision.

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4.2 Legal Implications

There are no specific legal implications arising from the recommendation of the report. Any decision to make substantive changes to the Constitution rests with Full Council. The Constitution should be kept under review and amended where necessary to provide a clear governance framework that will support effective, efficient, and lawful decision making in a manner that also supports accountability, scrutiny and transparency.

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4.3 Equality Implications

There are not any specific changes to service delivery proposed within this decision.

4.4 Environmental Implications

There are no significant implications within this category.