

# STROUD DISTRICT COUNCIL

## COUNCIL

21 OCTOBER 2021

<b>Report Title</b>	<b>REVIEW OF THE COUNCIL'S CONSTITUTION</b>			
<b>Purpose</b>	The Constitution Working Group has reviewed a number of elements of the Constitution and commend the attached elements to Council for approval			
<b>Decision(s)</b>	<p><b>Council RESOLVES to:</b></p> <ul style="list-style-type: none"> <li>a. <b>Adopt the documents attached to this report, together with the amendments as recommended in this report in paragraphs 1.5 and 1.9, or as may otherwise be agreed by Council, and incorporate them into the Constitution with immediate effect</b></li> <li>b. <b>Note that the Audit and Standards Committee will be asked at its next meeting to consider the addition of a reference to 'Gifts and Hospitality' in the Members Code of Conduct, as set out in paragraph 1.12 of this report</b></li> <li>c. <b>Authorise the Monitoring Officer to make any consequential amendments to the Constitution</b></li> </ul>			
<b>Consultation and Feedback</b>	The Constitution Working Group has overseen and agreed all of the attached documents for submission to Council.			
<b>Report Author</b>	Stephen Taylor, Interim Monitoring Officer <a href="mailto:Stephen.taylor@stroud.gov.uk">Stephen.taylor@stroud.gov.uk</a>			
<b>Options</b>	Council can adopt all of the attachments, some of the attachments or none of the attachments. It can also ask the Constitution Working Group to re-consider elements of the attachments.			
<b>Background Papers</b>	None			
<b>Appendices</b>	Appendix A – Articles of the Constitution Appendix B – Members Parental Leave Appendix C – Council Procedure Rules (Marked Changes) Appendix D – Council Procedure Rules (Clean Copy) Appendix E - Contract Procedure Rules (Marked Changes) Appendix F - Contract Procedure Rules (Clean Copy) Appendix G – Press and Media Protocol Appendix H – Social Media Protocol for Members Appendix I – Monitoring Officer Roles and Functions Protocol			
<b>Implications (further details at the end of the report)</b>	Financial	Legal	Equality	Environmental
	No	Yes	No	No

## 1. INTRODUCTION / BACKGROUND

1.1 On the 17<sup>th</sup> December 2019, Strategy and Resources Committee considered a report from the then Monitoring Officer relating to a review of the Constitution. For background, the report can be accessed [here](#)

1.2 Strategy and Resources Committee resolved to re-establish the cross party Constitution Working Group (CWG) and authorised the Monitoring Officer to carry out a review of the Constitution. It was agreed that a light touch and iterative approach to the review would be adopted. The CWG is comprised of the following Members:

- Councillor Keith Pearson (Chair)
- Councillor Chris Brine
- Councillor Nick Hurst
- Councillor Norman Kay
- Councillor Mattie Ross
- Councillor Nigel Studdert-Kennedy

1.3 A number of pieces of work envisaged by that report have already been completed. In particular, the following have been reviewed and adopted by Council:

- Scheme of Delegation
- Protocol for Member & Officer Relations
- Members Code of Conduct
- Arrangements for investigating allegations of a breach of the Member Code of Conduct

1.4 The CWG made good progress initially in deciding its workplan and getting started on some pieces of work, but the advent of the pandemic resulted in some delay in finalising sections to bring to Council. Other elements from the 2019 report are considered in this report, namely, the Articles of the Constitution and Parental Leave. In addition, and as part of its rolling brief, the CWG, in discussion with the then Monitoring Officer, has considered other elements of the Constitution from other councils and decided that additional items were necessary for inclusion. Each of these elements will be briefly described below.

### 1.5 Articles of the Constitution (Appendix A)

This section is intended to set out how the Council works with each article focussing on a different element. Fundamentally, it is essentially a description of how things work at the Council for the benefit of residents.

Having further reviewed the document, it is **recommended that** the last sentence of Article 13.4 be deleted in order to clarify the contract signature process and resolve an inconsistency between that proposed Article and Rule 32 of the Contract Procedure Rules.

### 1.6 Members Parental Leave (Appendix B)

This initially arose from a motion to Council on the 16<sup>th</sup> January 2020 – the motion and draft policy prepared by the LGA Labour Group can be seen [here](#). The policy has been amended to suit the Council's needs and endorsed by the CWG.

### 1.7 Council Procedure Rules (Appendix C and D)

These set out how the Council meeting operates and has undergone a re-fresh to ensure fitness for purpose.

### 1.8 Contract Procedure Rules (Appendix E and F)

These are a staple in any Constitution and govern the way in which the Council procures. This document has been refreshed in light of the changes to UK procurement as a result of Brexit. No doubt further changes will be needed as UK procurement rules evolve.

### 1.9 Press and Media Protocol (Appendix G)

Concerns had been raised previously that the Council did not have a formal document which made clear how media enquiries would be dealt with. It was also necessary to provide some guidance to both members and officers about how the Council will deal with the media.

Following the most recent meeting of CWG on 28 September, it has been requested that responsibility for the operation of the Protocol be made explicit and, therefore, having consulted with the Chair of the CWG, it is recommended that the following section be added to the Protocol:

#### **12 Responsibility for the operation of the Protocol**

The Corporate Communications Manager is responsible for operation of this Protocol. The Monitoring Officer should be consulted in case of any concerns and any complaints about the operation of the protocol should be referred to the Monitoring Officer.

### 1.10 Social Media Protocol for Members (Appendix H)

Members will recall that the then Monitoring Officer mentioned the impact of social media usage on the Code of Conduct and the potential for there to be a breach of the Code when members interact on social media. This protocol is intended to provide members with clear guidance and advice on how to use social media to help them carry out their ward work and avoid the potential to fall into conflict with the Code.

### 1.11 Monitoring Officer Protocol (Appendix I)

This protocol has been produced as a guideline for the benefit of Members and Senior Officers on the role of the Monitoring Officer and the arrangement for ensuring the role is carried out effectively. It is premised on the understanding that the ability of the Monitoring Officer to undertake this role effectively depends on excellent working relations with colleagues and Members and on the flow of information, and access to debate, particularly at early stages.

### 1.12 Gifts and Hospitality

The then Monitoring Officer and Democratic Services colleagues noted that when the Code of Conduct was reviewed, provision for gifts and hospitality was not included. Therefore,

the CWG recommended that the Code of Conduct should be amended with the addition of the following text at new Paragraph

*3.11 Members will not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on their part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.*

*3.11.1 Members will register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.*

*3.11.2 Members will register with the Monitoring Officer any significant gift or hospitality that they have been offered but have refused to accept.*

Under the Constitution, the Audit and Standards Committee are:

“• To be responsible, in consultation with the Monitoring Officer, for all matters relating to the Members Code of Conduct,

• To advise the Council on any amendment or revision of the Code.”

On that basis, the Audit and Standards Committee will be asked to consider this addition to the Members Code of Conduct at its next meeting and recommend to Council accordingly.

## **2. IMPLICATIONS**

### **2.1 Financial Implications**

There are no financial implications arising from the recommendations in this report.

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### **2.2 Legal Implications**

This is work which has been mandated by the Strategy and Resources Committee, but any changes to the Constitution have to be agreed by Council. Other than that, there are no specific legal implications arising from the recommendations in the report.

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### **2.3 Equality Implications**

There are no equality implications arising from the recommendations in this report, but the Parental Leave policy will assist the Council to demonstrate that it has continual regard to its Public Sector Equality Duty.

### **2.4 Environmental Implications**

There are no environmental implications arising from the recommendations in this report