

STROUD DISTRICT COUNCIL

COUNCIL

THURSDAY, 20 OCTOBER 2022

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| Report Title | REVIEW OF THE COUNCIL'S CONSTITUTION | | | |
| Purpose of Report | The Constitution Working Group has reviewed a number of elements of the Constitution and commend the attached documents to Council for approval. | | | |
| Decision(s) | Council RESOLVES to: (i) Adopt the documents at Appendix A and Appendix C and incorporate them into the Constitution with immediate effect. (ii) Note that the Equalities Task Group has suggested the best way forward in relation to the use of gender pronouns in the Constitution and that the Monitoring Officer be authorised to amend gender pronouns where appropriate. (iii) Authorise the Monitoring Officer to correct any minor inconsistencies between Sections 2 and 3 of the Constitution and the Articles to ensure that the wording in the Articles prevailed. (iv) Authorise the Monitoring Officer to change the name of 'Audit Committee' in Article 7 and Article 8.4 back to 'Audit and Standards Committee' and substitute the word 'proven' for 'found' at the end of Article 7.3. | | | |
| Consultation and Feedback | The Constitution Working Group and relevant Officers have been consulted in relation to the attached documentation. | | | |
| Report Author | Stephen Taylor, Monitoring Officer Email: stephen.taylor@stroud.gov.uk | | | |
| Options | Council can decide whether or not to adopt the attached documents, with or without any amendment. It can also ask the Constitution Working Group to reconsider any aspect of them. | | | |
| Background Papers | None | | | |
| Appendices | Appendix A – Contract and Procurement Procedure Rules Appendix B – Scheme of Delegation (Marked Changes) Appendix C – Scheme of Delegation (Clean Copy) | | | |
| Implications (further details at the end of the report) | Financial | Legal | Equality | Environmental |
| | No | Yes | No | No |

1. INTRODUCTION / BACKGROUND

1.1 The cross-party Constitution Working Group (CWG) has been tasked with reviewing the Council's Constitution and reporting to Council on its deliberations. At its meeting on the

21 October 2021, Council considered a number of documents which had been reviewed by the CWG and recommended for adoption; namely:

- the Articles of the Constitution,
- the Council Procedure Rules,
- the Contract and Procurement Procedure Rules,
- the Monitoring Officer Protocol,
- the Press and Media Protocol,
- the Social Media Protocol, and
- the Members Parental Leave Policy.

1.2 Those documents were adopted by Council subject to some minor amendments. Council also asked the Audit and Standards Committee to include a section on Gifts and Hospitality in the Members Code of Conduct which was subsequently included.

2. CURRENT PROPOSALS

2.1 The CWG has since met on 28 June 2022 and 28 September 2022 and considered further elements of the Constitution for review. Each of those elements are briefly set out below.

2.2 Contract and Procurement Procedure Rules (Appendix A)

These have been further updated and refreshed to ensure fitness for purpose and additional detail included, this has been carried out in consultation with colleagues from One Legal. In summary the changes include:

- Increase to the financial thresholds where the full Public Contract Regulations (PCR) 2015 apply and the inclusion of VAT in these procurement financial thresholds detailed in the Cabinet Office Procurement Policy Note 10/21.
- Inclusion of all types of permitted procurement procedures as detailed in PCR, this includes procedures such as Open, Restricted, Innovation Partnership, Competitive Procedure with Negotiation and the Light Touch Regime.
- Removal of use of Framework Agreements and Dynamic Purchasing Systems from the exemption procedure as these are legitimate procurement procedures, authorisation for the use of these procedures must still be sought from the Policy & Governance Team for procurement over £25,000.
- Inclusion of a list of definitions explaining the terminology used.

2.3 Scheme of Officer Delegation (Appendix B and C)

These have been updated following consultation with the service areas. In summary the main changes include:

- Separating the role of Strategic Director of Resources and Section 151 Officer.
- To include the write off of Council Tax, Non-Domestic Rates and any other non-collectable debts owed to the Council under the Section 151 Officer instead of the Strategic Director of Place.

- To move some elements including decisions around fly-tipping, anti-social behaviour and parking enforcement from the Strategic Director of Place to the Strategic Director of Communities.
- Amendment to the criteria for purchasing former council houses in the AONB reducing the time for having lived or worked in the District from between 2 and 3 years to at least 3 years.
- To amend wording for the Common Seal of the Council following discussions with One Legal.
- Reference to Head of Legal amended to Director One Legal.
- Additional detail included for delegations to the Head of Property Service and an additional delegation regarding the Decanting Policy and demolition notices, which had been approved at Housing Committee in June 2017, for the Head of Property Services, Head of Housing Services and Head of Contract Services.
- Changes were made to the Scheme of Delegation Appendix B, in part to revert the appendix to the correct version after an incorrect appendix had been published between 2018 and 2020. Further updates were also made.
- Additional delegations for the Head of Technology to help in the event of either a Disaster or a Cyber attack.
- Additional delegation for the Strategic Director of Communities with regards housing support services.
- Additional detail included for the Head of Environmental Health delegations.

2.4 In addition, the CWG recommended that the change in name of the previous 'Audit and Standards Committee' to 'Audit Committee' in Article 7 and Article 8.4 revert back to 'Audit and Standards Committee' as more accurately representing the work of the Committee. Furthermore, in order to ensure consistency in terminology, the CWG recommended the substitution of the word 'proven' for 'found' at the end of Article 7.3 – see Articles [here](#)

2.5 The CWG was asked to consider the issue of gender pronouns throughout the Constitution. Although most references are to 'he or she' there is a need to ensure consistency. The CWG suggested that the **Equality, Diversity and Inclusion Working Group** be asked to consider the best way forward. The CWG was informed that this has been done and the Equality, Diversity and Inclusion Working Group had considered that the use of the word 'they' instead of 'he' or 'she' would often be appropriate. The CWG considered that the Monitoring Officer should be authorised to amend gender pronouns where appropriate.

2.6 The Monitoring Officer drew attention to some inconsistencies in [Section 2 \(Meetings of the Council\)](#) and [Section 3 \(Council and Committee Procedure Rules\)](#) with the approved [Articles](#). The CWG asked the Monitoring Officer to report back to the CWG on any matters of significance, and recommended that the Monitoring Officer be authorised to correct any minor inconsistencies to ensure that the wording in the approved Articles prevailed.

2.7 Furthermore, the publication of the Sub-Delegations was considered and due to the need to update the document regularly it was agreed that this would be published on the internal staff hub.

2.8 Draft Scheme of Allowances

2.9 Following the recommendations from the Independent Remuneration Panel and the agreement from Council on the 21 July 2022 an updated Draft of the Members Scheme of Allowances had been drafted. The CWG reviewed the draft and will have chance to consider the final draft before it is published. The changes agreed at Council have been implemented and all Members will have now received any payments with regards to changes to the Basic Allowance and Special Responsibility Allowances.

3. **IMPLICATIONS**

3.1 **Financial Implications**

There are no significant implications within this category

Andrew Cummings, Strategic Director of Resources
Tel: 01453 754115 Email: andrew.cummings@stroud.gov.uk

3.2 **Governance 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 governance implications arising from the recommendations in the report.

Stephen Taylor, Monitoring Officer
Email: stephen.taylor@stroud.gov.uk

3.3 **Equality Implications**

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

3.4 **Environmental Implications**

There are no significant implications within this category.