



COTSWOLD DISTRICT COUNCIL

Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	COUNCIL - 15 JULY 2020
Report Number	AGENDA ITEM (9)
Subject	REPORT OF THE CONSTITUTION WORKING GROUP
Wards affected	Not applicable
Accountable member	Cllr. Joe Harris - Leader of the Council and Chair of the Constitution Working Group Email: joe.harris@cotswold.gov.uk
Accountable officer	Christine Gore - Interim Chief Executive Tel: 01285 623605 Email: christine.gore@cotswold.gov.uk Bhavna Patel - Group Manager Legal Services and Monitoring Officer Tel: 01285 623219 Email: bhavna.patel@cotswold.gov.uk
Summary/Purpose	To consider further suggestions/issues arising out of the recent meeting of the Constitution Working Group.
Annexes	None
Recommendation/s	(a) <i>That the Council considers the recommendations of the Constitution Working Group; and</i> (b) <i>authorises the Monitoring Officer to make the necessary revisions to the Council's Constitution arising out of the decisions made by the Council.</i>
Corporate priorities	The recommendations seek to reflect the principle of promoting a culture of openness and transparency

Key Decision	N/A
Exempt	NO
Consultees/ Consultation	Constitution Working Group and other Members invited to the Group, Head of Paid Service, Group Manager Legal/Monitoring Officer.

1. BACKGROUND

- 1.1. The Working Group held another meeting on 25 June 2020.

2. WORKING GROUP DELIBERATIONS

2.1. Statutory Officer Appointment and Disciplinary Process

- 2.1.1. The Working Group received a report by the Business Manager - Corporate Responsibility to facilitate a discussion regarding the resolution of Council on 3 June regarding the statutory officer appointment and disciplinary process and for the Group to make any additional recommendation as appropriate.
- 2.1.2. The Group discussed the need for a robust process for appointing a chief executive and the key objectives they would be assigned in addition to the need for appraisals of the Council's three senior officers to also involve Member input, but not to the extent that it could be compared to an interview panel. The Group also received information from the Monitoring Officer in relation to the possible appointment of an Appeals Committee, for which the membership would have to be separate from the Appointments and Performance Committee, which the Council could seek to appoint only following discussions with the newly-appointed Chief Executive. Alternatively, the Council could agree with the post holder that the standard policies of the Joint Negotiation Committee of the Local Government Association would be included within the Chief Executive's contract, as had been the Council's arrangement with the previous Chief Executive.
- 2.1.2. The Group noted that the final decision regarding the remuneration of the Chief Executive would remain a Council decision as the level of this remuneration was likely to be over £100,000 and therefore would represent a key decision.
- 2.1.3. **The Working Group put forward the following suggestion as the basis for Council debate:**
- **it be written into the Council's Constitution that an Appeals Committee would be appointed only if required and following discussion with the Council's Chief Executive following their appointment.**

2.2. Public Forum within Virtual Meetings

- 2.2.1. The Working Group received a report by the Business Manager - Corporate Responsibility setting out options for the operation of a public forum within virtual meetings and to determine which option(s) the Group wished to present to Full Council for debate and decision.

- 2.2.2. The report detailed four possible options available:-

Option 1

This option would require members of the public to contact Democratic Services (anytime up until the day before the meeting) to register to ask a question. They would be advised of the process including the time limits. On the day of the meeting they would be provided with a webex link enabling them to dial into the meeting and ask their question. Once their question time is completed the host (Democratic Services) would terminate their connection to the meeting.

Option 2

This option would facilitate a similar process to that which is currently being used by the Planning and Licensing Committee, whereby the member of the public submits a question in writing in advance of the meeting, this is then read out by Democratic Services and the question would be answered by the relevant councillor. The member of the public would watch the answer via the Facebook live stream.

Option 3

Could work in parallel with option 2 but enhance accessibility by facilitating pre-recorded questions. In this option members of the public could either audio or video record their question then email the recording to Democratic Services (up to the day before the meeting). During the public forum time the meeting host would then play the recording and the question would be answered by the relevant councillor. As with option 2 the member of the public would watch via the Facebook live stream.

Option 4

This option would be a case of advising the public that the new forum agreed at the last meeting of Full Council will not commence until we resume face to face meetings and direct them to the existing fortnightly Facebook Live event.

- 2.2.2.** The Group expressed their support for the options which supported public involvement to as near as possible the format used for in-person meetings within the Council's offices. Members highlighted that by including the public, this demonstrated openness and inclusivity and would also provide the option for feedback to be obtained from those members of the public participating in regard to virtual meetings. It was recognised that these options could be controlled as time provision for public questions within a meeting had previously been agreed, albeit this remained at the discretion of the Chair.
- 2.2.3.** The Group also recognised that if public involvement was arranged for Public Questions within Council and Committee meetings then consideration should be given to how we can facilitate members of the public making representations at meetings of the Planning and Licensing Committee.
- 2.2.4.** The Group confirmed that Options 1, 2 and 3, as detailed in the report to the Working Group in relation to public involvement with public meetings should be introduced with effect from the July 2020 Council Meeting. The Group considered the decision to be operational and therefore did not require formal approval by the Council. The new forum will therefore commence from the July 2020 meeting of Council.

3. FINANCIAL IMPLICATIONS

- 3.1.** None arising directly from this report.

4. LEGAL IMPLICATIONS

- 4.1.** The Constitution is a legal document which supplements legislative provisions in respect of the governance arrangements and methods of working of the authority. It is based largely on a modular version.

5. RISK ASSESSMENT

- 5.1.** There are no key risks expected to arise from this item. However, the Council has a general duty of care to its Members and Officers, which should be borne in mind.

6. EQUALITIES IMPACT

- 6.1.** Not required as a whole - however, the Council is committed to ensuring any public forum within meetings is accessible by any interested party.

7. CLIMATE CHANGE IMPLICATIONS

- 7.1.** None specific or arising directly from this report.

8. ALTERNATIVE OPTIONS

- 8.1.** The Council could continue with the existing arrangements; or put forward and alternative or hybrid alternative.

9. BACKGROUND PAPERS

- 9.1.** The following document has been identified by the author of the report in accordance with section 100D.5(a) of the Local Government Act 1972 and is listed in accordance with section 100 D.1(a) for inspection by members of the public:

- The Council Constitution.

- 9.2.** This document will be available for inspection at the Council Offices at Trinity Road, Cirencester, GL7 1PX during normal office hours for a period of up to 4 years from the date of the meeting. Please contact the author of the report.

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