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| Council name | COTSWOLD DISTRICT COUNCIL |
| Name and date of Committee | COUNCIL – 22 JANUARY 2025 |
| Subject | REPORT OF THE CONSTITUTION WORKING GROUP – UPDATE TO PART D8 URGENCY POWERS AND A LOCAL WARD MEMBER PROTOCOL. |
| Wards affected | All |
| Accountable member | Councillor Joe Harris, Leader of the Council Email: Joe.Harris@cotswold.gov.uk |
| Accountable officer | Angela Claridge, Director of Governance & Development (Monitoring Officer) Email: angela.claridge@Cotswold.gov.uk |
| Report author | Angela Claridge, Director of Governance & Development (Monitoring Officer) Email: angela.claridge@Cotswold.gov.uk |
| Summary/Purpose | To consider proposals from the Constitution Working Group to modernise the Constitution: i) to update Part D8 of the Constitution relating to the Chief Executive’s Urgency Powers, and, ii) introduce a Local Ward Member Protocol. |
| Annexes | Annex A – Local Ward Member Protocol |
| Recommendation(s) | That Council resolves to: 1. Authorise the Director of Governance & Development (Monitoring Officer) to update Part D8 - Matters of Urgency, in the Constitution 2. That Council approves the addition of a Local Ward Member Protocol into the Constitution. |
| Corporate priorities | <ul style="list-style-type: none">• Delivering Good Services |
| Key Decision | NO |



COTSWOLD

District Council

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| Exempt | NO |
| Consultees/ Consultation | Elected Members of the Constitution Working Group, Local Management Team; Head of Legal Services and Head of Democratic & Electoral Services |



1. EXECUTIVE SUMMARY

1.1 Following the Constitution Working Group's meeting of 12 December 2024 this report makes the following recommendation to Council:

- Update Part D8 - Matters of Urgency.
- Introduce a Local Ward Member Protocol.

2. BACKGROUND

• The Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. The Constitution must contain:

- the Council's standing orders/procedure rules.
- the members' code of conduct.
- such information as the Secretary of State may direct.
- such other information (if any) as the authority considers appropriate.

2.1 Members of the Constitution Working Group have considered proposals and recommend the following additions to the Constitution of the Council.

3. PART D8 – DELEGATION ARRANGEMENTS FOR DEALING WITH MATTERS OF URGENCY.

3.1 As is common practice in local authority constitutions, Cotswold District Council's Constitution makes provision for decisions to be taken urgently stating: "The Council's Chief Executive has delegated authority to take any action they consider necessary, in the interests of the Council, in cases of urgency. They must only act after consultation with the Leader of the Council, the Chair of the Council or the appropriate Committee and the relevant Ward Member(s), if any. Any action taken in this way shall be reported to the first available meeting of the Council, Cabinet or relevant Committee, as appropriate".

3.2 Full Council, at its meeting on 31 July 2024, requested that the Constitution Working Group review this wording to enhance transparency to the largest Opposition Group whilst maintaining the need for urgency.

3.3 The Constitution Working Group met on 12 December 2024 and would like to propose the amended wording (indicated in red type font) for inclusion in the Constitution; "The Council's Chief Executive, has delegated authority to take any



action they consider necessary in the interests of the Council in cases of urgency. They must only act after consultation with the Leader of the Council, the Chair of the Council, the appropriate Committee and the relevant Ward Member(s) if any and have notified the leader/deputy leader of the largest Opposition Group. In the event that no-one party has overall control of the Council, all Group leaders shall be notified. Any action taken in this way shall be reported to the first available meeting of the Council, Cabinet or relevant Committee, as appropriate.

4. LOCAL WARD MEMBER PROTOCOL

- 4.1** Members carry out a number of different roles, but it is their role in their local community that is arguably the most important. Members are often the first point of contact, especially if local people, stakeholders and other community groups are concerned about an issue or have queries about services or plans for the area.
- 4.2** It is critical that Members are informed about all significant developments affecting their electoral ward before other groups and before the Council makes public announcements.
- 4.3** As a result, the Constitution Working Group requested the development of a Local Ward Member Protocol, included at annex A - an addition to the Council's Constitution. The purpose of this Protocol is to help officers ensure that members are kept properly informed about local issues. Local issues are issues which impact on a particular ward or only a small number of wards.
- 4.4** Existing arrangements already require local members to be consulted before some formal decisions are made, for example those at Planning & Licensing Committee. However, many issues of importance to local members do not require formal decisions, occur during a crisis situation, are taken by officers under delegated powers as part of their management responsibilities or are initiated by others. This protocol should be applied in these circumstances.
- 4.5** The principle of "no surprises" for members underpins the Protocol. Often members will know of an emerging situation in advance of officers. In that scenario, members are encouraged to inform the relevant officers of significant issues of which they become aware, and which will have an impact on the Council and its services. However, officers must aim to avoid situations where a member is contacted by a



resident or by the media, for a comment/assistance on a Council issue affecting their electoral ward of which they were unaware.

- 4.6** Whilst a great deal of information is made available electronically through the Council's website and through the members' portal; officers must not rely on this as the primary method of informing a member of a matter that specifically affects a member's electoral ward. Contact must be made directly with the member.
- 4.7** Most issues or incidences will relate to a matter within a specific area and generally will only affect a single electoral ward. However, some proposals will be more broadly based, and officers will exercise judgement in these cases as to which local members should be consulted or informed. The closure of a leisure centre, for example, will clearly affect more than one electoral ward because of the wider catchment area of the customer base.
- 4.8** Where an issue is of interest to all members of the Council, the monthly Members' Briefings can be used to draw attention to significant issues or subject areas which affect all Members. Providing information through this route does not remove the requirement on directorates to notify local Members directly of issues which relate to their electoral ward.

5. ALTERNATIVE OPTIONS

- 5.1** Council could opt not to amend the wording to Part 8 – Matters of Urgency, although this isn't recommended to support enhanced transparency.
- 5.2** As a Protocol is not a mandatory requirement, Members could choose not to adopt the Local Ward Member Protocol. However, there is a risk that the Protocol's contribution for member involvement at ward level, through the provision of timely, relevant information on local issues, won't be realised.

6. FINANCIAL IMPLICATIONS

- 6.1** None specifically arising from this report.

7. LEGAL IMPLICATIONS

- 7.1** Full Council, through its responsibilities as set out in the Constitution, recognises the requirement to observe specific requirements of legislation and the general responsibilities placed on the Council by public law, but also accepting responsibility



to use its legal powers to the full benefit of the citizens and communities in its area. Section 9P Local Government Act 2000 requires the Council to keep its constitution up to date.

8. EQUALITIES IMPACT

- 8.1** The Constitution is made available to all Members and the Public via the Council's website and has been updated in line with the Accessibility Requirements for Public Sector Bodies Regulations (2018). This means that it can be accessed by as many people as possible including those with impaired vision, motor difficulties or cognitive impairments. Where accessibility difficulties are encountered, the Council can provide a copy of the Constitution in different formats.

9. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

- 9.1** Not applicable.

10. BACKGROUND PAPERS

- 10.1** No additional papers.

(END)