



Council name	<b>COTSWOLD DISTRICT COUNCIL</b>
Name and date of Committee	<b>COUNCIL – 19 MARCH 2025</b>
Subject	<b>AMENDMENTS TO THE CONSTITUTION – REPORT OF THE CONSTITUTION WORKING GROUP</b>
Wards affected	None
Accountable member	Councillor Mike Evely, Chair of the Constitution Working Group Email: <a href="mailto:mike.evely@cotswold.gov.uk">mike.evely@cotswold.gov.uk</a>
Accountable officer	Angela Claridge, Director of Governance and Development Email: <a href="mailto:Democratic@Cotswold.gov.uk">Democratic@Cotswold.gov.uk</a>
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Summary/Purpose	To consider proposals from the Constitution Working Group for amendments to the Constitution.
Annexes	Annex A – Draft Protocol for Webcasting Meetings Annex B – Part D1: Council Procedure Rules (extract of 11.3), with proposed changes shown Annex C – Proposed new Part D10: Contract Rules Annex D – Part E6: Probity in Licensing – Guidance for Councillors and Officers, with proposed changes shown
Recommendation(s)	That Council resolves to: <ol style="list-style-type: none"><li>1. Agree to remove the words “The Chief Executive will act as the Cost Centre Manager for that budget” from paragraph 4.18 of Part D6: Overview and Scrutiny Committee Procedure Rules.</li><li>2. Approve the Protocol for Webcasting Meetings (Annex A) for inclusion in the Constitution.</li><li>3. Delegate authority to the Director of Governance and Development to update the Protocol for Webcasting Meetings in the event that the government changes the law</li></ol>



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	<p>to enable remote attendance and/or proxy voting at local authority meetings.</p> <ol style="list-style-type: none"><li>4. Approve the changes to Part D1 11.3 to clarify how questions on notice will be dealt with at Cabinet and Committee meetings (Annex B).</li><li>5. Approve the updated Probity in Licensing Protocol (Annex C).</li><li>6. Approve the updated Contract rules (Annex D).</li></ol>
Corporate priorities	<ul style="list-style-type: none"><li>• Delivering Good Services</li></ul>
Key Decision	NO
Exempt	NO
Consultees/ Consultation	Constitution Working Group



## **1. EXECUTIVE SUMMARY**

**1.1** This report presents recommendations arising from meetings of the Constitution Working Group in March and September 2024 and March 2025 for consideration by Council.

## **2. BACKGROUND**

**2.1** 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.

**2.2** 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

**2.3** Members of the Constitution Working Group have considered a number of proposals and now recommend the following amendments to the Constitution to the Council.

## **3. OVERVIEW AND SCRUTINY COMMITTEE BUDGET**

**3.1** Council is recommended to agree a minor amendment to the wording of paragraph 4.18 of the Overview and Scrutiny Committee Procure Rules (Part D6) to remove a historic reference to the Chief Executive being a cost centre manager for a budget which doesn't currently exist. It is proposed to keep the first part of 4.18 in case in future Council wishes to allocate an Overview and Scrutiny budget. The proposed amendment is as follows, with words removed in strikethrough text:

### **4.18 Overview and Scrutiny budget**

The Overview and Scrutiny Committee will be provided with sufficient budget resource in order to carry out its functions and to pay any reasonable fee or expense in respect of the Overview and Scrutiny process. ~~The Chief Executive will act as the Cost Centre Manager for that budget.~~



#### **4. PROTOCOL FOR WEBCASTING MEETINGS**

- 4.1** Council is recommended to adopt the Draft Protocol for Webcasting Meetings attached as Annex A. The document aims to establish key principles for the webcasting of meetings and to set expectations for how meetings will operate.
- 4.2** The Protocol was drafted prior to the government consultation on enabling remote attendance and proxy voting at local authority meetings and assumes that members must be physically present in order to participate and vote as a member of a meeting. The consultation closed on 19 December 2024 and the outcome is awaited. This report seeks a delegation to enable the Protocol to be updated if the law is changed with regards to remote attendance and/or proxy voting at local authority meetings.

#### **5. QUESTIONS ON NOTICE AT CABINET AND COMMITTEE MEETINGS**

- 5.1** Council is recommended to agree changes to the wording for questions on notice at meetings of Cabinet and Committees.
- 5.2** "Member Questions" is a standing item on Cabinet and Committee agendas. At some meetings of committees the Member Questions facility has been used for asking questions of policy that would be more suited to Cabinet and Full Council meetings.
- 5.3** It is proposed that the rules are clarified to state that questions to a Committee Chair must relate to the responsibilities of the Committee they Chair and that in the case of questions addressed to the Leader or Cabinet Member raised at a committee meeting, the question will be automatically referred to the next ordinary meeting of the Cabinet.

#### **6. CONTRACT RULES**

- 6.1** The Council's Contract Rules have been rewritten following the implementation of the Procurement Act 2023. The contract thresholds in Table 1 (Annex D, paragraph 7.3) have been uplifted as they are now inclusive of VAT.
- 6.2** This exercise has provided the opportunity to review the Council's own rules, which were last updated in 2015, to provide for extra flexibility, reduce red tape and to remove barriers to small and medium-sized enterprise (SME) engagement. In the proposed Contract Rules at Annex D the threshold for a full tender is £60,000 (inc.



VAT). For contracts over £30,000 the lead officer would be required to obtain three quotes but would not be required to undertake a full tender. In the existing Contract Rules the threshold for a full tender is £25,000 (ex. VAT).

## **7. PROBITY IN LICENSING PROTOCOL**

**7.1** The Council's Probity in Licensing Protocol has been in place since 2014. The Protocol has been reviewed by officers and an updated version is recommended to Council for adoption following consideration by the Constitution Working Group on 5 March 2025. The changes are largely to improve the order of the document, to correctly reflect the responsibilities of the Planning and Licensing Committee and the two licensing sub-committees, and to avoid duplicating the Licensing Sub-Committee Procedure Rules (Part D7 of the Constitution).

## **8. ALTERNATIVE OPTIONS**

**8.1** Council could choose not to adopt the recommended changes to the Constitution but this option is not recommended. Not approving the new Contract Rules may increase the risks associated with procurement.

## **9. FINANCIAL IMPLICATIONS**

**9.1** There are no financial implications arising directly from this report.

## **10. LEGAL IMPLICATIONS**

**10.1** 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.

## **11. RISK ASSESSMENT**

**11.1** Adopting the new Contract Rules will decrease the risk of procurement decisions being challenged.

## **12. EQUALITIES IMPACT**



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**12.1** Under equality legislation, the Council has a legal duty to pay 'due regard' to the need to eliminate discrimination and promote equality in relation to:

- Race
- Disability
- Gender, including gender reassignment
- Age
- Sexual Orientation
- Pregnancy and maternity
- Religion or belief

**12.2** No differential impacts on the above groups have been identified.

### **13. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS**

**13.1** There are no climate and ecological emergencies implications.

### **14. BACKGROUND PAPERS**

**14.1** None.

(END)