



Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	COUNCIL – 22 NOVEMBER 2023
Subject	AMENDMENTS TO THE CONSTITUTION – REPORT OF THE CONSTITUTION WORKING GROUP
Wards affected	All
Accountable member	Councillor Joe Harris, Leader of the Council Email: joe.harris@cotswold.gov.uk
Accountable officer	David Stanley, Deputy Chief Executive and Section 151 Officer Email: david.stanley@cotswold.gov.uk
Report author	David Stanley, Deputy Chief Executive and Section 151 Officer Email: david.stanley@cotswold.gov.uk
Summary/Purpose	To consider proposals from the Constitution Working Group for amendments to the Constitution to <ol style="list-style-type: none">1. Update the Council Budget Protocol2. Remove references to the now rescinded Recovery Investment Strategy from the constitution.
Annexes	Annex A – Part C2 (Council Functions) of the Constitution Annex B - Part C5 (Executive or Cabinet Functions) of the Constitution (Both annexes include Recovery Investment Strategy references as highlighted to the Constitution Working Group)
Recommendation(s)	That Council resolves to: <ol style="list-style-type: none">1. Authorise the Deputy Chief Executive to update the Council Budget Protocol [Part G, Appendix D] to reflect the change in political composition following the District Council elections in May 2023.2. Authorise the Deputy Chief Executive to remove references to the now rescinded Recovery Investment Strategy from the Council's constitution.
Corporate priorities	<ul style="list-style-type: none">• Deliver the highest standard of service



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Key Decision	NO
Exempt	NO
Consultees/ Consultation	Elected Members of the Constitution Working Group (Cllrs M Evemy, D Fowles, J Harris, J Layton, N Robbins and L Wilkins) Local Management Team; Business Manager, Democratic Services, and Interim Head of Legal Services.



1. EXECUTIVE SUMMARY

- 1.1 The Constitution Working Group has reconvened for the 2023/24 municipal year with revised terms of reference. Following the Group's meeting of 07 November 2023, this report makes the following recommendations to Council:
- i) Update the Council Budget Protocol
 - ii) Remove references to the now rescinded Recovery Investment Strategy from the constitution.

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. RECOMMENDED CHANGES TO THE COUNCIL BUDGET PROTOCOL

- 3.1 The Council's constitution (Part G, Appendix D) sets out the Council Budget Protocol and provides a robust framework and procedures for members to follow when discussing, debating and proposing the budget and any amendments to it.
- 3.2 Following the District Council elections in May 2023, the Budget Council Protocol should be reviewed to ensure it remains fit for purpose and reflects the political composition of the Council.
- 3.3 The Constitution Working Group recommend that minor changes are made to the process to reflect the changed political composition of the Council, as set out in the paragraphs below.
- 3.4 Amend the deadline for notification of alternative budget proposals from the current requirement of *"preferably at least 2 days before the meeting, but by no later than 3.00 p.m. on the day before the Council meeting"* to *"no later than 3.00pm on the Monday before the Council meeting"*. This proposal balances the need to allow members adequate time to review and discuss with the relevant officers the published budget proposals but at the same time ensuring there is adequate time for the proposed amendments to be considered by relevant officers.



3.5 Paragraph 3.7 and the associated flowchart sets out the way in which opposition group(s) are able to present budget amendments. Recognising the change in political composition of the Council, it is recommended that this is amended to reflect the order in which political groups would be able to propose budget amendments. The order would be on the basis of the number of members in each group (i.e. the group with the most members would have the first opportunity, other groups would follow in descending order).

4. REFERENCES TO THE RECOVERY INVESTMENT STRATEGY

4.1 The Recovery Investment Strategy (RIS) was rescinded by the Council at their meeting on 16 November 2022.

4.2 The Council's constitution contains references to the RIS with the Constitution Working Group recommended that these are removed with the Deputy Chief Executive authorised to remove references and, where appropriate, reduce authorisation levels for the approval of acquisition or disposal of land and property to those currently outside of the Recovery Investment Strategy. Annex A includes a copy of the report that was provided to the Constitution Working Group highlighting references to the RIS.

5. ALTERNATIVE OPTIONS

5.1 Members are advised to adopt the recommendations for the reasons outlined in the main body of the report.

5.2 Not amending the Constitution which would lead to a lost opportunity in terms of improving agile decision making, promoting transparency and ensuring robust governance arrangements.

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.

8. RISK ASSESSMENT

8.1 None

9. EQUALITIES IMPACT



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9.1 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.

10. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

10.1 Not applicable

11. BACKGROUND PAPERS

11.1 None.

(END)