

THE CONSTITUTION OF STROUD DISTRICT COUNCIL



Legal Services
Stroud District Council

Version: Republished November 2020

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Glossary

The Constitution uses a number of words or phrases that have a certain meaning. Some of these are defined in legislation. Although every effort has been made to use plain language, some words or phrases need explanation:

Proper Officer	The Council officer who has responsibility for a particular task.
Working days	The days when the Council is open for business. Statutory and local holidays, and weekends are not working days.
Clear working days	Whole days between one action and another. So, the day of a meeting and the day an agenda is published do not count.
Quorum	The minimum number of voting Members that must be present at any meeting of the Council or its Committees to constitute a valid meeting.
Members or Councillors	These terms refer to all elected members of the Council

Any references in this Constitution to masculine shall be treated as references to the feminine and singular to the plural as appropriate.

INTRODUCTION

The Council is committed to providing leadership to the community, to serve those who live, work and visit the Stroud District, and to improve the quality of life for all members of the community.

The Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that the decision making process is transparent and the Council is accountable to local people and businesses. Some of these processes are required by the law, while others are a matter for the Council to choose.

The Council is composed of 51 councillors. Since May 2016, elections for the whole of the Council have been and will continue to be held every four years. Councillors are democratically accountable to constituents of their ward. Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Audit and Standards Committee has responsibility for overseeing the Council's arrangements regarding the conduct of Members of the Council.

All Members meet together as the Council. Meetings of the Council are open to the public. At the meetings of the full Council, Members decide the Council's overall policies. Decisions on specific issues relating to individual services are then taken at committee meetings comprised of a smaller number of Councillors.

Quasi-judicial matters are dealt with by the Community Services and Licensing Committee (via a Licensing Panel) and the Development Control Committee. A Standards Panel made up of mainly independent people, considers allegations that Councillors from the district or parishes of the Stroud area have breached their council's Code of Conduct.

The Council welcomes participation by all its citizens in its work. Stroud District Council has a commitment to consult with the Youth Council which has representatives from the secondary schools within the district and acts as a representative voice for the 10,000 young people aged between 11 and 18 years in the area.

For further information on your rights as a citizen, please contact Democratic Services at Ebley Mill, Ebley Wharf, Stroud, Glos GL5 4UB. Telephone 01453 754351 email democratic.services@stroud.gov.uk

Copies of this Constitution are available on the Council's website, <https://www.stroud.gov.uk/council-and-democracy/corporate-plans-and-policies/constitution>

1. Election and terms of office for Councillors

- 1.1. Elections for the whole of the Council will be held every four years. Normally, elections for the Council are held on the first Thursday in May.
- 1.2. The terms of office of Councillors will normally be four years starting on the fourth day after the day of poll and finishing on the fourth day after the date of the regular election four years later.

2. Roles and functions of all Councillors

2.1. Key roles

All Councillors will:

- (i) collectively be the ultimate policy makers and carry out a number of strategic and corporate management functions;
- (ii) represent their communities and bring their views into the Council's decision-making process, acting as advocates for their communities;
- (iii) deal with individual case-work and act as an advocate for constituents in resolving particular concerns or grievances;
- (iv) balance different interests identified within their wards and represent the ward as a whole;
- (v) be involved in decision-making;
- (vi) be available to represent the Council on other bodies;
- (vii) maintain the highest standards of conduct and ethics;
- (viii) take part in member development and training ensuring that they have the necessary skills to undertake the role as set out in the Councillor Role Descriptions.

2.2. Rights and duties

- (i) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- (ii) Councillors will not make public information, which is confidential or exempt, without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or officer entitled to know it.
- (iii) Ward councillors have additional rights to information regarding activities in their Ward as covered in the Access to Information Rules.
- (iv) For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules.
- (v) Councillor Call for Action (CCfA) - Councillors, can, if they so wish, make use of the Councillor Call for Action powers in accordance with the protocol within this constitution.
- (vi) Ward councillors will be copied into all office initiated parish council communications within their ward whenever appropriate.

3. Decision Making

3.1. Principles of decision making

All decisions of the Council, its committees and officers will be made in accordance with the following principles:

- (a) the action must be proportionate to the desired outcome;
- (b) after due consultation and the taking of professional advice from officers;
- (c) with respect for human rights;
- (d) with a presumption in favour of openness;
- (e) with clarity of aims and desired outcomes;
- (f) after due consideration of all objections and
- (g) after explaining what options were considered and giving the reasons for the decision.

3.2. Conduct

Councillors will at all times observe the Members' Code of Conduct and the protocol on Member/Officer Relations set out in this Constitution.

3.3. Allowances

Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in this Constitution.

4. Citizens Rights to Information

4.1 Where members of the public use specific Council services, for example as a housing benefit claimant or as a Council tenant, they have additional rights. These are not covered in this Constitution.

4.2 Citizens have rights to information which are explained in more detail in the Access to Information Rules; to see reports and background papers (except occasionally in the circumstances where those reports contain exempt information) and any records of decisions made by the Council or its committees; and to inspect the Council's accounts and make their views known to the external auditor.

4.3 Citizens' rights include the right to attend meetings of the Council or its committees except where confidential or exempt information is likely to be disclosed, in which case the meeting would be held in private.

5. Participation

- 5.1. Citizens have the right to ask relevant questions at Council and committee meetings.
- 5.2. Citizens have the right to submit petitions to the Council which shall be dealt with in accordance with the rules set out in paragraph 22 of the Procedure Rules Applying To All Meetings in this Constitution.

6. Complaints

- 6.1. Citizens have the right to complain to:
 - the Council itself under its complaints scheme;
 - the Ombudsman after using the Council's own complaints scheme;
 - the Monitoring Officer about an alleged breach of the Members' Code of Conduct.

7. Citizens' responsibilities

- 7.1 Citizens are expected to behave in a manner that contributes to the well being of the District.
- 7.2 Violent, abusive or threatening behaviour to Councillors or officers or their families is not acceptable and citizens must not wilfully damage things owned by the Council, Councillors or officers.
- 7.3 Citizens register to vote and are actively encouraged to exercise their vote, as part of their commitment to citizenship and local democracy.

8. Changes to the Constitution

- 8.1. Changes to the Constitution will be approved by the full Council after consideration of the comments from the Monitoring Officer. Routine changes to keep the Constitution up to date may be made by the Monitoring Officer alone.

9. Management structure

- 9.1. The full Council may engage such staff as it considers necessary to carry out its functions. The Council has designated the following statutory posts:

Designation	Post
Head of Paid Service	Chief Executive
Monitoring Officer	Monitoring Officer
Chief Financial Officer	Strategic Director Resources

10. Politically Restricted Posts

- 10.1. A number of posts have been designated by the Council as being politically restricted for the purposes of Part 1 of the Local Government and Housing Act

1989. Personal political activity is restricted in accordance with the Local Government Officers (Political Restrictions) Regulations 1990 and those regulations are deemed to be incorporated into the terms and conditions of the contract of employment of the post holders. A list of such posts is kept and maintained by the Monitoring Officer.