

North East Derbyshire District Council

Standards Committee

26 January 2017

Review of the Constitution 2017

Report of the Assistant Director of Governance and Solicitor to the Council and Monitoring Officer

This report is public

Purpose of the Report

- For members to set up a working party to carry out the review of the Constitution
- For members to consider the various aspects of the Constitution which require review.

1 Report Details

- 1.1 Work has commenced on the review of the Council's Constitution in time for the revised Constitution to be placed before the Annual Meeting of Council in May for approval.
- 1.2 As you can see from the agenda for this meeting, the Council Procedure Rules have already been reviewed for members to consider. The rest of the Constitution is being reviewed as outlined below. It has been the practice in the past for a working group to be set up to consider the revisions to the Constitution. It would then be considered by the Standards Committee and recommendations made to the Council in May.
- 1.3 It is considered that not all the parts of the Constitution will need reviewing beyond housekeeping – that is the updating of titles and names where needed and the clarification of some points. Accordingly the parts of the Constitution which will need consideration are:-

	Comment
Council Procedure Rules	A reviewed form of these is on the Standards Committee agenda for this meeting
Delegated Decisions and their publication.	
The financial level for "key decisions".	It is a statutory requirement that the Council set the limit for the key decision. This is done at the Annual Meeting. It is

	a while since this was reviewed and it is therefore a good time to look at this. The Call in process is tied to the key decision level.
Scheme of delegation to officers	This would be to clarify any areas as needed.
Petitions Scheme	Do members wish to have a Petitions Scheme? If so should there be a right to debate the Petition at Council where the number of signatories exceeds a certain level based on population.
Code of conduct	To consider whether there should be a simplified code of conduct to replace the existing code.
Protocol on Member/Officer relations	This would be to clarify any areas as needed.
Joint Employment Committee and Joint Appeals Committee	Move to establish membership at Annual Council each year with a number of substitutes.

1.4 Separately, the section 151 Officer, the executive Director of Operations, is reviewing Financial Regulations. The outcome of this review will be reported separately by him.

1.5 A review of the process for dealing with delegated decision notices and of the level of the financial level of key decisions has already begun. A paper will be presented to Leadership for views on these.

1.6 In terms of reporting the outcome of the review to Council it has been suggested that this is done by way of classifying the changes under the following headings:-

- Housekeeping – changes of title for officers or Portfolios for example
- Legislation changes or changes in Government advice (if any)
- Best practice
- Clarifications

1.7 It has also been suggested that Cabinet is asked for its view on the revisions prior to Standards considering it. The Constitution does not require this but if Members are desirous of this being built in to the process it can be done.

1.8 In terms of timescales, it is proposed to follow the following timetable:-

Standards Committee meeting to launch the review	26 th January 2017
Constitution working Group	w/c 20 th February 2017
Constitution working Group (second meeting if required)	w/c 6 th March 2017
Standards Committee to receive the outcome of the review and recommend to Council	16 th March 2017 – it is proposed to move this meeting to a date in mid April to better accommodate the review process
Annual Council Meeting	15 th May 2017.

2 Conclusions and Reasons for Recommendation

- 2.1 It is best practice to review the Council's Constitution on a regular basis and the Council has regularly done this. To do such a review there is a need to have a process in place. The Council has previously reviewed the Constitution in this way.

3 Consultation and Equality Impact

- 3.1 The review should result in the Council's equality duty being met in so far as it arises with the Constitution. There are no consultation implications.

4 Alternative Options and Reasons for Rejection

- 4.1 it is an obligation to review the Constitution on a regular basis and indeed some parts of the Constitution are expressly required to be presented to the Annual Council Meeting for review. In effect there is no alternative to the review, however the review itself can pick up on the alternatives to individual parts of the Constitution.

5 Implications

5.1 Finance and Risk Implications

- 5.1.1 None.

5.2 Legal Implications including Data Protection

- 5.2.1 The Legal obligations will be dealt with as part of the detailed review.

5.3 Human Resources Implications

- 5.3.1 None

6 Recommendations

- 6.1 That Members decide whether they wish to form a Working Party to consider the revisions to the Constitution and report back to Standards Committee and if so who should be on the Working Party.
- 6.2 That Members decide whether there are any other areas of the Constitution that they would wish to see have a more in depth review.
- 6.3 That Members approve the timetable and agree to Standards Committee being held on a new date in April to replace the scheduled March meeting.
- 6.4 That Members note that the Financial Regulations are being reviewed and will be reported separately.

7 Decision Information

Is the decision a Key Decision? (A Key Decision is an executive decision which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	Yes/No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Affected	None directly
Links to Corporate Plan priorities or Policy Framework	Not applicable

8 Document Information

Appendix No	Title
None	
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
None	
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