

**North East Derbyshire District Council**

**Standards Committee**

**14 December 2017**

**Annual Review of the Constitution**

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

This report is public

**Purpose of the Report**

- To ask Members to consider the areas proposed for examination under the annual review of the Constitution.

**1 Report Details**

- 1.1 Members will be aware that the Committee selected the Protocol on Member/Officer Relations as an area for particular focus in this year’s review of the Constitution. This is presented to Members separately on the agenda.
- 1.2 Further areas of the Constitution have been raised with the Monitoring Officer during the year as matters that require review. These are set out as follows:

<b>Area for Review</b>	<b>Comment</b>
Protocol on Member/Officer relations	As outlined above.
Scheme Of Delegation To Officers	Amendments to the Delegation Scheme are required as part of the Senior Management Team restructure and reflecting delegated powers determined by Council or Executive during the year.
Petition Scheme	Consider procedures for smaller petitions and petitions related to planning policies e.g. the Local Plan.
Joint ICT Committee	Governance arrangements require review.
Minute Books submission to Council	Consider methods for Members accessing or receiving Minutes and being able find out further information outside of Council meetings.

<b>Area for Review</b>	<b>Comment</b>
Procedure Rules for Questions from the Public and by Councillors and Motions	Consider whether any improvements can be made to the procedures including consistent deadlines.
Minor wording changes or updating of job titles (housekeeping)	Various sections in the Constitution require minor corrections or updates to reflect recent changes in staffing structures/job titles or other approved changes at Council.

- 1.3 Members are requested to raise any further areas they feel the review should include and are also advised that additional issues may arise in the course of the review but will be reported to Standards Committee at the earliest opportunity.
- 1.4 To progress the review, it is possible that an informal meeting of Standards Committee may be required in late January or February 2018 to allow Members input in initial proposals, before further work and consultation is carried out prior to the scheduled meeting of the Committee in March 2018. Alternatively the Committee could agree to set up a Constitution Working Group to carry out that initial review and report back to the Committee.
- 1.5 The following timetable is therefore proposed:

Standards Committee to set initial scope of the review	13 December 2017
<i>Informal Standards Committee/Constitution Working Group Meeting to consider initial proposals</i>	<i>January/February 2018 (Date to be confirmed)</i>
Standards Committee to consider the proposals and make recommendations to Council	15 March 2018
Annual Council Meeting	21 May 2018

## **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.

## **3 Consultation and Equality Impact**

- 3.1 Consultation with other Members, and other Committees may be required, as well as the Senior Management Team.

#### **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 There is a potential financial risk to the authority of costs associated with legal challenges to the current framework if left unchanged.

##### **5.2 Legal Implications including Data Protection**

5.2.1 Any legal implications will be considered as part of the detailed review.

##### **5.3 Human Resources Implications**

5.3.1 None.

#### **6 Recommendations**

6.1 That Members determine whether there are any other areas of the Constitution that they would wish to see have a more in depth review.

6.2 The Members determine whether to set up a Constitution Working Group and if so, to determine its membership.

6.3 That Members approve the timetable for the review.

## 7 Decision Information

<p><b>Is the decision a Key Decision?</b>  A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:  BDC: Revenue - £75,000 <input type="checkbox"/>  Capital - £150,000 <input type="checkbox"/>  NEDDC: Revenue - £100,000 <input type="checkbox"/>  Capital - £250,000 <input type="checkbox"/>  <input checked="" type="checkbox"/> Please indicate which threshold applies</p>	No
<p><b>Is the decision subject to Call-In?</b>  (Only Key Decisions are subject to Call-In)</p>	No
<p><b>District Wards Affected</b></p>	None
<p><b>Links to Corporate Plan priorities or Policy Framework</b></p>	Demonstrating good governance

## 8 Document Information

Appendix No	Title
	None
<p><b>Background Papers</b> (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)</p>	
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