

North East Derbyshire District Council

Standards Committee

3 May 2018

Review of the Council's Constitution

Report of the Joint Head of Corporate Governance & Monitoring Officer

This report is public

Purpose of the Report

- To recommend proposed amendments to the Council's Constitution for consideration by the Standards Committee prior to submission as part of the Annual Review of the Constitution to Council for adoption.

1 Report Details

- 1.1 The Standards Committee considered a number of areas within the Council's Constitution at its meeting on 14 March 2018:
- Procurement Rules/ Contract Procedure Rules
 - Petition Scheme
 - Minute Books submission to Council
 - Procedure Rules for Questions from the Public and by Councillors and Motions
 - Article 9 – Joint Arrangements
- 1.2 The proposals in relation to each of these above areas were supported by the Committee and recommended to Council for approval.
- 1.3 This report outlines proposals in respect of areas previously identified, as well as additional matters that have arisen in the course of the review:
- Scheme Of Delegation To Officers
 - Functions Scheme
 - Inclusion of mandatory training provisions
 - Minor wording changes, corrections or updating of job titles (housekeeping)
- 1.4 The Protocol for Councillor- Officer Relations review is contained within another item on the agenda.
- 1.5 Details of the proposed amendments in relation to each of these areas of the

Constitution are attached at **Appendix 1**. This also outlines the rationale behind each proposal.

1.6 Where revised versions of each section have been produced, these are also attached as **Appendices 2-4**, showing the tracked changes in comparison to the current documents.

1.7 Amendments are also proposed which will correct and up-date terminology, numbering issues and references to job titles but will not amount to substantive changes to the rules or articles. These are not set out in full in the report, but a full revised version of the Constitution will be prepared to submit to the Annual Council meeting on 21 May 2018.

2 Conclusions and Reasons for Recommendation

2.1 To ensure the Council has in place a fit for purpose Constitution which complies with English law.

3 Consultation and Equality Impact

3.1 The Chief Executive, Chief Financial Officer, Monitoring Officer and SAMT are consulted at various stages of the Constitution Review. Member Development Working Group have also been advised of the changes proposed in relation to Member training.

3.2 An Equality Impact Assessment has not been necessary as part of this review.

4 Alternative Options and Reasons for Rejection

4.1 Members may consider alternative options to each of the proposals put forward, where legally permitted.

5 Implications

5.1 Finance and Risk Implications

5.1.1 Failure to ensure the Constitution meets legal requirements can leave the Council open to challenge, as does failure to comply with the provisions of the Constitution. It is therefore essential that Constitution is regularly reviewed and given robust oversight.

5.2 Legal Implications including Data Protection

5.2.1 The Council is required under the Localism Act 2011 to prepare and keep up-to-date a constitution that contains its standing orders, code of conduct, such other information that the Secretary of State may direct and such other information that the authority considers appropriate.

5.3 Human Resources Implications

There are no human resources implications arising from the proposals within this review.

6 Recommendations

- 6.1 That the Committee consider the proposals for amendments to the Council's constitution and support that they be submitted to Council as part of the Constitution Review.

7 Decision Information

<p>Is the decision a Key Decision? 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: <i>BDC: Revenue - £75,000</i> <input type="checkbox"/> <i>Capital - £150,000</i> <input type="checkbox"/> <i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/> <i>Capital - £250,000</i> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p>	No
<p>District Wards Affected</p>	None
<p>Links to Corporate Plan priorities or Policy Framework</p>	Demonstrating good governance

8 Document Information

Appendix No	Title				
1	Summary of proposals and rationale				
2	Scheme of Delegation to Officers				
3	Functions Scheme				
4	Amendments to Articles relating to Licensing, Scrutiny and Standards Committees.				
<p>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)</p>					
None.					
<table border="1"> <thead> <tr> <th>Report Author</th> <th>Contact Number</th> </tr> </thead> <tbody> <tr> <td>D Cairns, Senior Governance Officer(NEDDC)</td> <td>01246 217045</td> </tr> </tbody> </table>		Report Author	Contact Number	D Cairns, Senior Governance Officer(NEDDC)	01246 217045
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