

	Area of Review	Proposal and Rationale	Sections of the Constitution to be revised												
1.	Scheme Of Delegation To Officers	<p>A Revised Scheme of Delegation to Officers and is necessary as a consequence of the Strategic Alliance Management Team (SAMT) restructure.</p> <p>The amendments and additions to the Scheme are set out below:</p> <table><tr><th>Amendments to the Delegation Scheme</th><th>Rationale</th></tr><tr><td>The majority of changes have been replaced the old posts with the title of the new posts carrying out the relevant functions.</td><td>To implement the new Strategic Alliance Management Team (SAMT) structure.</td></tr><tr><td>The wording of the delegation to the Joint Chief Executive Officer regarding the power to suspend or revoke a taxi driver's licence has been amended</td><td>To reflect changes to the Taxi/Licensing Policy</td></tr><tr><th>Additions to the Delegation Scheme</th><th>Rationale</th></tr><tr><td>Carrying out Rights of Way functions (including the diversion of footpaths) - Strategic Director - Place</td><td>This has been previously carried out under a general delegation at NEDDC, but it is considered clearer and more appropriate to include this in the scheme as a specific delegation.</td></tr><tr><td><i>Neighbourhood Planning</i> Determining action on a neighbourhood plan following receipt of the Examiner's report (including sending it for referendum). - Strategic Director - Place</td><td>This would only be exercised by an Officer when time does now allow for the matter to be submitted to Cabinet. There are specific timescales for each stage in the Neighbourhood planning process. The Council must determine the action to take on a Neighbourhood Plan proposal within 5 weeks of the receipt of the Examiner's Report.</td></tr></table>	Amendments to the Delegation Scheme	Rationale	The majority of changes have been replaced the old posts with the title of the new posts carrying out the relevant functions.	To implement the new Strategic Alliance Management Team (SAMT) structure.	The wording of the delegation to the Joint Chief Executive Officer regarding the power to suspend or revoke a taxi driver's licence has been amended	To reflect changes to the Taxi/Licensing Policy	Additions to the Delegation Scheme	Rationale	Carrying out Rights of Way functions (including the diversion of footpaths) - Strategic Director - Place	This has been previously carried out under a general delegation at NEDDC, but it is considered clearer and more appropriate to include this in the scheme as a specific delegation.	<i>Neighbourhood Planning</i> Determining action on a neighbourhood plan following receipt of the Examiner's report (including sending it for referendum). - Strategic Director - Place	This would only be exercised by an Officer when time does now allow for the matter to be submitted to Cabinet. There are specific timescales for each stage in the Neighbourhood planning process. The Council must determine the action to take on a Neighbourhood Plan proposal within 5 weeks of the receipt of the Examiner's Report.	The Functions Scheme and the Scheme of Delegation to Officers is currently in Part 3 of the Constitution – Pages 32-80.
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		<p><i>Neighbourhood Planning</i> Making the Neighbourhood Plan after a successful referendum result. - Strategic Director - Place</p>	<p>After a successful referendum result, a Neighbourhood Plan must be taken into account in all development decisions immediately, however there is still a legal requirement that the Plan be 'Made' as a formality. Recent practice has been that this function has been delegated to the Joint Chief Executive by Cabinet when it has considered the Examiner's report, however it is proposed that this be included as a specific delegation to the Joint Strategic Director – Place to avoid the need for this to be agreed on a case by case basis.</p>	
		<p>Approving Disabled Facilities Grants and other applications/ functions under Housing Grants, Construction and Regeneration Act 1996, the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 and related legislation. - Joint Strategic Director - Place</p>	<p>This has been previously carried out under a general delegation at NEDDC, but it is considered clearer and more appropriate to include this in the scheme as a specific delegation.</p>	
		<p>Delegation of authorisation of persons to collect, recover, prosecute or appear on behalf of the Council in any legal proceedings. - Joint Chief Executive Officer Monitoring Officer</p>	<p>Contained with the Function Scheme but more appropriate to include in specific delegations to the Joint Chief Executive and the Monitoring Officer in the Delegation Scheme.</p>	

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		<div>Two additions to the general powers delegated to Joint Strategic Directors and Joint Heads of Service (at paragraph 9) have also been made, which are not new powers but cross reference powers contained with the Functions Scheme and arising from the Financial Procedure Rules.</div> <div>To ensure all delegated powers with the Constitution are referred to within the Scheme of Delegation Scheme</div>		
		The current Scheme of Delegation for Officers has also been adopted by Bolsover District Council and theses proposals to change will also be submitted to the Standards Committee and Council there for approval.		
2.	Functions Scheme	<p>The NEDDC Functions Scheme includes references to delegations to Officers and job titles have been referred to through-out. It was therefore necessary to include a review of the Functions Scheme in addition to the Scheme of Delegation to Officers. The changes proposed replace the old posts with the title of the new posts carrying out the relevant functions.</p> <p>The Strategic Alliance Joint Committee has also been added to the Functions Scheme in include the functions of the Committee, arising from the amendments to Article 9 – Joint Arrangements.</p>		The Functions Scheme and the Scheme of Delegation to Officers is in Part 3 of the Constitution – currently Pages 32-59.
3.	Protocol on Councillor – Officer relations	The Protocol on Councillor – Officer relations was determined by Standards Committee in 2017 to be an area for focus during this year’s Constitution Review. The Monitoring Officer carried out consultation with all Members and the Strategic		The Protocol on Councillor – Officer relations is

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		<p>Alliance Management Team (SAMT) on the Protocol. Some amendments were offered by SAMT however no comments were received from Members during the consultation.</p> <p>The main amendments proposed for the Protocol are:</p> <ul style="list-style-type: none"> • Inclusion of more detailed guidance around the relationships between Members and Officers, in particular “mutual respect”; • In light of recent political debates in Parliament, inclusion has been given to include elements covered by the Equalities Act 2010; • Inclusion of details around applying pressure on Members or Officers in regard to duties they are neither empowered nor within their duties; • Providing further guidance on advice and support to Political Groups; • Providing more clarification around need to know information and requests for information by Members; • Inclusion of a link to the Council’s Delegation Scheme; • Providing clarity around correspondence; • Inclusion of a ‘dos and don’ts’ document as an Appendix to the protocol. 	<p>contained within Part 5 of the Constitution – Codes and Protocols – Pages 214 – 222 of the current version.</p>
4.	Procurement Rules/ Contract Procedure Rules	<p>Minor amendments are proposed to e Contract Procedure Rules to reflect best practice, current working practices and the documentation that has been developed for the Council to use in procurement processes by the Council’s procurement service, previously supplied by Chesterfield Royal NHS Foundation Trust but now supplied by a joint in-house service across the Strategic Alliance.</p> <p>The rules refer to EU legislation and EU set thresholds related to different types of procurement activities required. These requirements remain in place during the negotiations for United Kingdom’s exit from the European Union. A further review will be undertaken at such time that these provisions and requirements are amended or brought under alternative national level legislation.</p>	<p>The Contract Procedure Rules are contained in Part 4 of the Constitution – Rules of Procedure – Pages 165-179 of the current version.</p>

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5.	Petition Scheme	<p>The Constitution Working Group considered the Council's Petition Scheme in 2016/17 and agreed to retain the contents of the Scheme.</p> <p>The current proposals do not alter the procedures for submitting petitions or how they are dealt with, however they are designed to simplify the document and make it more accessible for the public to refer to. Much of the wording in the current scheme is repeated, which is considered unnecessary.</p> <p>One amendment to the scheme is to include matters subject to consultation in the list of issues excluded from the Scheme. This has been proposed following a review of practices across other authorities and to ensure that statutory consultation procedures are not undermined. Petitions submitted during or prior to consultation periods would be considered by the Council as part of that consultation response.</p>	The Petition Scheme is contained in Part 4 to the Constitution.
6.	Article 9 – Joint Arrangements	<p>The proposed amendments to Article 11 on Joint Arrangements seek to simplify the details of the joint arrangements that are included in the Constitution. Currently a number of joint committees and partnerships are listed, but not all. For consistency, it is proposed that a provision be included to require Executive (Cabinet) and Council to maintain a list and details of the joint arrangements that have been established and that these lists will be held by Governance, separately to the Constitution. This will ensure that up to date Terms of Reference are held and referred to, rather than waiting for the version in the Constitution to be amended at a future Council meeting.</p> <p>Partnership working, such as the Local Enterprise Partnerships and SCR Combined Authority, are also managed externally by other authorities or bodies and the Council relies upon these bodies to maintain Terms of Reference and other procedural documents.</p> <p>It is however proposed to include a description of the Strategic Alliance within this Article, as this is a significant arrangement of joint working, and to include the terms of reference for the Strategic Alliance Joint Committee in the functions scheme.</p>	<p>Article 11 – Joint Arrangements is in Part 2 of the Constitution – Articles of the Constitution – Pages 13-15.</p> <p>The Terms of Reference for the Strategic Alliance Joint Committee have been added to Article 11 and to Part 3 of the Constitution – Responsibility for Functions.</p>

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7.	Joint Employment Committee (JEC) and Joint Appeals Committee (JAC)	<p>In light of the forthcoming recruitment to vacant positions within the senior management structure, the appointments to the JEC have been questioned.</p> <p>It is suggested that the Membership still reflect the rules of proportionality, however due to the level of the appointments, the Leader, Deputy Leader and Leader of the Opposition should be those named to sit on this Committee.</p> <p>Further, it may become evident that any of those named may be unable to sit at a committee meeting and therefore it would be prudent to have named substitutes would could be called up to replace an appointed Member. In order to incorporate the wishes of the Standards committee from when the matter was previously discussed, it is suggested that any substitute would be in place for the duration of an employment procedure.</p> <p>It is also proposed that these arrangements be mirrored in the membership provisions for the Joint Appeals Committee. In additional requirement is added in this respect, however, to ensure that Appeals from decisions made by the Joint Employment Committee are not heard by the same Members who made the decision.</p>	Article 10 – The Chief Executive and Other Staff, point 10.5 – Joint Employment Committee and Joint Appeals Committee (page 26)
8.	Inclusion of reference to training for Members on Licensing, Standards and Scrutiny Committees and other Mandatory Training	<p>This recommendation has been put forward by Member Development Working Group at its meeting on 25 April 2018.</p> <p>The Articles in the Constitution set out the composition and role of the Committees appointed by the Council. In Article 8, it is stated that Members and Substitutes of the Planning Committee will be encouraged to undertake training.</p> <p>This recognises that a level of technical and procedural knowledge in relation to Planning matters is important when sitting on the Committee.</p> <p>It is proposed that this provision be amended to state that Members will be required to undertake training and that this provision also be included for Licensing</p>	<p>The Articles of the Constitution are contained in Part 2 of the Constitution.</p> <p>These changes would apply to Article 2 and Articles 6 – 8, currently pages 10-11 and 18-21.</p>

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		<p>Committee, Standards Committee and the Scrutiny Committees, as the training provided for Members sitting on these Committees will also be important when carrying out their roles.</p> <p>Member Development Working Group considered that it was important for the Constitution to reflect the Council's position that all Members must undertake training before sitting on regulatory and Scrutiny Committees in order to enable them to carry out their roles effectively. It was recognised that enforcing these provisions would be a matter for the political groups as, within the current legal framework, Members cannot be prevented from sitting on a Committee to which they have been duly appointed.</p> <p>In addition to Committee specific training, the Member Development Working Group consider that other training sessions should be mandatory for all Members, such as data protection, equalities, safeguarding etc. What is deemed mandatory training would be set out in the Member Development Strategy.</p> <p>It is therefore proposed that Article 2 of the Constitution be amended to include a provision to require Members to undertake all mandatory training.</p>	
9	Access to Minutes and Minute Books submission to Council	<p>It is proposed that new procedures be put in place to enable Members to access copies of minutes to all Committees and Advisory Groups as soon as they are finalised and that Minute Books will no longer be produced and submitted to Council meetings.</p> <p>Copies of all Minutes will be uploaded to the Members' Extranet and/or the website and Members will be emailed once they are available to view.</p> <p>Members will also be provided with guidance on who to speak to if they have any questions arising from any Minutes circulated – i.e. the Committee Chair or Cabinet/Executive Portfolio Holder, or the lead officer who will be named after each</p>	<p>The Council Procedure Rules are contained in Part 4 of the Constitution – Rules of Procedure.</p> <p>Section 2.1 (I) would be removed</p>

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		<p>Minute where there are actions arising. This way Members can access the information and ask the questions they need to at the earliest opportunity, rather than waiting for a future Council meeting.</p> <p>Members may still raise questions at Council meetings via the procedure for Questions of Notice.</p> <p>If there are recommendations from Committees or Cabinet/Executive to Council, these will be submitted by way of a report which will allow for questions, answers and debate, in accordance with Council Procedure Rule 2.1 (i).</p> <p>It is no longer a common practice across local authorities for Minute Books to be prepared and submitted to Council meetings due to the availability of Minutes online and on Members iPads.</p>	if this proposal were to be agreed.
10.	Procedure Rules for Questions from the Public and by Councillors and Motions	<p><u>Public Questions</u></p> <p>Currently there are no restrictions in place on who may ask a question of a Cabinet Member at meetings of Council. There are restrictions in place around the question itself set out within Section 8 of the procedure rules.</p> <p>Following research of nearby authorities, it was identified that many have restrictions in place to ensure that a member of the public attending a meeting of Council to ask a question was 'on the register of electors for the District or a non-domestic rate payer (Business Rates). This would effectively guarantee that anyone who wishes to pose a question to the Council must live, work or invest in the District.</p> <p>It is therefore proposed that this restriction be added to this Council's Procedure Rules.</p>	The Council Procedure Rules are contained in Part 4 of the Constitution – Rules of Procedure.

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		<p><u>Deadlines</u></p> <p>There are currently different deadlines for the submission of questions and motions on notice for Council meetings. For submitting questions from the public and also motions from Members is midday, seven clear days before the meeting. No time is specified for the deadline for Members to submit questions to Council; the procedure rules simply state seven clear days' notice must be given. The deadline has therefore been taken to be midnight.</p> <p>To provide greater certainty and to assist in the processing of the questions and motions on notice, it is proposed that the deadline for all of these submissions be set to midday.</p>	<p>Rule 8.1 (a) would be amended to include this restriction.</p> <p>Rule 9.3 would be amended to include a deadline of midday on the day seven clear working days before the meeting.</p>
11.	Correction of numbering in the Council Procedure Rules	<p>The Council Procedure Rules set out how meetings of the Council and most Committees will be conducted. Paragraph 24 of the Rules sets out which of the Rules apply only to Council and which apply to all Committees and Groups.</p> <p>Reviewing the paragraphs referred to in this section, it would appear that the number refers to incorrect sections.</p> <p>Currently paragraph 24 states:</p> <p><i>24. Application of Council Procedure Rules to Committees</i></p> <p><i>Rules 5 to 8, 11.1(a) to (p), 12 to 15 and 19 to 24 apply to meetings of all groups and committees other than Cabinet.</i></p> <p>It is proposed that this paragraph be moved to after what is currently Rule 25, making Rule 25 - Attendance at Committee Meetings by Members of the Council, the new Rule 24.</p>	<p>The Council Procedure Rules are contained in Part 4 of the Constitution – currently pages 83-100.</p>

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		<p>The paragraph headed Application of Council Procedure Rules to Committees (now numbered 25) would state:</p> <p><i>Rules 4 to 7, 11 to 15 and 18 to 24 apply to meetings of all groups and committees</i></p> <p>This also removes Cabinet as an exception. These rules have been followed by Cabinet despite this exception, so this proposal does not directly impact on how Cabinet meetings will be run, rather it corrects the wording of the procedure rules.</p>	
12.	Licensing Sub Committee Members	<p>Most of the Licensing Sub-Committee meetings deal with taxi driver related issues. As these issues are not known in advance, some of the scheduled meetings may have to be cancelled, if there are no taxi driver or other relevant issues to consider. Additional meetings may have to be arranged by the Monitoring Officer at short notice when relevant issues do arise; for example to deal with an application involving licenced premises.</p> <p>By determining the membership for additional Sub-Committee meetings in advance greater clarity will be provided for Members of the Licensing Committee about when they will be required to attend Licensing Sub-Committee meetings. Those Members who are scheduled to attend specific Licensing Sub-Committees will have more time to prepare for them, which in turn will help to improve the operation of this important part of the Council's governance arrangements.</p> <p>No amendments to the constitution are required in this case, as the current wording in the Functions Scheme, at 5.8 Licensing Sub-Committee (Page 52) already makes provision for this practice.</p>	No revisions necessary.