

**North East Derbyshire District Council**

**Standards Committee**

**14 March 2018**

**Review of the Council's Constitution**

**Report of the Head of Service – Corporate Governance and Solicitor to the Council & 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 Constitution is the Council's 'rulebook'. It sets out how the Council operates and how it makes decisions. Council approved its latest version of the Constitution at the Annual Council meeting in May 2017.
- 1.2 One of the functions of the Standards Committee is to undertake an annual review of the Council's Constitution to ensure it is up to date and in line with legislation and current circumstances. At its meeting in December 2017, the Committee considered a report which set out a number of areas that had been identified for review:
- Protocol on Member/Officer relations
  - Scheme Of Delegation To Officers
  - Petition Scheme
  - Joint ICT Committee
  - Minute Books submission to Council
  - Procedure Rules for Questions from the Public and by Councillors and Motions
  - Minor wording changes or updating of job titles (housekeeping)
- 1.2 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. The review of the Protocol on Member/Officer Relations is contained in a separate item on the agenda.
- 1.4 Where revised versions of each section have been produced, these are also attached as appendices, showing the tracked changes in comparison to the current documents.

- 1.5 Further amendments in addition to those set out in this report may also be 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.

## **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.

- 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><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
1	Summary of proposals and rationale
2	Procurement Rules
3	Petitions Scheme
4	Joint Arrangements
<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>	
None.	
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