

**North East Derbyshire District Council**

**Council**

**27 October 2014**

**Review of the Council's Constitution**

**Report No JA/03/14/MK of Councillor Jane Austen, Chair of the Standards Committee**

This report is public

**Purpose of the Report**

- To consider the outcomes of the recent review of the Council's Constitution.
- To approve for use and publication the revised Constitution.

**1 Report Details**

1.1 The Standards Committee has undertaken its annual review of the Council's Constitution to ensure it is up to date and in line with legislation and current circumstances. Following last year's substantial review, this year's review was more 'light touch' and involved consideration of a series of amendments at our meeting on 2 October 2014.

1.2 The main changes are highlighted in **Appendix A** and can be summarised as follows:

- Amendments to Article 8 (Part 2) following changes to the composition of Planning Committee. In addition, a further change was proposed by Standards Committee that all other non-executive members on the Council may act as substitutes on the Committee. Furthermore, all members and substitutes on the Committee are to be encouraged to undertake training (page 21).
- Amendments to Article 10 following a restructure of the Senior Management Team (p. 25/26).
- Scrutiny functions (Part 3) amended to allow any Scrutiny Committee to consider matters affecting the health and well-being of the District (requested by the Scrutiny Chairs) (p. 48).
- Joint scrutiny arrangements (added by Standards Committee) (p. 49).
- Licensing Committee functions amended to include Scrap Metal cases (p. 54).

- Functions added for the new Joint Appointments Panel which has the power to appoint down to Assistant Director level (p. 55).
- Community Partnership functions deleted (p. 58/59).
- Existing Officer Delegation Scheme replaced by new joint Officer Delegation Scheme based on general delegation (p. 60-99).
- Cabinet Portfolio Members revised to reflect current Portfolios (p. 100/101).
- Requirement for seven clear days notice to be given for questions and motions reinstated. This assists with smooth agenda management and ensures compliance with the law (p. 105 and 107).
- Public rights to report on, film and Tweet in meetings included in Rules of Procedure (Part 4), to reflect the requirements of the Openness of Local Government Bodies Regulations 2014 (p. 116).
- Petition Scheme revised following decision to dispense with the Council's e-petition facility (p 118-123).
- Quorum for Cabinet reduced from five to three to reflect its smaller size (p. 132).
- Changes to Scrutiny Rules to address potential conflicts of interest in the call-in process (requested by Councillor N Foster) (p. 138).
- Contract Rules revised to reflect corporate shift towards e-tendering (requested by Director of Operations) (p. 187-198).
- Changes to Seven General Principles contained within Members' Code of Conduct to reflect recent changes made by the Committee on Standards in Public Life (Part 5) (p. 207).
- Gifts and Hospitality threshold raised to £25 in line with a previous recommendation made by Standards Committee (p. 209/221/231/249).
- Members' Allowances Scheme revised to reflect new Scheme agreed in March 2013 and amended in July 2014 (p. 251-264).
- Parts of the document – i.e. Cabinet Portfolios, Leader and Chief Executive – have also been depersonalised at the request of the Standards Committee (p. 4/100/101/118).

1.3 The revised Constitution also contains a number of minor administrative changes.

1.4 To assist officers with understanding the revised Constitution, and in particular the new officer delegation scheme, a briefing session for staff is taking place on 3 November 2014 at the Council Offices. The Standards Committee have considered the briefing material and endorsed it for use. A similar session for members will take place at a future Member Involvement Half-Day.

## **2 Conclusions and Reasons for Recommendation**

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

## **3 Consultation and Equality Impact**

- 3.1 Officers from Legal, Finance, HR, Planning and Scrutiny have been consulted as part of this review. The changes set out in this report have been considered by Standards Committee.

## **4 Alternative Options and Reasons for Rejection**

- 4.1 None.

## **5 Implications**

### **5.1 Finance and Risk Implications**

- 5.1.1 None.

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

- 5.2.1 The Council is required by law to keep an up-to-date Constitution.

### **5.3 Human Resources Implications**

- 5.3.1 None.

## **6 Recommendations**

- 6.1 That the draft revised Constitution, attached to these minutes as an Appendix, be approved and published via the Council's website.
- 6.2 That the Monitoring Officer be delegated power to make consequential amendments to the Constitution arising from administrative and legislative changes.

## **7 Decision Information**

<b>Is the decision a Key Decision?</b> (A Key Decision is one 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)	No
<b>District Wards Affected</b>	None.
<b>Links to Corporate Plan priorities or Policy Framework</b>	Excellent Council

## 8 Document Information

Appendix No	Title
A	Draft Revised Constitution (see below)
<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)	
None.	
Report Author	Contact Number
M Kane	7753

### **Please note:**

Due to the size of the Appendix, and in an effort to save paper, we have not printed a hard copy for every member.

A hard copy is available for inspection on the Council Office reception and in the Members' Room. Any member will be sent a hard copy on request to the report author/Governance Team.

Electronic copies of the Appendix are available on the website and on the I-Pad Portal.