

**North East Derbyshire District Council**

**Standards Committee**

**2 October 2014**

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| <b>Review of the Council's Constitution and Training for Officers on Governance</b> |
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**Report No ADGMO/26/14/MK/SS of the Assistant Director – Governance and Monitoring Officer**

This report is public

**Purpose of the Report**

- To recommend to Council on 27 October a revised version of the Council's Constitution.

**1 Report Details**

- 1.1 One of the functions of this 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. Following last year's substantial review, this year's review is more 'light touch' hence the changes being brought straight to this Committee rather than through a working group.
- 1.2 The changes are highlighted in Appendix A as track changes and can be summarised as follows:
  - Amendments to Article 8 (Part 2) following changes to the composition of Planning Committee.
  - Amendments to Article 10 following a restructure of the Senior Management Team.
  - 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).
  - Licensing Committee functions amended to include Scrap Metal cases.
  - Removal of section 5.5(d) in the Planning Committee functions which give members a further opportunity to 'call in' applications to Committee in light of representations being received. There is already a three week period for members to call in items following despatch of the weekly list. It is felt that this further opportunity is giving rise to a disproportionate number of smaller

applications (i.e. side and rear extensions) being called into Committee when they would usually be determined under delegated powers.

- Functions added for the new Joint Appointments Panel which has the power to appoint down to Assistant Director level.
- Community Partnership functions deleted.
- Existing Officer Delegation Scheme replaced by new joint Officer Delegation Scheme based on general delegation.
- Cabinet Portfolio Members revised to reflect current Portfolios.
- 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.
- Petition Scheme revised following decision to dispense with the Council's e-petition facility.
- Changes to Scrutiny Rules to address potential conflicts of interest in the call-in process (requested by Councillor N Foster).
- Contract Rules revised to reflect corporate shift towards e-tendering (requested by Director of Operations).
- 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).
- Gifts and Hospitality threshold raised to £25 in line with a previous decision made by this Committee.
- Members' Allowances Scheme revised to reflect new Scheme agreed in March 2013 and amended in July 2014.

1.3 Subject to the Committee's agreement of the changes, and any further changes they wish to make, this report will go forward to the meeting of Council on 27 October 2014.

1.4 In view of these revisions, and the outcomes of the recent Standards Survey suggesting a need for greater awareness amongst officers of relevant codes and protocols, the Monitoring Officer is planning to give a short training session to officers on 29 October at 1.30pm (at BDC) and on 3 November at 2pm (at NEDDC). A copy of the presentation is attached for members' information. A similar presentation to members is planned for a future Members' Involvement Half-Day event.

## **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.
- 2.2 To raise awareness amongst officers about the relevant provisions, codes and protocols within the Council's Constitution.

## **3 Consultation and Equality Impact**

- 3.1 Officers from Legal, Finance, HR, Planning and Scrutiny have been consulted as part of this review.

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

- 4.1 None.

## **5 Implications**

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

None.

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

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

### **5.3 Human Resources Implications**

None.

## **6 Recommendations**

- 6.1 That the draft revised Constitution, attached to this report as an Appendix, be recommended to Council for approval.
- 6.2 That the officer and member training sessions on the Constitution and the attached draft presentation slides be noted.

## **7 Decision Information**

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| <b>Is the decision a Key Decision?</b><br>(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                               |
| B  | Draft Presentation Slides: Demystifying the Constitution |
| <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.  |  |
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