

North East Derbyshire District Council

Annual Council

26th April 2021

REVIEW OF THE CONSTITUTION

Report of the Joint Head of Corporate Governance and Monitoring Officer

Classification: This report is public

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PURPOSE / SUMMARY

To consider proposed amendments to the Council's Constitution as recommended by the Standards Committee as part of the Annual Review for adoption by Council.

RECOMMENDATIONS

1. That the amendments to the Constitution detailed at Appendix 1 and set out in Appendix 2 be approved
2. That delegated power be given to the Monitoring Officer to make changes to the Constitution arising from any new legislation, administrative errors or conflicts in interpretation.

Approved by the Chair of the Standards Committee – Cllr William Armitage

IMPLICATIONS

Finance and Risk: Yes No

Details:

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes No

Details:

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.

On Behalf of the Solicitor to the Council

Staffing: Yes No
Details:

On behalf of the Head of Paid Service

DECISION INFORMATION

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:</p> <p>BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input checked="" type="checkbox"/> NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <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 Significantly Affected</p>	None
<p>Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet / Executive <input type="checkbox"/> SAMT <input type="checkbox"/> Relevant Service Manager <input checked="" type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/></p>	<p>Yes</p> <p>Details: The Standards Committee, Monitoring Officer and Deputy Monitoring Officer have been consulted on the preparation of this document</p>

Links to Council Ambition (BDC)/Council Plan (NED) priorities or Policy Framework including Climate Change, Equalities, and Economics and Health implications.

Demonstrating good governance.

REPORT DETAILS

1 Background

- 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 2020.
- 1.2 The Council is required by law to prepare and keep up to date a Constitution which explains how the Council operates, how decisions are made and the procedures which are to be followed to ensure that these are efficient, transparent and accountable to local people
- 1.3 Article 1 of the Constitution stipulates that the Monitoring Officer must monitor and review how it is working to make sure it gives full effect to its purpose.

2. Details of Proposal or Information

- 2.1 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.
- 2.2 The Standards Committee considered the Review of the Constitution at its meetings on 1 July 2020, 23 September 2020, 9 December 2020 and 24 February 2021 and supported all of the amendments proposed. The following areas on the Constitution and related procedures have been reviewed during 2020/21:
 - Housing Management Board Terms of Reference
 - Town Fund Board Terms of Reference
 - Amendments to the Contract Procedure Rules
 - JCG Terms of Reference
 - Review of Decision Call-In
 - Delegation regarding recruitment of Independent Persons
 - Extraordinary Council Meetings
 - Delegations to EH Officers
 - Section 85 Delegation
 - Constitution Delegation
 - Housekeeping Changes (such as formatting and job titles)
- 2.3 Each of the areas of review, other than the housekeeping changes, has been set out in detail, including the rationale for the amendments proposed, in **Appendix 1**.
- 2.4 All of the amendments have been entered into the Constitution at **Appendix 2**. The amendments appear in red as 'tracked changes'. Where Terms of Reference have been reviewed, but not for incorporation in to the Constitution, these are attached at **Appendix 3**.

Due to the size of the Appendix 2, a paper copy has not been issued to Members. The document is published on the Council's website and is accessible to Members on their iPads.

3 Reasons for Recommendation

- 3.1 The Standards Committee with support from the Monitoring Officer, Deputy Monitoring Officer and Governance Manager have carried out the review with a particular focus on certain areas of the Constitution that required attention. These areas have been thoroughly discussed and the amendments proposed are recommended to Council for approval.
- 3.2 It is required by law to keep an up to date constitution. Part of the role of the Standards Committee is to review the document on a regular basis to make such recommendations to Council as necessary.

4 Alternative Options and Reasons for Rejection

- 4.1 The Council may make other amendments or reject the amendments proposed as part of this review, however the rationale for each proposal has been to ensure the Council's procedures comply with the law, are in line with best practice, are practical and up-to-date, as well as in accordance with other decisions taken by the Council. No alternative options are therefore proposed.

DOCUMENT INFORMATION

Appendix No	Title
1	Summary of Amendments to the Constitution
2	Tracked Changes to the Constitution
3	Terms of Reference
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)	
None.	