

North East Derbyshire District Council

Standards Committee

30 June 2021

Review of the Council's Constitution – Part 1

Report of the Solicitor to the Council and Monitoring Officer

Classification: This report is public

Report By: Nicola Calver, Governance Manager

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PURPOSE / SUMMARY

- To consider the list of areas for review within 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.
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RECOMMENDATIONS

That the Committee give consideration to proposals for review and support the submission of the proposals to Council as part of the Constitution Mid-Year Review in November 2020.

IMPLICATIONS

Finance and Risk: Yes No

Details:

There are no financial or risk implications arising from this report.

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 any other information that the Authority considers appropriate.

On Behalf of the Solicitor to the Council

Staffing: Yes No

Details:

There are no staffing implications arising from this report

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"/></p> <p>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>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>	Yes Details: Click here to enter text.

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

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 April 2021.
- 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. The following areas have been identified for review in 2021;
- Questions by Members
 - Debt Write Off
 - Delegation Scheme Amendments
 - Petition Scheme
 - Proper Officer Provisions
 - New Forum TORs
 - New JSCC TORs
 - Employee Code of Conduct / Employment Rules
 - Minor wording changes or updating of job titles (housekeeping)
- 1.3 The table below sets out how these areas of review will be considered over the municipal year and where the matters need to be considered by other Committees for consultation, these have been identified.

Area for Review	Lead Officer	Dates for Consideration
Questions by Members	Governance Manager	30/06/21
Debt Write Off	Monitoring Officer	30/06/21
Delegation Scheme Amendments	Governance Manager	30/06/21
New JSCC TORs	Governance Manager / HR and OD Manager	30/06/21
Petition Scheme	Monitoring Officer	September
Proper Officer Provisions	Governance Manager / Legal Team Manager	September
New Forum TORs	Director of Growth and ED	September
Employee Code of Conduct	HR and OD Manager	November
Minor wording changes or updating of job titles (housekeeping)	Governance Officers	Once final draft version produced

- 1.4 The areas for review for this meeting in the above table and list are detailed in the appendices to the report and set out the proposal and/or rationale and the sections of the Constitution to be amended.

2. Details of Proposal or Information

- 2.1 The Director of Corporate Resources & Head of Paid Service, Chief Financial Officer, Monitoring Officer and SAMT are consulted at various stages of the Constitution Review.
- 3.2 Equality Impact Assessments may be carried out in relation to specific areas of review where the need arises. Details of any equality issues will be address in relation to each area of review.

3 Reasons for Recommendation

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

4 Alternative Options and Reasons for Rejection

- 4.1 Members may consider alternative options to any proposals put forward, where legally permitted.

DOCUMENT INFORMATION

Appendix No	Title
1	Rationale and details of changes – TO FOLLOW
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	