

North East Derbyshire District Council

Standards Committee

26 January 2022

REVIEW OF THE COUNCIL'S CONSTITUTION (PART 3)

Report of the Assistant Director of Corporate Governance and Solicitor of the Council & Monitoring Officer

Classification: This report is public

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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.

RECOMMENDATIONS

1. That the Committee give consideration to proposals for review and support the submission of the proposals to Council as part of the Constitution Review at a future meeting.
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IMPLICATIONS

Finance and Risk: Yes No

Details:

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.

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:

There are no human resources implications arising from the proposals within this report. Some areas for review may impact on staff. These implications will be addressed in relation to the specific areas for review.

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
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: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Significantly Affected	None
Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet / Executive <input type="checkbox"/> SAMT <input checked="" type="checkbox"/> Relevant Service Manager <input checked="" type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	Yes Details: Relevant officers are consulted at various stages of the Constitution Review

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 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.

2. Details of Proposal or Information

- 2.1 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
Review of Guidance and constitutional rules on public speaking at Council	Governance Manager	10/11/21
Training Requirements for Councillors	Governance Manager	10/11/21
Renumbering of the Articles	Governance Manager	10/11/21
Delegation Scheme Addition – Property Sale	Governance Manager / Head of Economic Development, Regeneration and Housing Delivery	10/11/21
Petition Scheme	Monitoring Officer	26/01/22
Planning and Licensing Decisions	Governance Manager	26/01/22

Clarification on deferring and adjourning	Governance Manager	26/01/22
Monitoring Officer Delegations	Governance Manager	26/01/22
Proper Officer Provisions	Governance Manager / Legal Team Manager	March
New Forum TORs	Director of Growth and ED	March
Employee Code of Conduct	HR and OD Manager	March
Minor wording changes or updating of job titles (housekeeping)	Governance Officers	Once final draft version produced

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

2.3 The Monitoring Officer has utilised her delegated power to amend the Constitution since the last meeting of Standards, and this is set out in Appendix 1, with full details appended to the report.

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
2	Petition Scheme
3	Delegated Decision taken by the MO on 3 rd December 2021
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	