

North East Derbyshire District Council

Standards Committee

13th July 2022

Constitution Review 2022/23

Report of the Assistant Director of Governance and Monitoring Officer

Classification: This report is public

Report By: Assistant Director of Governance and Monitoring Officer

Contact Officer: Sarah Sternberg – 01246 217731
Sarah.sternberg@ne-derbyshire.gov.uk

PURPOSE / SUMMARY

The Committee is about to start its annual review of the Constitution. This report is suggesting areas to review over the forthcoming year.

RECOMMENDATIONS

1. That Members consider the proposed programme of review for the Council's Constitution in the corporate year 2022 to 2023
2. That Members suggest any additional areas for review that they consider should be included.

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 the 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 Standing Orders, Codes of Conduct and such other information as the Secretary of State may direct and such other information as the Council 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 dealt with outside the process for reviewing the Council's Constitution.

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>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 <input type="checkbox"/> SMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/></p> | <p>The Standards Committee fulfils this role.</p> <p>Details: relevant Officers are consulted at various stages of the Constitution Review</p> |

Links to Council Plan (NED) priorities, including Climate Change, Equalities, and Economics and Health implications.

Demonstrating good governance. This work also ties in with the Annual Governance Statement (AGS) which the Audit and Corporate Governance Scrutiny Committee approves.

REPORT DETAILS

1 **Background** *(reasons for bringing the report)*

1.1 Each year, the Standards Committee undertakes a review of the Council's Constitution to ensure it is up to date. The Constitution is the Council's rule book. It sets out how the Council operates and how it makes its decisions. The latest version of the Constitution which is on the Council's website was approved in April 2022.

2. **Details of Proposal or Information**

2.1 The Standards Committee's work plan for 2022/23 was approved at the last meeting of the Committee in April. As happens because of a changing landscape, there is a requirement to change some of the items for review and their dates.

2.2 The work plan that was previously agreed by Standards Committee has been amended and appears later in this agenda for Members' approval. This shows the changes proposed to the order in which areas are reviewed.

2.3 In the meantime officers have taken the opportunity to carry out a "housekeeping" review of the entire Constitution. This is primarily looking for changes in titles, references to the wrong body, things which shouldn't be there because they have already been deleted. As these alterations would not involve any significant issues, but simply tidy up obvious inconsistencies, the necessary changes will be made by the Monitoring Officer as a Delegated Decision in order to ensure that the Constitution remains accurate. If the review identifies any serious issues that require this Committee to consider them, the issues will be brought back to Members. In any event there will be a report to the next Committee on the outcome of this review explaining what changes have been made and what possible significant changes need to be considered.

2.4 Finally, Members are requested to identify any suggestions of areas to review to be added to the list.

2.5 For Members' information this means that the following is the current table for the Constitution Review 2022/23:

| Date of Standards Committee meeting | Area for Review |
|-------------------------------------|-----------------|
| 13 th July 2022 | This report |

| | |
|-------------------------------|---|
| 31 st August 2022 | (a) Update on “housekeeping” review of the Constitution. (b) Employee Code of Conduct (c) Proper Officer Provisions |
| 2 nd November 2022 | (a) Planning Protocol (b) Members’ Code of Conduct. |
| 1 st February 2023 | (a) Review of terms of reference of Partnership Forum and Investment Forum or their replacements. (b) Terms of reference of Asset Management Group (AMG) |
| 19 th April 2023 | Yet to be determined. |

2.6 Further areas for review will be added to the list as agreed by Standards Committee at future meetings.

3 Reasons for Recommendation

3.1 To ensure that the Council’s Constitution is fit for purpose and regularly reviewed.

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 |
|---|--------------|
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| 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 you must provide copies of the background papers) | |
| None | |