

North East Derbyshire District Council

Standards Committee

2 November 2022

Reviewing the Constitution

Report of the (Portfolio Holder if Cabinet or the Director/Assistant Director)

Classification: This report is public

Report By: Assistant Director of Governance and Monitoring Officer

Contact Officer: Interim Governance Manager, Alan Maher: alan.maher@ne-derbyshire.gov.uk

PURPOSE / SUMMARY

To set out the proposed arrangements for reviewing and updating the Council's Constitution in preparation for the 2023-24 Municipal Year.

RECOMMENDATIONS

1. That Standards Committee receives a report at its **Tuesday 6 December 2022** meeting explaining the technical updates to the Constitution made by the Monitoring Officer under the Council's Scheme of Delegation.
2. That a special informal meeting is organised for Standards Committee Members to consider how Councillor Roles and Responsibilities, the Code of Conduct and acceptable behaviour should be reflected in the Council's Constitution.
3. That following on from this special informal meeting Standards Committee be asked to consider and agree a range of specific amendments to the Constitution at its meeting on Wednesday **1 February 2023**, for recommendations to Annual Council on **Monday 22 May 2023**.
4. That a special informal meeting is organised for Standards Committee Members to consider how the formal operation of the Council's Member and officer decision making arrangements, and the expectations which underpin them, should be reflected in the Council's Constitution.
5. That following on from this special informal meeting, Standards Committee be asked to consider and agree a range of specific amendments to the Constitution at its meeting on **Wednesday 19 April 2023**, for recommendations to Annual Council on **Monday 22 May 2023**.

Approved by the Portfolio Holder:

Not applicable.

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. This should include its Standing Orders and the Members Code of Conduct. It should also include any other information required or directed by the Secretary of State, or which the Council considers appropriate.

On Behalf of the Solicitor to the Council

Staffing: Yes No

Details:

On behalf of the Head of Paid Service

DECISION INFORMATION

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| 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: NEDDC: 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 <input checked="" type="checkbox"/> SMT <input checked="" type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/> | Yes Details: Portfolio Holder and Senior Management of the Council |

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

REPORT DETAILS

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

- 1.1 One of the main responsibilities of the Standards Committee is to undertake an annual review of the Council's Constitution. Following on from this review, it is the Council's responsibility to make recommendations and suggest specific amendments to the Constitution to recommend to the Annual Council for agreement.
- 1.2 In practice, the Committee has discharged this responsibility by considering sequentially detailed changes required to the different parts of the Constitution and the rationale for these changes. This approach has helped to focus attention on specific and practical issues which need to be addressed. However, it does now allow the Committee to consider the Constitution as a whole and in particular, whether it is still achieving those goals which the Council has set for it and whether these goals themselves now need to be re-thought to ensure that they remain fit for purpose.

2. Details of Proposal or Information

- 2.1 In order to help the Committee to carry out a more holistic review of the Constitution and whether it is fit for purpose, it is proposed to adopt a three stage approach. This new approach would involve some special informal meetings (either at the Council's offices or at another venue) to allow Members to consider the issues in depth before they are then asked to agree specific recommendations to Council. The proposed three stages are set out below.
- 2.2 During **Stage One** the officers would identify and rectify any essentially factual and typographical errors in the document, such as incorrect job titles or the continued inclusion of expired powers and regulations etc. Work has taken place to identify these errors, which would be included in a technical schedule, along with the necessary revisions. The Monitoring Officer would then formally agree these revisions, as provided for under the Council's Scheme of Delegation. A summary of the changes made would then be reported back to Committee at its Tuesday 6 December 2022 meeting.
- 2.3 Following on from this, Committee would then begin **Stage Two** of the review, to consider how Councillor Roles and Responsibilities, the Code of Conduct and acceptable behaviour should be reflected in the Council's Constitution. These are important issues, with many implications. In order to enable Members to assess them fully and decide on what changes should be made, it is proposed that a special informal session be arranged (either in person or virtually). Following on from this, Standards Committee would be asked to consider and agree specific recommendations at its next scheduled meeting on Wednesday 1 February 2023.
- 2.4 **Stage Three** would allow Members to consider how the formal operation of the Council's Member and officer decision making arrangements, as well as the expectations which underpin them and how these should be reflected in the Council's Constitution. Again, an informal session would be held, so that Members could consider the issues raised in detail. Following on from this, Committee would then be asked to consider and agree a range of specific amendments to the Constitution at its meeting on **Wednesday 19 April 2023**.

3 Reasons for Recommendation

- 3.1 To ensure the accuracy of the Council's Constitution
- 3.2 To ensure that it remains adequate for the governance of the Council's Member and officer governance arrangements.

4 Alternative Options and Reasons for Rejection

4.1 None

DOCUMENT INFORMATION

| Appendix No | Title |
|---|-------|
| | N/A |
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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) | |
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