

North East Derbyshire District Council

Standards Committee

7 March 2023

Reviewing the Constitution Second Stage - Feedback

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

PURPOSE / SUMMARY

To feedback on the Informal Meeting held as part of the Second Stage of the Review of the Constitution.

RECOMMENDATIONS

1. That Committee notes the report.

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

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

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.

- 1.3 In order to help the Committee to carry out a more holistic review of the Constitution and whether it is fit for purpose, Members agreed to adopt a three stage approach. This new approach involves 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 three stages are set out below.
- 1.4 During **Stage One** the officers identified and rectified any essentially factual and typographical errors in the document, such as incorrect job titles or the continued inclusion of expired powers and regulations etc.
- 1.5 Following on from this, Committee then carried out **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. A special informal session was held which looked at a range of 'ethical' issues. These included how we could make the Constitution more accessible by reorganising its content in order to provide a clearer and fuller picture.
- 1.6 Committee also discussed the Council's Petition Scheme and the current minimum figure to trigger a discussion at Council. Members felt that this should be retained. Committee also discussed the Council's Social Media guidance and the circumstances which it should apply the rules relating to gifts and hospitality, which were felt to be broadly appropriate, subject to clarification of the amount which this should be set at and the Council's appointments to Outside Bodies. In particular, it considered the advantages and disadvantages of these appointments and the potential risks if these bodies were not formally incorporated.
- 1.7 Committee considered the way in which they complete their Register of Interest entries and how this might be improved. Following on from this, Committee will receive a presentation today on how this could be done electronically and to consider how this might be introduced after the forthcoming Local Government Elections.
- 1.8 Finally, Committee discussed extensively the Council's Planning Protocol and the important way it helps to protect the Council and individual Councillors. Members emphasised the reputational damage which the Code helps to prevent and the value of training on this, especially for those Members appointed to serve on the Planning Committee.
- 1.9 Following on from this discussion specific proposed changes to the Constitution will be drawn up and track-changed on the document. These will be considered after **Stage Three** of the review has taken place 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.

DOCUMENT INFORMATION

Appendix No	Title
	N/A
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)	