

North East Derbyshire District Council

Annual Council

22 May 2023

REVIEW OF THE COUNCIL'S CONSTITUTION

Report of the Assistant Director of Governance and Monitoring Officer

Classification: This report is public

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PURPOSE / SUMMARY

To set out and seek Council's approval of the proposed Constitution of the Council for the 2023-24 Municipal Year.

RECOMMENDATIONS

1. That following on from the extensive review carried out by Standards Committee Council approves the proposed Constitution for the 2023-24 Municipal Year
2. The Standards Committee be asked to undertake a further review of the Constitution, as part of its annual work programme for the 2023-24 municipal year and to make any necessary recommendations for change to Council, as appropriate.
3. That delegated power be given to the Monitoring Officer to make changes to the Constitution arising from any new legislation, administrative errors or conflicts in interpretation during the course of the Municipal Year

Approved by the Chair of the Standards Committee 2022-23: Cllr William Armitage

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 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:

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 type="checkbox"/> Relevant Service Manager <input checked="" type="checkbox"/> Members <input checked="" type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	Yes Details: The Standards Committee, Monitoring Officer and Deputy Monitoring Officer have been consulted on the preparation of this document

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

Demonstrating Good Governance.

1. REPORT DETAILS

- 1.1 The Council is required by law to prepare and keep up to date a Constitution. This needs to explain explain how the Council operates, how decisions are made, and the procedures which are to be followed to ensure that these procedures are efficient, transparent and accountable to local people.
- 1.2 One of the main functions of the Standards Committee is to undertake an annual review of the Council's Constitution. The purpose of these reviews is to make sure that the Constitution is up to date, that it is in line with current legislation and that it provides the appropriate rules and framework to ensure the good governance of the Council and how it co-operates with others.
- 1.3 As part of the review process, Standards Committee is then responsible for highlighting any areas of concern and agreeing specific changes to Annual Council for adoption.
- 1.4 In practice, the Committee has usually discharged this responsibility by considering sequentially detailed changes required to 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.
- 1.5 However, this approach has not always allowed for the Committee to consider the Constitution as a whole and, in particular, whether it is still providing the relevant rules and governance framework for how the Council works and how it co-operates with others.
- 1.6 In order to address this and to carry out a more holistic assessment of the Constitution Standards Committee agreed to a three stage review.
- 1.7 During **Stage One** officers sought to identify and then rectify any essentially factual and typographical errors in the document, such as the continued inclusion of expired powers and regulations etc. During **Stage Two** of the review, Standards Committee considered how the Constitution should cover Councillor roles and responsibilities, the Code of Conduct and Acceptable Standards of Behaviour. Finally, during **Stage Three** Committee considered the operation of the Council's Member and Officer decision making arrangements.
- 1.8 Although the Committee was able to reach a consensus on most of the required amendments, there were some issues were this was not possible, such as whether policy decisions should go directly to Council. It is recommended that Standards Committee be asked to consider these issues further during the course of the new municipal year and that following on from this, determine whether Council should be advised to make any additional changes to the Constitution.
- 1.9 The proposed Constitution of the Council has now been revised to both reflect the views of Standards Committee and to ensure its accuracy. The way in which the document is organised has been simplified. For the most part it now consists of specific 'Sections'.

1.10 The issues considered by Standards Committee on Councillor Roles and Responsibilities and on Member-officer decision making arrangements in Appendix One. The draft Constitution has been published on Modern.gov. The link to it is set out in Appendix 3. Copies of the document will be provided for all Members at the meeting. The previous Constitution have been placed in the documents library: [Constitutions of the Council - Archive](#)

2 Reasons for Recommendation

2.1 To comply with the Council's legal duty to adopt and keep up to date its Constitution.

3 Alternative Options and Reasons for Rejection

3.1 None.

DOCUMENT INFORMATION

Appendix No	Title
Appendix One	Issues considered by Standards Committee: Councillor roles and responsibilities. Issues considered by Standards Committee: Member-officer decision making arrangements.
Appendix Two	The Proposed Constitution of the Council: 22 May 2023 (Draft Constitution)
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.	