

**North East Derbyshire District Council**

**Standards Committee**

**27 September 2023**

**Reviewing the Constitution**

**Report of the Assistant Director of Governance and Monitoring Officer**

Classification: This report is public

Report By: Assistant Director of Governance and Monitoring Officer

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**PURPOSE / SUMMARY**

To set out the proposed arrangements for reviewing and updating the Council's Constitution in preparation for the 2024-25 Municipal Year.

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**RECOMMENDATIONS**

1. That the Monitoring Officer carries out the necessary factual updates to the Constitution (job titles, departmental titles etc.) as provided for under the Council's Scheme of Delegation.
2. That a special informal meeting (and an additional meeting, if required) is then organised for Standards Committee Members to consider: (a) Councillor Roles and Responsibilities, the Code of Conduct and acceptable behaviour issues, and (b) The formal operation of the Council's Member and officer decision making arrangements, and the expectations which underpin them.
3. That following on from this special informal meeting or meetings, Standards Committee be asked to consider and agree a range of specific amendments to the Constitution at its meeting on **Wednesday 24 April 2024**, for recommendations to Annual Council on **Monday 20 May 2023**.

Approved by the Portfolio Holder: Not applicable.

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**IMPLICATIONS**

Finance and Risk: Yes  No

Details:

On Behalf of the Section 151 Officer

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**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

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**Staffing:** Yes  No

**Details:**

On behalf of the Head of Paid Service

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## DECISION INFORMATION

<b>Decision Information</b>	
<b>Is the decision a Key Decision?</b> 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:  <b>NEDDC:</b> <b>Revenue - £100,000</b> <input type="checkbox"/> <b>Capital - £250,000</b> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
<b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)	No
<b>District Wards Significantly Affected</b>	None
<b>Consultation:</b> <b>Leader / Deputy Leader</b> <input type="checkbox"/> <b>Cabinet</b> <input checked="" type="checkbox"/> <b>SMT</b> <input checked="" type="checkbox"/> <b>Relevant Service Manager</b> <input type="checkbox"/> <b>Members</b> <input type="checkbox"/> <b>Public</b> <input type="checkbox"/> <b>Other</b> <input type="checkbox"/>	Yes  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

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## REPORT DETAILS

### 1 Background

- 1.1 The Council is required by law to prepare and keep up to date a Constitution. This needs to 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 still provided 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 carry out a three-stage review during the last Municipal Year.
- 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 then 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 Following on from this review, the Constitution was comprehensively revised, to both reflect the views of Standards Committee and to ensure its accuracy. The revised Constitution was then approved at Annual Council at its meeting on 22 May 2023: [the Constitution](#)

### 2. Details of Proposal or Information

- 2.1 It is recommended that a similar approach be adopted to review the Constitution in preparation for the 2024-25 Municipal Year. However, given the extensive

changes which have already been made, this would be a lighter-touch process than in 2022-23, requiring fewer additional meetings by the Committee.

- 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. The Monitoring Officer would then formally agree these revisions, as provided for under the Council's Scheme of Delegation.
- 2.3 Following on from this, Committee would then begin **Stage Two** to consider: (a) Councillor Roles and Responsibilities, the Code of Conduct and acceptable behaviour, and (b) The formal operation of the Council's Member and officer decision making arrangements. Members would be asked to decide if any changes were required on this. Depending on what progress was made, one or two informal meetings would be held to carry out this work, so that the Committee could agree at its meeting on 24 April 2024 a range of specific amendments to the Constitution that it wished to propose to Council at its Annual Meeting on 20 May 2024.

### **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**

<b>Appendix No</b>	<b>Title</b>
	N/A
<b>Background Papers</b> (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)	