

**North East Derbyshire District Council**

**Annual Council**

**19 May 2025**

**REVIEW OF THE COUNCIL'S CONSTITUTION**

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

<u>Classification:</u>	This report is public
<u>Report By:</u>	Sarah Sternberg – Assistant Director of Governance and Monitoring Officer
<u>Contact Officer:</u>	Sarah Sternberg – Assistant Director of Governance and Monitoring Officer

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**PURPOSE / SUMMARY**

To set out and seek Council's approval of the proposed Constitution of the Council for the 2025-26 Municipal Year.

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**DECISION ROUTE AND REASON FOR DECISION BEING BROUGHT TO COUNCIL –**

- The decision is a Council decision and only the Council can determine the matter.
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**RECOMMENDATIONS**

1. That following on from the review carried out by Standards Committee, Council approves the proposed Constitution for the 2025/26 Municipal Year.
2. That Standards Committee be asked to undertake further review of the Constitution as necessary, as part of its annual work programme for the 2025/26 Municipal Year and to make any recommendations for change to Council, as appropriate.
3. That the Monitoring Officer exercises their delegated powers to make changes to the Constitution arising from any new legislation, administrative errors or conflicts in interpretation during the course of the Municipal Year, in consultation with the Chair of Standards Committee, as appropriate.

## 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 201 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	
<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 - £125,000 <input type="checkbox"/> Capital - £310,000 <input type="checkbox"/></b> <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>Equality Impact Assessment (EIA) details:</b>	

<b>Stage 1 screening undertaken</b> <ul style="list-style-type: none"> <li>Completed EIA stage 1 to be appended if not required to do a stage 2</li> </ul>	Not applicable given the subject of the report.
<b>Stage 2 full assessment undertaken</b> <ul style="list-style-type: none"> <li>Completed EIA stage 2 needs to be appended to the report</li> </ul>	No, not applicable
<b>Consultation:</b> <b>Leader / Deputy Leader</b> <input type="checkbox"/> <b>Cabinet</b> <input type="checkbox"/> <b>SMT</b> <input type="checkbox"/> <b>Relevant Service Manager</b> <input type="checkbox"/> <b>Members</b> <input checked="" type="checkbox"/> <b>Public</b> <input type="checkbox"/> <b>Other</b> <input type="checkbox"/>	Yes  Details: The Standards Committee

<b>Links to Council Plan priorities;</b> <ul style="list-style-type: none"> <li><b>A great place that cares for the environment</b></li> <li><b>A great place to live well</b></li> <li><b>A great place to work</b></li> <li><b>A great place to access good public services</b></li> </ul>
All – good governance is a basic requirement for the successful functioning of the Council and achieving the Council Plan objectives.

## REPORT DETAILS

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

- 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, 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 recommending specific changes to Annual Council for adoption.

### 2. **Details of Proposal or Information**

- 2.1 The Constitution of the Council has now been revised to both reflect the views of Standards Committee and to ensure its accuracy. The main changes agreed by the Committee are set out in Appendix 1. A link to the revised Constitution

is included at the end of the report. Hard copies are available on request from the Governance Team.

### **3 Reasons for Recommendation**

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

### **4 Alternative Options and Reasons for Rejection**

- 4.1 None.

## **DOCUMENT INFORMATION**

<b>Appendix No</b>	<b>Title</b>
1	Changes agreed by Standards Committee
2	Proposed Constitution will be available here - <a href="#">Agenda for The Constitution of North East Derbyshire District Council on Monday, 19th May, 2025, 2.00 pm - North East Derbyshire District Council</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)	