

**North East Derbyshire District Council**

**Annual Council**

**20 May 2019**

**Review of the Council's Constitution**

**Report of the Joint Head of Corporate Governance and Monitoring Officer**

This report is public

**Purpose of the Report**

- To consider proposed amendments to the Council's Constitution as part of the Annual Review for adoption.

**1 Report Details**

- 1.1 The Constitution is the Council's 'rulebook'. It sets out how the Council operates and how it makes decisions. Council approved its latest version of the Constitution at the Annual Council meeting in May 2018.
- 1.2 The Council is required by law to prepare and keep up to date a Constitution which explains how the Council operates, how decisions are made and the procedures which are to be followed to ensure that these are efficient, transparent and accountable to local people.
- 1.3 Article 1 of the Constitution stipulates that the Monitoring Officer must monitor and review how it is working to make sure it gives full effect to its purpose.
- 1.4 One of the functions of the Standards Committee is to undertake an annual review of the Council's Constitution to ensure it is up to date and in line with legislation and current circumstances.
- 1.5 The Standards Committee considered the Review of the Constitution at its meetings on 18 October 2018, 24 January 2019 and 11 March 2019 and supported all of the amendments proposed. The following areas on the Constitution and related procedures have been reviewed during 2018/19:
  - Articles establishing Committees and the Function Scheme
  - Audit and Corporate Governance Scrutiny Committee Terms of Reference
  - Recording of Executive Decisions to reflect Key Decision Limits
  - Threshold for consideration of tenders by Cabinet
  - Councillors' Conduct – Speaking at Meetings
  - Section 151 Officer Delegation Additions
  - Licensing Committee Terms of Reference and Composition
  - The revised Members Code of Conduct

- Social media guidance for Councillors
- Proper Officer Provisions
- Terms of Reference for JEC and JAC
- Delegation of decisions to write-off debt for rent arrears
- Protocol on Planning
- Minor wording changes or updating of job titles (housekeeping)

- 1.6 Each of the areas of review, other than the housekeeping changes, has been set out in detail, including the rationale for the amendments proposed, in **Appendix 1**.
- 1.7 All of the amendments have been entered into the Constitution at **Appendix 2**. The amendments appear in red as 'tracked changes'.

*Due to the size of the document, a paper copy has not been issued to all Members, however, a copy has been made available on Reception and in the Members' Room for inspection. The document is also published on the Council's website and is accessible to Members on their iPads.*

## **2 Conclusions and Reasons for Recommendation**

- 2.1 The Standards Committee with support from the Monitoring Officer, Deputy Monitoring Officer and Governance Manager have carried out the review with a particular focus on certain areas of the Constitution that required attention. These areas have been thoroughly discussed and the amendments proposed are recommended to Council for approval.
- 2.2 It is required by law to keep an up to date constitution. Part of the role of the Standards Committee is to review the document on a regular basis to make such recommendations to Council as necessary.

## **3 Consultation and Equality Impact**

- 3.1 The Standards Committee, Chief Executive Officer, Monitoring Officer and Deputy Monitoring Officer have been consulted on the preparation of this document.
- 3.2 An Equality Impact Assessment has not been necessary as part of this review.

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

- 4.1 The Council may make other amendments or reject the amendments proposed as part of this review, however the rationale for each proposal has been to ensure the Council's procedures comply with the law, are in line with best practice, are practical and up-to-date, as well as in accordance with other decisions taken by the Council. No alternative options are therefore proposed.

## **5 Implications**

### **5.1 Finance and Risk Implications**

- 5.1.1 None.

## 5.2 Legal Implications including Data Protection

5.2.1 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.

## 5.3 Human Resources Implications

5.3.1 None.

## 6 Recommendations

6.1 That the amendments to the Constitution detailed at Appendix 1 and set out in Appendix 2 be approved.

6.2 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.

## 7 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: <i>BDC: Revenue - £75,000 <input type="checkbox"/></i> <i>Capital - £150,000 <input type="checkbox"/></i> <i>NEDDC: Revenue - £100,000 <input type="checkbox"/></i> <i>Capital - £250,000 <input type="checkbox"/></i> <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>Has the relevant Portfolio Holder been informed</b>	Yes
<b>District Wards Affected</b>	None directly
<b>Links to Corporate Plan priorities or Policy Framework</b>	Demonstrating good governance

**8 Document Information**

Appendix No	Title	
1	Summary of Amendments to the Constitution	
2	Tracked Changes to the Constitution	
<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 (NEDDC) or Executive (BDC) you must provide copies of the background papers)		
None		
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