

# **North East Derbyshire District Council**

## **Standards Committee**

**24 February 2021**

### **Review of the Council's Constitution (Part 4)**

#### **Report of the Solicitor to the Council & Monitoring Officer**

This report is public

#### **Purpose of the Report**

- To consider the list of areas for review within the Council's Constitution for consideration by the Standards Committee prior to submission as part of the Annual Review of the Constitution to Council 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 2020.
- 1.2 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. The following areas were identified by the Committee for review in 2020/21;
- Housing Management Board TOR
  - Town Fund Board TOR
  - Contract Procedure Rules – Contract Formalities
  - Employee Code of Conduct / Employment Rules
  - JCG Terms Of Reference
  - Planning Protocol
  - Minor wording changes or updating of job titles (housekeeping)
- 1.3 The table below sets out how these areas of review, and other matters suggested or referred through the year, will be considered over the municipal year and where the matters need to be considered by other Committees for consultation, these have been identified.

<b>Area for Review</b>	<b>Lead Officer</b>	<b>Dates for Consideration</b>
Housing Management TOR	Governance Manager	Standards Committee July 2020
Town Fund Board TOR	Governance Manager	Standards Committee July 2020
Contract Procedure Rules – Contract Formalities	Monitoring Officer	Standards Committee September 2020

Planning Committee – Ward Members	Governance Manager Head of Planning	Standards Committee September 2020
Contract Procedure Rules – raise level for RFQs	Monitoring Officer and Head of Procurement	Standards Committee <b>February 2021</b>
Extraordinary Council Meetings	Monitoring Officer and Governance Manager	Standards Committee <b>February 2021</b>
Delegation to EH Officers to serve section 215 Town and Country Planning Act 1990 notice	Monitoring Officer and Head of Planning	Standards Committee <b>February 2021</b>
Delegation given to Monitoring Officer to temporarily approve dispensations under the Section 85 Rule	Monitoring Officer and Governance Manager	Standards Committee <b>February 2021</b>
Council JCG Terms of Reference	HR and Organisational Development Manager	JCG <b>February 2021</b> Standards Committee <b>February 2021</b>
Delegation to Monitoring Officer in regard to reviewing the Constitution	Monitoring Officer and Governance Manager	Standards Committee <b>February 2021</b>
Review of Employee Code of Conduct	HR and Organisational Development Manager	JCG <b>Special meeting TBC*</b> Standards Committee April 2021
Employment Rules	Monitoring Officer and Governance Manager	Standards Committee April 2021
Minor wording changes or updating of job titles (housekeeping)	Governance Officers	<b>Once final draft version produced</b>

1.4 In addition to the above areas for review, during the pandemic a number of changes were taken directly to virtual Council for incorporation in the constitution and bypassed Standards.

- Virtual Meeting Standing Orders
- Disestablishment of the SAJC
- Calendar of Meetings Approval
- Delegations Scheme (Chief Officers)
- Planning Committee Terms of Reference
- Planning Protocol
- Minor Wording Changes or updating of job titles (housekeeping)

- 1.5 The areas for review for this meeting in the above table are detailed in the appendices to the report and set out the proposal and/or rationale and the sections of the Constitution to be amended.

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

- 2.1 To ensure the Council has in place a fit for purpose Constitution which complies with English law.

## **3 Consultation and Equality Impact**

- 3.1 The Director of Corporate Resources & Head of Paid Service, Chief Financial Officer, Monitoring Officer and SAMT are consulted at relevant stages of the Constitution Review.
- 3.2 Equality Impact Assessments may be carried out in relation to specific areas of review where the need arises. Details of any equality issues will be address in relation to each area of review.

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

- 4.1 Members may consider alternative options to any proposals put forward, where legally permitted.

## **5 Implications**

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

- 5.1.1 Failure to ensure the Constitution meets legal requirements can leave the Council open to challenge, as does failure to comply with the provisions of the Constitution. It is therefore essential that Constitution is regularly reviewed and given robust oversight.

### **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 There are no human resources implications arising from the proposals within this report. Some areas for review may impact on staff. These implications will be addressed in relation to the specific areas for review.

## **6 Recommendations**

- 6.1 That the Committee give consideration to proposals for review and support the submission of the proposals to Council as part of the Constitution Review.

## 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
<b>Links to Corporate Plan priorities or Policy Framework</b>	Demonstrating good governance

## 8 Document Information

Appendix No	Title	
1	Areas for Review – Proposals and Rationale	
2	JCG Terms of Reference	
<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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