

**Bolsover District Council****Annual Council****18 May 2016****Review of the Council's Constitution****Report of the Governance Manager**

This report is public

**Purpose of the Report**

- To approve proposed changes to the Constitution.

**1 Report Details**

- 1.1 The Constitution is the Council's rulebook and sets out how the Council operates, how decisions are made and the procedures that are followed to ensure that these are efficient, transparent and effective to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.
- 1.2 The Council is constitutionally and legally obliged to keep its Constitution under regular review and to submit any proposals for change to the Standards Committee for recommendation on to Council. In practice, changes are usually approved at the Annual Council Meeting when the Council is required to set its delegation scheme for the new municipal year.
- 1.3 Attached as an appendix to this report is a copy of the draft Constitution with proposed changes tracked. The table below also summarises the main changes proposed:

<i>Part</i>	<i>Section</i>	<i>Details of proposed change</i>
2 - Articles	11.2 Combined Authority	Amendment to show the Council's preferred membership status of North Midlands Combined Authority and Sheffield City Region Combined Authority.
	All	References to Executive Director – Operations and Assistant Director – Monitoring Officer have been amended to read Chief Financial Officer and Monitoring Officer respectively to ensure consistency with the rest of the document.

3 - Functions	3.5 Individual Member Responsibilities	Sentence added to reflect that the membership of Cabinet may be reviewed by the Leader from time-to-time.
	3.6 Committee TORs (4) Audit Committee	Quorum clarified to include the Chair as one of the three members.
	3.6 Committee TORs (4) Audit Committee 4.Principal Responsibilities (3)	Removal of delegation of approval of Statement of Accounts. Due to timescales, it is proposed that this now be discharged by the Executive Director – Operations.
	(5) Licensing Committee (1)	Revised wording to Licensing Committee delegations to including suspension and imposition of conditions.
	3.7 Joint Arrangements	Functions of Joint Employment Committee and Joint Appeals Committee added.
4.3 – Budget and Policy Framework Rules	4.3.6 Virement	Amendment to virement rules to allow greater flexibility once budgets have been approved, within the budget and policy framework.
4.5 – Scrutiny Rules	4.5.1 Number and Arrangements for Scrutiny Committee	Remove the reference to there being 30 members who are not members of the Executive as this is dependent upon how many members are on Executive.
	4.5.14 Call In	New rules inserted.
4.7 – Financial Regulations	All	Variety of changes affecting audit, Council's assets, treasury management, ordering of works, write offs and anti-fraud and corruption.
4.10 – Scheme of Delegation for Officers	10.26 – Chief Executive's delegations	Removal of delegation to authorise alcohol exclusion zones and insertion of delegation to authorise PSPOs.
		Inclusion of delegation for Chief Executive to suspend or revoke any Private Hire or Hackney Carriage Driver's Licence with immediate effect, on grounds of public safety, in such cases where it would be inappropriate to refer the matter to Licensing Committee for consideration.
	Executive Director – Operations delegations	Delegation to Executive Director – Operations to approve the Draft Statement of Accounts prior to consideration by External Audit.

6 – Members Allowance Scheme	14 - Pensions	Removal of section relating to pension entitlement.
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- 1.4 In addition the attached document includes a number of minor changes to bring the document up-to-date.
- 1.5 The changes above were considered by Standards Committee on 19 April 2016 who recommended them on to Council.
- 1.6 This year’s review is light-touch and focussed predominantly on updating the Constitution, ensuring that it remains fit-for-purpose and in line with legal and organisational requirements. It is proposed to do a more far reaching review during next year to tidy up the document and make it more readable.
- 1.7 Due to its size, a copy of the amended Constitution (Appendix A) is available on Reception, the I-Pad Portal and in the Members’ Rooms. A copy of the amended document will be emailed to all members following this meeting and a hard copy is available on request.

**2 Conclusions and Reasons for Recommendation**

- 2.1 To present proposed changes to the Council’s Constitution for consideration and recommendation on to Council.

**3 Consultation and Equality Impact**

- 3.1 In addition to Standards Committee, the Chief Executive, Chief Financial Officer and Monitoring Officer have also been consulted on the preparation of this document. In addition, proposed changes to the Scrutiny Rules were outlined at the Scrutiny Conference held on 11 April 2016.

**4 Alternative Options and Reasons for Rejection**

- 4.1 N/A

**5 Implications**

- 5.1 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.

**6 Recommendations**

- 6.1 That Standards Committee:
  - (a) Considers the changes proposed in Appendix A to this report.
  - (b) Recommends the changes to Council for approval.

**7 Decision Information**

<b>Is the decision a Key Decision?</b> (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	No
<b>District Wards Affected</b>	None.
<b>Links to Corporate Plan priorities or Policy Framework</b>	None.

**8 Document Information**

<b>Appendix No</b>	<b>Title</b>
A	Revised draft 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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