

Bolsover District Council

Council

23 May 2018

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 2017.
- 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 and the Constitution Working Group (comprised of the complete membership of Standards Committee) considered the Review of the Constitution at its meetings on 27th November 2017 (Standards), 26th February 2018 (CWG) and 8 May 2018 (Standards) and supported all of the amendments proposed. The following areas on the Constitution and related procedures have been reviewed during 2017/18:
 - Scheme Of Delegation To Officers
 - Protocol on Councillor – Officer relations
 - Procurement Rules/ Contract Procedure Rules
 - Petition Scheme
 - Employee Code of Conduct

- Article 11 – Joint Arrangements
- Joint Employment Committee (JEC) and Joint Appeals Committee (JAC)
- Shared Services Consultation Protocol and other aspects of the Joint Working arrangements relating to Chesterfield Borough Council
- Terms of Reference for Bolsover Conservation Area Advisory Committee and Terms of Reference for Pleasley Park and Vale Conservation Area Joint Advisory Committee as well as re-establishment arrangements
- Terms of Reference for the Housing Allocations Review Panel (HARP)
- Terms of Reference for Licensing Committee and DFGs
- Role Profiles
- Access to Minutes and Minute Books submission to Council
- Procedure Rules for Questions from the Public and by Councillors and Motions
- Correction of numbering in the Council Procedure Rules
- ‘Housekeeping’ - minor corrections and re-wording to bring the Constitution up-to-date.

- 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 Each area with significant change has a reference to **Appendices 2-11** where the suggested change is set out.
- 1.8 ‘Housekeeping’ amendments to the Constitution have been made. These changes include formatting, numbering, and updating of job titles following the SAMT restructure. A full tracked changed version of the Constitution with all the proposed changes in Appendices 2-11 as well as ‘housekeeping’ amendments is available to Members electronically. Due to the size of the document a limited number of paper copies have been created and will be available on Reception at the District Council Offices, in the Members’ Room and in the Governance Office.

2 Conclusions and Reasons for Recommendation

- 2.1 The Standards Committee, The Monitoring Officer and the 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. All Members have also been consulted on the Member/Officer Relations Protocol specifically.

- 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, such as the Strategic Alliance Management Team restructure. 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 in Appendix 1 be approved;
- 6.2 That the 'housekeeping' amendments as set out in the full tracked changes version of the Constitution be approved; and
- 6.3 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

Is the decision a Key Decision? 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:	No
---	----

<p>BDC: Revenue - £75,000 Capital - £150,000 <input type="checkbox"/></p> <p>NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/></p> <p><input checked="" type="checkbox"/> Please indicate which threshold applies</p>	
<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p>	No
<p>District Wards Affected</p>	None Directly
<p>Links to Corporate Plan priorities or Policy Framework</p>	Demonstrating Good Governance

8 Document Information

Appendix No	Title				
1	Summary of Amendments to the Constitution				
2	Revised Scheme of Delegation				
3	Revised Member/Officer Protocol				
4	Revisions to Procurement / Contract Procedure Rules				
5	Revised Petition Scheme				
6	Revised Employee Code of Conduct				
7	Amendments of Joint Arrangements				
8	Amendments to JAC and JEC				
9	Proposed ToR for HARP				
10	Proposed changes for Questions by Members				
11	Proposed Changes for Question by Public				
<p>Background Papers (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)</p>					
None					
<table border="1" style="width: 100%;"> <tr> <th>Report Author</th><th>Contact Number</th></tr> <tr> <td>Nicola Calver, Governance Manager</td><td>01246 217753</td></tr> </table>		Report Author	Contact Number	Nicola Calver, Governance Manager	01246 217753
Report Author	Contact Number				
Nicola Calver, Governance Manager	01246 217753				