

Bolsover District Council

Annual Council

22nd May 2019

<p>Review of the Council's Constitution</p>

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 for adoption as part of the annual review.

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 the 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 the Constitution is working to make sure it gives full effect to its purpose.
- 1.4 One of the functions of Standards Committee is to undertake an annual review of the 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 held during the 2018/19 Municipal Year and supported the amendments proposed. The following areas of the Constitution and related procedures have been reviewed;
 - SAJC Terms of Reference
 - Threshold for Consideration of Tenders by Executive
 - Governance Arrangements for Discharging the Licensing Function
 - Joint Employment Committee and Joint Appeals Committee

- Speaking at Meetings (Cllrs Conduct)
- Recording of Executive Decisions
- Informing Portfolio Holders
- Scheme of Delegation
- Section 151 Officer Delegations
- Proper Officer Provisions
- Social Media Guidance for Councillors
- Members Code of Conduct
- Revisions to the Declarations of Interest Form

1.6 Each of the areas of review, other than housekeeping changes, have 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.

1.8 ‘Housekeeping’ amendments to the Constitution will be made following approval. These changes include formatting, numbering, and updating of job titles were applicable.

2 Conclusions and Reasons for Recommendation

2.1 The Standards Committee have carried out the review supported by the Monitoring Officer, Deputy Monitoring Officer and the Governance Manager 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 and make 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 and 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 in 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

<p>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:</p> <p><i>BDC:</i> <i>Revenue - £75,000</i> <i>Capital - £150,000</i> <input type="checkbox"/> <input type="checkbox"/></p> <p><i>NEDDC:</i> <i>Revenue - £100,000</i> <input type="checkbox"/> <i>Capital - £250,000</i> <input type="checkbox"/></p> <p><input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p>	No

Has the relevant Portfolio Holder been informed?	PH for 2018/19 has been involved throughout the process
District Wards Affected	None Directly
Links to Corporate Plan priorities or Policy Framework	Demonstrating Good Governance

8 Document Information

Appendix No	Title
1	Summary of Amendments to the Constitution
2	Tracked Changes to the Constitution
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)	
None	
Report Author	
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