

Bolsover District Council

Standards Committee

8 April 2014

Review of the Constitution

Report of the Monitoring Officer

This report is public

Purpose of the Report

- To present to Committee a revised version of the Constitution for recommendation to Council.

1 Report Details

- 1.1 It has been recognised for some time that the Council's Constitution is no longer fit for purpose. Not only is it out-of-date following various organisational and legislative changes but it no longer provides an efficient and effective framework for the authority's decision-making. At 480 pages, the document is vast, containing a great deal of information which is not essential to the operation of the authority. As a result, it is neither user nor public friendly.
- 1.2 The key issues arising from this review were presented at the Member Development Seminar in November. The session identified that the main areas for change were around the access to information rules, call in procedures, officer delegation scheme and codes and protocols along with a number of minor changes. Members endorsed the work ongoing and requested that further work be undertaken to amend particular aspects of the Constitution including removal of the requirement for planning applications to go to Council where they were outside the settlement development framework.
- 1.3 Over the last eight months, officers from Legal and Governance, together with a working group of elected members, have been working on a full review of the Constitution. The Working Group considered a draft copy of the amended document over two sittings in spring 2014 and recommended it to this Committee.

2 Conclusions and Reasons for Recommendation

- 2.1 Full details of the substantive changes made to the Constitution document are attached at Appendix A. Appendix B is the revised Constitution document. Copies of the document showing full tracked changes may be supplied on request. Page numbers will be added once the size of the officer delegation scheme, which will be presented separately to this Committee, is known.

- 2.2 Indeed, the revision of the Council's officer delegation scheme in particular has presented a number of challenges during this review. The existing scheme has been found to be very restrictive and does not provide adequate flexibility for officers to carry out their full range of duties in an efficient and effective manner. What is needed is a more enabling scheme and, to this end, the Constitution Working Group considered and endorsed a draft framework in summer 2013.
- 2.3 The revised Constitution document is significantly shorter than the original, owing largely to the reduction of the officer delegation scheme and removal of several codes and protocols from section 5. Whilst these codes and protocols remain important, the Working Group agreed that these would be more sensibly located on the Members' pages of the Council's Intranet. The codes and protocols that remain within the Constitution are those which are either required by law, i.e. the members' code of conduct, or which are essential to the conduct and operation of the Council and its decision-making.

3 Consultation and Equality Impact

- 3.1 Members, directors and assistant directors have been consulted on the development of the revised Constitution.
- 3.2 While no formal equality impact assessment is planned, equality issues have been taken into account when revising the sections relating to access to meetings and information and procurement.
- 3.3 A copy of the Constitution will be placed on the Council's website and made available at the Council's offices, as required by law.

4 Alternative Options and Reasons for Rejection

- 4.1 Whilst a full rewrite of the Constitution would have been preferential, the need to update the document is now becoming increasingly urgent and, indeed, is a legal requirement. Time and capacity is, as ever, limited. What is presented here therefore is a facelift rather than a complete overhaul.

5 Implications

5.1 Finance and Risk Implications

None.

5.2 Legal Implications including Data Protection

Under the Local Government Act 2000 (amended by the Localism Act 2011) the Council must prepare and keep up-to-date a document known as the Constitution which must contain standing orders, code of conduct and other such information as is considered appropriate by the Council.

5.3 Human Resources Implications

Changes to the officer delegation scheme may result in, as yet, unknown job evaluation implications for staff where they assume additional responsibility. This was outlined by the Chief Executive in his briefings to staff and members prior to the introduction of the new senior management structure in winter 2013. The full implications of this are currently being worked through with Assistant Directors.

6 Recommendations

6.1 To recommend to Council that:

- (a) The revised Constitution, minus the officer delegation scheme, which is attached to this report as Appendix B be approved.
- (b) The Monitoring Officer be delegated power to make consequential changes to the Constitution arising from organisational changes or new legislation.

7 Decision Information

Is the decision a Key Decision? (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
District Wards Affected	None.
Links to Corporate Plan priorities or Policy Framework	Strategic Organisational Development Customer Focussed Services

8 Document Information

Appendix No	Title
A B	Summary of Changes to Constitution Revised 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 that are not already published.	
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