

Appendix A - Summary of Changes to the Constitution

Part	Section	Change
1 – Summary and Explanation	Old section 2. What's in the Constitution	Removed – Duplicated as details are given in the Contents section.
	New section 2 – How the Council Operates	Words added to reflect that the Council does have an option in terms of how long it appoints the Leader.
	New Section 3(1) – How Decisions Are Made	Clarification to show the maximum number of members that can sit on the Executive.
	New Section 3(2) – Scrutiny Committees	Words added to clarify existing Scrutiny Committee structure.
	New Section 5 – Citizens' Rights	Citizens' rights removed as duplicated in the Articles section.
2- Articles	2 – Members of the Council	References to Local Government Commission removed from 2.1(1) and minor clarifications made to 2.2.
	3.1 – Citizens and the Council	New paragraph (3) (ii) added.
	4 – The Council	<p>The policy framework has been revised at Section 4.1, removing the:</p> <p>Local Agenda 21 Strategy Regeneration Strategy</p> <p>And adding the following:</p> <p>Borrowing and Investment Strategy Corporate Plan Licensing Policy Pay Policy Statement Treasury Management Strategy</p>

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	6 – Scrutiny Committee	Sections 6.1 and 6.3 amended to include reference to Budget Scrutiny Committee.
	7 - The Executive	Section 7.3 amended to reflect that the Council does have an option in terms of how long it appoints the Leader.
	9 – Standards Committee	Revised to reflect the new Standards Committee arrangements.
	10 – Area Committees and Forums	Reference to old Best Value principle in 10.1 (1) removed.
	11 – Joint Arrangements	New Section 11.5 – Strategic Alliance Joint Committee added.
	12 - Officers	Section 12.4 (4) amended to remove reference to old ethical standards arrangements.
	13 – Decision Making	New paragraph (9) inserted into Section 13.2 to reflect that members should make decisions in the best interests of the District.
	16 – Suspension, Interpretation and Publication of Constitution	Section 16.3 (1) amended to reflect where copies of the Constitution are placed.
3 - Functions	3.2 Council Functions	<p>Paragraph 11 revised to reflect that the Council now only appoints the Leader.</p> <p>Requirement for Council to determine planning applications and determine Council's requirements for public open space provision in respect of new development proposed under a planning application removed.</p> <p>Paragraph 26 relating to local choice functions removed.</p>
	3.4 Executive Functions	<p>Responsibility for former Best Value process removed.</p> <p>Reference to delegation to Chief Executive and other officers removed. This can happen anyway.</p>

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	3.5 Cabinet Responsibilities (now renamed Individual Member Responsibilities)	Remove the paragraph headed '(1) Leader' as this is reflected elsewhere.
	Cabinet Members – Roles and Responsibilities Table	Revised to reflect existing portfolios.
	3.6 Committee Terms of References	<p>Scrutiny Committee terms of reference revised to reflect decisions made by Council following recommendations made by those Committees. The Powers of Scrutiny Generally section has been consolidated and placed at the end of the section.</p> <p>Standards Committee terms of reference revised to reflect decisions made by Council following introduction of the new framework.</p> <p>Audit Committee's Section 3 revised to reflect the current membership situation. New paragraphs (3) and (4) added to Section 4 (2). Section 5 – Members and Officers Giving Account removed.</p> <p>Reference to scrap metal licensing added to Licensing Committee functions.</p> <p>References to planning applications needing to go to Council removed from Planning Committee terms of reference.</p> <p>UCAS definition of Consultation added to UECC functions as previously agreed by Council. Portfolio Holder for Social Inclusion added to membership. Requirement for Chair and Vice Chair to annually rotate between sides added.</p> <p>Equalities Working Group and Creswell Townscape Heritage Initiative Joint Committee terms of reference removed completely.</p> <p>Section 5 (3) (ii) of Pleasley Park and Vale Conservation Area Joint Advisory Committee amended to reflect that meetings should not be convened with less than five clear days notice.</p>

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		Strategic Alliance Joint Committee terms of reference added at Section 3.7 (4). Joint Board decision notice template removed. Members' delegation in respect of Bolsover District Voluntary and Community Small Grants Fund added at Section 3.7 (6).
4 – Rules of Procedure	4.1 Council Procedure Rules	<p>Old Section 4.1.1 (1) and reference at (4) removed to facilitate the Calendar of Meetings being brought to Members before the Annual Meeting.</p> <p>Section 4.1.6 (4) amended to reflect that the Council does have an option in terms of how long it appoints the Leader.</p> <p>Old Section 4.1.9 – Lunchtime Adjournment of Meetings removed and replaced with a new Section on Use of Media and Other Communication Methods to reflect the new requirements from the Openness in Local Government Bodies Regulations</p> <p>Section 4.1.15 (11) (xiii) removed to allow meetings to go on for longer than five hours without need for a vote.</p> <p>Section 4.1.19 (4) amended to reflect that the Governance Officer rather than the Chief Executive will undertake a recorded vote. Requirement for a mandatory recorded vote at Council Tax and Budget meetings added.</p> <p>Section 4.1.23 (2) reworded to remove the reference to members not being able to attend judicial and quasi-judicial meetings.</p> <p>Appendix B reworded to simplify.</p>
	4.2 – Access to Information Procedure Rules	Rewritten to take account of the Access to Information (Executive Arrangements) Regulations 2012.

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	4.3 – Budget and Policy Framework Procedure Rules	<p>The table in Section 4.3.1 has been revised, removing references to stakeholders and adding a ‘first consideration’ committee in the right-hand column. This is the body the Policy will need to be considered by prior to it being recommended to Council for approval.</p> <p>Paragraph (3) in Section 4.3.2 removed. This was purely explanatory of forthcoming sections. Section 4.3.3 rewritten to reflect current arrangements for developing the Policy and Budget Framework.</p> <p>Section 4.3.5 (a) and (b) revised to require only the ‘relevant’ Scrutiny Chair to agree to a matter being taken as urgent rather than all three. This reflects the current legal requirement.</p>
	4.4 Executive Procedure Rules	<p>Old Section 4.4.3 – Conflicts of Interest – removed. This is covered by the Members’ Code of Conduct.</p> <p>New Section 4.4.6 (v) revised to remove requirement for the agenda to specify Key Decisions.</p> <p>Old Section 4.4.8 – Consultation – removed which required reports relating to the Budget and Policy Framework to contain details about the consultation undertaken.</p> <p>New Section 4.4.7 revised to include Assistant Directors and remove Heads of Service as officers who can put an item on a scrutiny agenda</p>

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	4.5 Scrutiny Procedure Rules	<p>Old Section 4.5.1 (2) removed which required Scrutiny to consult before appointing or discontinuing a sub-committee.</p> <p>New Section 4.5.1 (1) and (2) revised to reflect current membership arrangements.</p> <p>Section 4.5.2 revised to remove provision that prevents members from sitting on more than one Scrutiny Committee.</p> <p>Section 4.5.4 revised to remove the requirement for certain officers (Director, Finance and Legal) to attend Scrutiny Committees.</p> <p>Section 4.5.6 revised to include references to Scrutiny Management Board and remove references to the Committee appointing a Chair. Appointment of Chairs is by Council.</p> <p>References to work programmes changed to work plans as agreed by Council.</p> <p>Sections 4.5.10, 4.5.11 and New Section 4.5.18 revised to reflect the fact that Scrutiny Management Board should consider reviews prior to them going to Executive.</p> <p>Old Section 4.5.12 relating to Rights of Scrutiny Members to Documents removed as this is reflected in Section 4.2 – Access to Information.</p> <p>New Section 4.5.12 revised to simplify arrangements.</p> <p>New Section 4.5.14 (f) revised to remove second call in requirement.</p> <p>New Section 4.5.14 (h) removed to simplify.</p> <p>New Section 4.5.15 revised to require only the ‘relevant’ Scrutiny Chair to agree to a matter being taken as urgent rather than all three. This reflects the current legal requirement. Words added to new section 4.5.17 (2) to provide for Portfolio Member’s attendance at Scrutiny as part of a review.</p> <p>New Section 4.5.17 (3) relating to Conducting Investigations removed as it was not considered necessary.</p> <p>Councillor Call for Action procedures removed.</p>

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	4.6 Procedure for Call In	<p>Section 4.6.2 revised to clarify the timescales for call in. This will be five clear days following the publication of the Executive minutes.</p> <p>Section 4.6.4 revised to remove the ability to call in an item via telephone or in person.</p> <p>Section 4.6.6 revised to clarify what decisions may be called in.</p>
	4.7 Financial Regulations	<p>Section 4.7.1 (7) removed – Procurement Management Board no longer exists.</p> <p>Section 4.7.6 (4) amended to remove the reference to the new Financial System from 2006.</p> <p>Section 4.7.19 (3) amended to remove references to the Audit Commission. Paragraph (11) relating to the requirement of the Head of Internal Audit Consortium to report on a quarterly basis removed as this is reflected in the Function scheme.</p> <p>Old Section 4.7.21 – Hospitality/Gifts – removed as this is reflected in the Codes and Protocols.</p> <p>Old Section 4.7.22 – Register of Associations - removed as this is reflected in the Employee Code of Conduct.</p>
	4.8 Contracts Standing Orders	Section 4.8.6 on the Bribery Act rewritten in light of the Bribery Act 2010.
	4.9 – Officer Employment Procedure Rules	<p>Section 4.9.3 (b) relating to Appointment of Head of Paid Service revised to remove requirement for appointment of Chief Executive to receive the blessing from a Member of the Executive.</p> <p>Old Section 4.9.4 (b) Appointment of Chief Officers and Deputy Chief Officers revised to remove requirement for appointment of Chief Officers and Deputy Chief Officers to receive the blessing from a Member of the Executive. New paragraph (b) also amended to remove need for a four member panel to interview where the matter is delegated.</p>

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	4.10 – Officer Delegation Scheme	Rewritten to provide a more flexible scheme. See covering report. This will form the basis of a separate report to Committee.
	4.11 - Members Delegation Scheme	Removed. Duplicates what is already in the Functions Scheme.
5 – Codes and Protocols	5.1 Members Code of Conduct	Revised to include newly adopted Members' Code.
	5.2 Employee Code of Conduct	Section 13 amended to reflect new Advertising and Sponsorship arrangements. Appendix 1 - Gifts and Hospitality revised to reflect previous decisions made by Council and existing guidance. The new financial threshold proposed by Standards Committee for declaration of items of gifts and hospitality is £50.
	5.3 Protocol on Member/Officer Relations	Section 7 (2) relating to the officer/chairperson relationship removed as it was not considered necessary. Old Section 10 relating to the wearing of ID badges removed as it was not considered necessary. New Section 10 (4) and (5) relating to what CCTV was removed as it was not considered necessary. Old Section 12 about members needing to raise issues with the appropriate Portfolio Holder if it has not been resolved with an officer removed as it was not considered necessary. Appendix to Protocol removed. This just listed the legislation relevant to the section and was not considered necessary.
	5.4 Code of Good Practice for Members and Officers Involved in the Planning Process	Rewritten to reflect the new guidance issued by the LGA and Planning Advisory Service.

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		New Section 14 (3) added to reflect that members may sometimes be required to attend appeals and give evidence.
	5.5 - Elected Member/Officer Communication Protocol 5.6 – Protocol for Carrying Out the Role of Monitoring Officer 5.7 – The General Principles	Removed.
	5.8 – 5.11 Job Descriptions for Members (now known as 5.5 Members' Roles and Responsibilities)	Title amended and new descriptions added.
	5.12 Partnership Protocol and Toolkit	Removed.
6 – Members Allowances	Members Allowance Scheme Members' Allowances – Guidance Appendix D – Mileage Rates	Revised to reflect decisions taken at Council in March 2014. Section 6.7 (9) revised to reflect new HMRC home-to-work requirements. Mileage rate amended to reflect HMRC rate.
7 – Management Structure		Removed.
8 – Petitions Scheme		Revised to reflect the fact the Council no longer employs an e-petitions facility.