

**Bolsover District Council**

**Standards Committee**

**9<sup>th</sup> February 2017**

**Review of the Constitution – Council Procedure Rules**

**Report of the Solicitor to the Council and Assistant Director of Governance & Monitoring Officer**

This report is public

**Purpose of the Report**

- To recommend proposed amendments to the Council Procedure Rules section of the Constitution for consideration by the Standards Committee prior to submission as part of the Annual Review of the Constitution to Council for adoption.

**1 Report Details**

- 1.1 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.
- 1.2 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.
- 1.3 Each Council has its own Constitution. These are two different but largely similar constitutions with some elements (such as the Delegation Scheme) being identical but others having differences. Both Constitutions are comprehensive and have excellent elements, however, the difference in some rules and layouts make it more complicated to differentiate between the two documents. As the regular review of the Constitution has been commissioned by both Authorities, it was deemed worthwhile to continue making them as similar as possible whilst maintaining the separate identities of the two Councils. Where differences occur, a crib sheet would assist in simply identifying that difference.
- 1.4 As Council Procedure Rules (CPRs) have been identified as a priority for both Authorities, this is the section selected for a first review. This section is attached to this report as Appendix 1.
- 1.5 The table below sets out the main proposed amendments for consideration along with the rationale for each. These are changes to improve how the CPRs work. There are no substantive changes.

Ref	CPR Ref	Amendment Required	Reason for Amendment
1	Throughout	Unifying the term either Chair or Chairman	To assist with the creation of a reflective document. Chairman is more highly used throughout the UK, often with 'Madam' inserted before in speech when used for a female Member.
2	1.2	Removal of 1.2 and reinsertion at 2.2 under Ordinary Council Meetings	As Committees are established at the meeting of Annual Council, it shouldn't be necessary at that meeting to dissolve or review anything only just established. This should happen at any meeting of Council – Ordinary or Extraordinary.
3	3.1	To include the Chief Finance Officer within the list of those who may require the Chief Executive Officer to call extraordinary meetings of Council.	Each authority differs on this point, it would be ideal to have a consensus across the two authorities.
4	4.1	Removal of a commencement time for meetings	In order to bring the constitutions in line in terms of wording. Specification of start times will be in the meeting schedules agreed separately by each authority.
5	5.2	5.2 amended to include electronic mail as a destination for receiving summons to meetings.	In line with legislation, and to facilitate more paperless working by both authorities.
6	5.3	5.3 relevant reports added to the wording	To reflect best practice on complete packs being distributed to members, improving transparency to the public and more efficiency within Governance.
7	8.1	8.1 wording changes	To provide clarity around public questions.
8	8.9	8.9 reflective format for Members Questions and Public Questions	To provide clarity around the process.
9	9.3(b)	Notice of Questions on urgent to be received by 9am on the day of the meeting.	In order to bring the constitution rules in line with each other.
10	14.4	14.4 Recorded Vote - number of Members required to request.	At Bolsover it's 10, and NED it's 3. A suggestion would be to agree a proposal of 5, which seems to be common amongst other local authorities.
11	25	Inclusion of information around attendance at Committee Meetings	To provide clarity.

1.6 Identified differences that will still exist between the two sets of Council Procedure Rules are:

- Differentiating between Cabinet and Executive.
- Number of signatures that are required for a petition to be debated by Council.

1.7 Further changes to other areas of the constitution will be submitted in future reports

## **2 Conclusions and Reasons for Recommendation**

2.1 if the CPR rules are brought into line with each other, management and use of both constitutions would be more effective whilst still retaining individuality for each Council.

2.2 Work is ongoing to review the entire Constitution. However, as this area has now been reviewed, it was considered that Members should discuss this in advance of the rest of the review.

## **3 Consultation and Equality Impact**

3.1 The review of Council Procedure Rules has been undertaken using a variety of methods:

- a) attending meetings of Council in order to review proceedings;
- b) Seeking the views of Senior Officers and Managers who work within the Constitution (specifically Governance in relation to Council Procedure Rules)
- c) Reviewing other Council's Constitutions; and
- d) the views of Members through meetings of the Standards Committee.

3.2 The review of Council Procedure Rules has no impact on equalities.

## **4 Alternative Options and Reasons for Rejection**

4.1 The Council may wish to retain their current format and wording of Council Procedure Rules and continue to review the constitution in line with previous practice.

## **5 Implications**

### **5.1 Finance and Risk Implications**

There are no identified financial implications in reviewing the Constitution.

### **5.2 Legal Implications including Data Protection**

There are no legal implications, the current constitution and any proposed changes comply with current legislation.

### 5.3 **Human Resources Implications**

There are no staffing implications.

## 6 **Recommendations**

- 6.1 That Members consider the proposed changes to the Council Procedure Rules as set out in Appendix 1 to this report and make recommendations to Council for adoption.
- 6.2 That Members note the ongoing work to review the Constitution which will be presented to a future meeting of the Standards Committee.

## 7 **Decision Information**

<b>Is the decision a Key Decision?</b> (A Key Decision is an executive decision 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)	N/A
<b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)	N/A
<b>District Wards Affected</b>	N/A
<b>Links to Corporate Plan priorities or Policy Framework</b>	N/A

## 8 **Document Information**

<b>Appendix No</b>	<b>Title</b>
1	Council Procedure Rules
<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)	
N/A	
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