

Bolsover District Council

Standards Committee

8 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 recommend proposed amendments to the Council's 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 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 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. The Constitution Working Group at its meeting on 26th February 2018 considered a report which set out a number of areas that had been identified for review:

- Disabled Facilities Grants procedures
- 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
- Terms of Reference for Pleasley Park and Vale Conservation Area Joint Advisory Committee
- Minute Books submission to Council
- Procedure Rules for Questions from the Public and by Councillors
- Role Profiles
- Employee Code of Conduct
- Terms of Reference for Licensing Committee and DFGs
- Procurement Rules/ Contract Procedure Rules
- Terms of Reference for the Housing Allocations Review Panel (HARP)

1.3 A number of comments were made at that meeting which are detailed below:

- Clarity required on 15 of Employee Code of Conduct re: Criminal Activity

- Part 21 1 and 2 of Code of Conduct – add in ‘in a Council Vehicle’ Clarity sought around drinking at work.
 - Minute Books – Must be circulated to members
 - Protocol on service requests to be included in induction for Members.
- 1.4 Amendments have been made to the proposals put to the Constitution Working Group (CWG) as per their comments and are now put to the Standards Committee for recommendation to Council.
- 1.5 Details of the proposed amendments in relation to each of these areas of the Constitution are attached at **Appendix 1**. This also outlines the rationale behind each proposal as previously given to the CWG.
- 1.6 Where revised versions of each section have been produced, these are also attached as **Appendices 2-5**, showing the tracked changes in comparison to the current documents.
- 1.7 Throughout the period of the review of the Constitution, a few additional areas have been brought to the Monitoring Officer’s attention which include:
- Protocol on Member/Officer Relations
 - Scheme of Delegation to Officers
 - Minor Wording Changes and Updating of Job Titles (Housekeeping)
- 1.8 The review of the Protocol on Member/Officer Relations is contained in a separate report on the agenda.
- 1.9 Proposals for changes to the Scheme of Delegation are detailed in **Appendix 6** to this report for Member’s consideration, with the amended tracked changes version attached at **Appendix 7**.
- 1.10 Amendments are also proposed which will correct and up-date terminology, numbering issues and references to job titles but will not amount to substantive changes to the rules or articles. These are not set out in full in the report, but a full revised version of the Constitution will be prepared to submit to the Annual Council meeting on 21 May 2018.

2 Conclusions and Reasons for Recommendation

- 2.1 To ensure the Council has in place a fit for purpose Constitution which complies with English law.

3 Consultation and Equality Impact

- 3.1 The Chief Executive, Chief Financial Officer, and 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 Members may consider alternative options to each of the proposals put forward, where legally permitted.

5 Implications

5.1 Finance and Risk Implications

5.1.1 Failure to ensure the Constitution meets legal requirements can leave the Council open to challenge, as does failure to comply with the provisions of the Constitution. It is therefore essential that Constitution is regularly reviewed and given robust oversight.

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

There are no human resources implications arising from the proposals within this review.

6 Recommendations

6.1 That the Standards Committee give consideration to the proposed changes to the Constitution as detailed in **Appendix 1 – 5** (previously considered at Constitution Working Group) and make recommendations to Council for approval;

6.2 That the Standards Committee give consideration to the proposed changes to the Scheme of Delegation to Officers as detailed in **Appendix 6/7** and make recommendations to Council for approval as part of the final Review of the Constitution Report; and

6.3 That the Standards Committee note that the Member/Officer Protocol, if approved at this meeting will be recommended to Council for approval as part of the final Review of the Constitution Report.

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: <i>BDC: Revenue - £75,000</i> <i>Capital - £150,000</i></p> <p style="text-align: right;"><input type="checkbox"/> <input type="checkbox"/></p>	<p>No</p>
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<p>NEDDC: Revenue - £100,000 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
<p>Links to Corporate Plan priorities or Policy Framework</p>	Demonstrating good governance

8 Document Information

Appendix No	Title
1	Summary of proposals and rationale - Pages
2	Employee Code of Conduct – Pages
3	Contract Procedure Rules – Pages
4	Council’s Petition Scheme – Pages
5	Article 11 on Joint Arrangements – Pages
6	Proposals for Scheme of Delegation to Officers Pages
7	Scheme of Delegation to Officers Pages
<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.	
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