

Area of Review	Proposal and Rationale	Sections of the Constitution to be revised
Employee Code of Conduct	<p>A new Employee Code of Conduct was approved by Council in 2009. A few sections of this Code were not included in the Constitution but have been available to employees.</p> <p>The Constitution has included some minor amendments over recent years reflecting changes in job titles and new legislation/policies.</p> <p>The proposed revised Employee Code of Conduct (Appendix 2) includes the additional sections from the previously approved version from 2009 and reflects other changes from the current Constitution version, as well as other minor wording changes to bring it up to date.</p> <p>In line with the requests of the Constitution Working Group clarity has been made around criminal activity and drinking at work.</p> <p>The proposed version does not alter in duties or responsibilities for employees. Union representatives have been notified of the current proposal and have no comments.</p>	The Employee Code of Conduct is contained in Part 5 of the Constitution – Pages 194-202 in the current Constitution.
Procurement Rules/ Contract Procedure Rules	<p>Minor amendments are proposed to the Contract Procedure Rules to reflect best practice, current working practices and the documentation that has been developed for the Council to use in procurement processes by the Council's procurement service at Chesterfield Royal NHS Foundation Trust. The revised document is attached at Appendix 3.</p> <p>The rules refer to EU legislation and EU set thresholds related to different types of procurement activities required. These requirements remain in place during the negotiations for United Kingdom's exit from the European Union. A further review will be undertaken at such time that these</p>	The Contract Procedure Rules are contained in Part 4 of the Constitution – Rules of Procedure – Pages 151-164 of the current version.

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	provisions and requirements are amended or brought under alternative national level legislation.	
Disabled Facilities Grants procedures	<p>A separate report has been submitted to Standards Committee explaining the proposal to alter the procedure for the approval of Disabled Facilities Grants (DFGs).</p> <p>This would remove the power from the Terms of Reference for Licensing Committee and add it as an Executive Function in the functions scheme. This reflects the legal requirement for the grants to be dealt with as a matter for the Executive.</p> <p>It is also proposed that mandatory DFGs be approved at officer level, with only discretionary applications being submitted to Executive.</p> <p>Executive and Licensing Members have been consulted on the proposal.</p>	<p>Executive Functions are contained in Part 3 of the Constitution, Responsibility for Functions – Pages 26 - 28 of the current Constitution.</p> <p>Licensing Terms of Reference are in the same Part – Pages 37 - 38.</p> <p>The Scheme of Delegation to Officers is currently in Part 4 of the Constitution – Pages 168-188, however it is proposed that this section be moved to Part 3 Responsibility for Functions.</p>
Petition Scheme	<p>The Constitution Working Group considered the Council’s Petition Scheme in 2016/17 and agreed to retain the contents of the Scheme.</p> <p>The current proposals (attached as Appendix 4) do not alter the procedures for submitting petitions or how they are dealt with, however they are designed to simplify the document and make it more accessible for the public to refer to. Much of the wording in the current scheme is repeated, which is considered unnecessary.</p>	The Petition Scheme is contained in Part 7 to the Constitution.

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	<p>One amendment to the scheme is to include matters subject to consultation in the list of issues excluded from the Scheme. This has been proposed following a review of practices across other authorities and to ensure that statutory consultation procedures are not undermined. Petitions submitted during consultation would be considered by the Council as part of that consultation response.</p> <p>The petition scheme for North East Derbyshire District Council and this scheme are very similar. A few amendments are proposed to align the wording further to aid officers in advising on the procedures and to provide consistency.</p>	
<p>Access to Minutes and Minute Books submission to Council</p>	<p>It is proposed that new procedures be put in place to enable Members to access copies of minutes to all Committees and Advisory Groups as soon as they are finalised and that Minute Books will no longer be produced and submitted to Council meetings.</p> <p>Copies of all Minutes will be uploaded to the Members' Extranet and Members will be emailed once they are available to view. Members may request paper copies of individual sets of Minutes from the Governance Team, rather than being sent copies of all Minutes that Members might not need.</p> <p>Members will also be provided with guidance on who to speak to if they have any questions arising from any Minutes circulated – i.e. the Committee Chair or Cabinet/Executive Portfolio Holder, or the lead officer who will be named after each Minute where there are actions arising. This way Members can access the information and ask the questions they</p>	<p>The Council Procedure Rules are contained in Part 4 of the Constitution – Rules of Procedure.</p> <p>Section 2.1 (I) would be removed if this proposal were to be agreed.</p>

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	<p>need to at the earliest opportunity, rather than waiting for a future Council meeting.</p> <p>Members may still raise questions at Council meetings via the procedure for Questions of Notice.</p> <p>If there are recommendations from Committees or Cabinet/Executive to Council, these will be submitted by way of a report which will allow for questions, answers and debate, in accordance with Council Procedure Rule 2.1 (i).</p> <p>It is no longer a common practice across local authorities for Minute Books to be prepared and submitted to Council meetings due to the availability of Minutes online and on Members iPads.</p> <p>Replacing the publication of Minute Books with these proposed arrangements will lead to a cost saving of approximately £150 per year printing and £150 per year postage (as it is usually included in the same envelope as the Council agenda however it sometimes has to be despatched separately). The proposal would also save around 30 hours of officer time in preparation.</p>	
Scheme Of Delegation To Officers	<p>A Revised Scheme of Delegation to Officers is necessary as a consequence of the Strategic Alliance Management Team (SAMT) restructure. This will be reported to the next meeting of the Standards Committee.</p> <p>The current Scheme of Delegation for Officers has also been adopted by North East Derbyshire District Council and any proposals to change will also be submitted to Members there for approval.</p>	The Scheme of Delegation to Officers is currently in Part 4 of the Constitution – Pages 168-188, however it is proposed that this section be moved to Part 3 Responsibility for Functions.

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	<p>It is proposed that this section be relocated within the Constitution, to form part of Part 3 Responsibility for Functions, rather than Part 4 Rules of Procedure. This is a more logical order, connecting the functions carried out by Officers with those by Committee, so should be easier to refer to in this location.</p>	
<p>Procedure Rules for Questions from the Public and by Councillors and Motions</p>	<p>Currently there are different deadlines for the submission of questions and motions on notice for Council meetings. For submitting questions from the public and also motions from Members is midday, seven clear days before the meeting. No time is specified for the deadline for Members to submit questions to Council; the procedure rules simply state seven clear days' notice must be given. The deadline has therefore been taken to be midnight.</p> <p>To provide greater certainty and to assist in the processing of the questions and motions on notice, it is proposed that the deadline for all of these submissions be set to midday.</p>	<p>The Council Procedure Rules are contained in Part 4 of the Constitution – Rules of Procedure.</p> <p>Rule 9.3 would be amended to include a deadline of midday on the day seven clear working days before the meeting.</p>
<p>Article 11 – Joint Arrangements</p>	<p>The proposed amendments to Article 11 on Joint Arrangements (Appendix 5) seek to simplify the details of the joint arrangements that are included in the Constitution. Currently a number of joint committees and partnerships are listed, but not all. For consistency, it is proposed that a provision be included to require Executive and Council to maintain a list and details of the joint arrangements that have been established and that these lists will be held by Governance, separately to the Constitution. This will ensure that up to date Terms of Reference are held and referred to, rather than waiting for the version in the Constitution to be amended at a future Council meeting.</p>	<p>Article 11 – Joint Arrangements is in Part 2 of the Constitution – Articles of the Constitution – Pages 13-15.</p> <p>As a consequence of this proposal, some Terms of Reference would be removed from Part 3 of the Constitution –</p>

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	<p>Partnership working, such as the Local Enterprise Partnerships and SCR Combined Authority, are also managed externally by other authorities or bodies and the Council relies upon these bodies to maintain Terms of Reference and other procedural documents.</p> <p>It is however proposed to include a description of the Strategic Alliance within this Article, as this is a significant arrangement of joint working</p>	Responsibility for Functions as set out below
Removal of Terms of Reference and Protocols for Committees or joint arrangements that no longer meet or have changed in format	<p><u>Joint Board/Shared Services Protocol etc</u></p> <p>As set out above, there is a lack of consistency with which joint arrangements are included in the Functions Scheme within the Constitution. Much of what is included related to joint working between Bolsover District Council, North East Derbyshire District Council and Chesterfield Borough Council, including Joint Board, Shared Services Scrutiny Panel and a Shared Services Consultation Protocol. Joint working between these three authorities has evolved over the years and the number of shared services covered by these arrangements is now only the Internal Audit Consortium. A separate committee exists for the management of the Chesterfield and District Crematorium – which is not mentioned in the Constitution.</p> <p>Joint Board meetings have reduced in frequency as a consequence of the reduction in its remit, to just two being scheduled in 2018/19 and the Shared Services Scrutiny Panel has only met once in the last 3 years, prior to the Building Control Service becoming part of the Derbyshire Wide building control company. As Chesterfield Borough Council is the lead authority managing the meetings of Joint Board, there is no need for all three Councils to retain the level of detail regarding meeting procedures as is currently contained in the Bolsover District Council Constitution.</p>	The Joint Working Protocol, Joint Board arrangements and the Shared Services Scrutiny Panel would be removed from Part 3 of the Constitution – Responsibility for Functions – Pages 63-68 and 71-75 of the current version.

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	<p><u>Bolsover Conservation Area Advisory Committee</u> It is proposed that the Terms of Reference for the Bolsover Conservation Area Advisory Committee be removed from the Constitution as this Committee has not met for many years.</p> <p><u>Pleasley Park and Vale Conservation Area Joint Committee</u> It is proposed that the Terms of Reference for Pleasley Park and Vale Conservation Area Joint Committee be removed from the Constitution as it no longer meets as a formal Committee but now meets as an advisory group. The Terms of Reference would be retained by Governance to continue supporting the meeting, but the meetings are organised on a more informal basis.</p> <p><u>Re-establishing a Committee or Advisory Group</u> The Terms of Reference for any Committees or Groups removed from the Constitution are retained in archived copies of previous versions of the Constitution. If any future decisions are made to re-establish any Committee or advisory group that is removed from the Constitution, these documents may be recalled and updated as necessary.</p>	<p>The Terms of Reference for the Bolsover Conservation Area Advisory Committee and the Terms of Reference for Pleasley Park and Vale Conservation Area Joint Committee are contained in Part 3 of the Constitution – Responsibility for Functions – Pages 49-52 of the current version.</p>
<p>Revisions to Terms of References of Committees to reflect current working practices</p>	<p><u>Housing Allocations Review Panel</u></p> <p>The Terms of Reference for the Housing Allocations Review Panel include provision for a list of cases to be considered by the Panel to be circulated to local members (at paragraph 10). This practice has not been followed for some years as it is not recognised as best practice for Members to be sent this personal data as a matter of course, rather than on a need to know basis. It is therefore proposed that this provision be removed.</p>	<p>Housing Allocations Review Panel is contained in Part 3 of the Constitution – Responsibility for Functions – Pages 51-55 of the current version</p>

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Removal of role profiles for obsolete roles	The role profile for the role of Chair of Scrutiny Management Board can be removed from the Constitution as this role no longer exists.	The role profiles are contained within Part 5 of the Constitution – Codes and Protocols. This role profile is on page 231 of the current version.