

**Bolsover District Council**

**Standards Committee**

**14<sup>th</sup> January 2019**

**Review of the Council's Constitution**

**Report of the Head of Corporate Governance and Solicitor to the Council & 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 2018. Council also approved amended Terms of Reference for the Strategic Alliance Joint Committee in September 2018. These changes have been implemented in the version that shall be published following this review of the Constitution.
- 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 following areas have been identified for review:

*Proposals contained within this report:*

- Delegation of decisions to write off debts for rent arrears (deferred from last meeting)
- Functions of the Joint Employment Committee (deferred from last meeting)
- Edits to the Constitution proposed by the Portfolio Holder for Corporate Governance resulting from Member discussions (Virements) (deferred from last meeting)
- Section 151 Officer Delegation additions
- Reflecting Key Decision Limits in other areas of the Constitution
- Speaking at Council and Committee Meetings

*Proposals still under review and will be reported to a future meeting:*

- Review of Licensing Committee Terms of Reference and Composition
- Review of Members Code of Conduct
- Review of Employee Code of Conduct
- Standards Committee Terms of Reference
- Joint ICT Committee Terms of Reference
- Harp Panel TOR / Allocations Policy
- Functions Scheme and Articles
- Audit Committee Terms of Reference
- Minor wording changes or updating of job titles (housekeeping)

*Proposals that will be put forward for amendment following May 2019:*

- UECC Terms of Reference
- Safety Committee Terms of Reference
- Contract Procedure Rules – Contract Formalities
- Parental Leave Policy and Constitutional Implications

1.3 Details of the proposed amendments in relation to the first list of areas as above are attached at **Appendix 1**. This also outlines the rationale behind each proposal.

1.4 Where revised versions of each section have been produced, these are also attached as appendices, showing the tracked changes in comparison to the current documents.

## **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, Monitoring Officer and SAMT are consulted at various stages of the Constitution Review.

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 Committee consider the proposals for amendments to the Council's constitution as set out in Appendix 1 to the report and support that they be submitted to Council as part of the Constitution Review.
- 6.2 That the Committee give consideration to the list of areas of the constitution to be reviewed, edit it as necessary and agree for a further report to be submitted to the next meeting.

## 7 Decision Information

<p><b>Is the decision a Key Decision?</b>  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> <input type="checkbox"/>  <i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/>  <i>Capital - £250,000</i> <input type="checkbox"/>  <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p><b>Is the decision subject to Call-In?</b>  (Only Key Decisions are subject to Call-In)</p>	No
<p><b>Has the portfolio holder been informed</b></p>	Yes
<p><b>District Wards Affected</b></p>	None
<p><b>Links to Corporate Plan priorities or Policy Framework</b></p>	Demonstrating good governance

**8 Document Information**

<b>Appendix No</b>	<b>Title</b>
1	Summary of proposals and rationale
<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)	
None.	
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