

Bolsover District Council

Standards Committee

22nd February 2021

Review of the Council's Constitution (Part 4)

Report of the Head of Corporate Governance and Solicitor to the Council & Monitoring Officer

This report is public

Purpose of the Report

- To consider the list of areas for review within 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 2019.
- 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.
- 1.3 The table below sets out how these areas of review will be considered over the municipal year and where the matters need to be considered by other Committees for consultation, these have been identified.

Area for Review	Source	Lead Officer	Dates for Consideration
Contract Procedure Rules – Contract Formalities	Legal	Monitoring Officer	Standards Committee 6th July 2020
Review of High Hedges Committee	Governance / Chair of Planning	Senior Governance Officer	Standards Committee 6th July 2020
Safety Committee Terms of Reference	Governance	Health and Safety Manager and HR Organisational Development Manager	Standards Committee 6 th July 2020 (<i>Minor amendment – done under housekeeping</i>)

Discharge of Executive Decisions (Planning/Local Development Orders)	Legal	Monitoring Officer and Legal Team	Standards Committee <i>29th September 2020</i>
Revised Cabinet Member Portfolios	Administration	Governance Manager	Standards Committee <i>29th September 2020</i>
Travel Expenses for Members	Motion from Council	Governance Manager	Standards Committee <i>29th September 2020</i>
Union/Employee Consultation Committee - Terms of Reference	Governance	HR and Organisational Development Manager	Standards Committee <i>30th November 2020</i>
Delegation Scheme - Housing	Governance	Monitoring Officer and Head of Housing	Standards Committee 30 th November 2020
Planning Committee Terms of Reference/Scheme of Delegation	Legal	Legal Team	Standards Committee 30 th November 2020
Local Plan Steering Group – change of title to Local Plan Implementation Advisory Group	Governance	Governance Manager	Standards Committee 30 th November 2020
Homeloss Payments –Delegated Decisions	Section 151	Monitoring Officer and S151 Officer	Standards Committee <i>30th November 2020</i>
Members Code of Conduct - Mandatory Training – Ethical Governance	Governance	Governance Manager	Standards Committee 30 th November 2020
Delegation to the Head of Paid Service to make customers vexatious under the CCC policy	Monitoring Officer	Monitoring Officer and Corporate Complaints Officer	Standards Committee 30 th November 2020

Contract Procedure Rules – raise level for RFQs	Monitoring Officer	Monitoring Officer and Head of Procurement	Standards Committee February 2021
Extraordinary Council Meetings	Monitoring Officer	Monitoring Officer and Governance Manager	Standards Committee February 2021
Delegation to EH Officers to serve section 215 Town and Country Planning Act 1990 notice	Monitoring Officer	Monitoring Officer and Head of Planning	Standards Committee February 2021
Delegation given to Monitoring Officer to temporarily approve dispensations under the Section 85 Rule	Monitoring officer	Monitoring Officer and Governance Manager	Standards Committee February 2021
Review of Employee Code of Conduct	Governance	HR & Organisational Development Manager	UECC Special meeting TBC* Standards Committee April 2021
Employment Rules	Governance	Monitoring Officer and Governance Manager	Standards Committee April 2021
Independent Persons	Monitoring Officer	Governance Manager	Standards Committee April 2021
Licensing TOR	Governance		Standards Committee April 2021
Minor wording changes or updating of job titles (housekeeping)	Governance	Governance Officers	Once final draft version produced

1.6 The areas for review for this meeting in the above table are detailed in the appendix to the report and set out the proposal and/or rationale and the sections of the Constitution to be amended.

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 Director of Corporate Resources & Head of Paid Service, Chief Financial Officer, Monitoring Officer and SAMT are consulted at various stages of the Constitution Review.

3.2 Equality Impact Assessments may be carried out in relation to specific areas of review where the need arises. Details of any equality issues will be address in relation to each area of review.

4 Alternative Options and Reasons for Rejection

4.1 Members may consider alternative options to any 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

5.3.1 There are no human resources implications arising from the proposals within this report. Some areas for review may impact on staff. These implications will be addressed in relation to the specific areas for review.

6 Recommendations

6.1 That the Committee give consideration to proposals for review and support the submission of the proposals to Council as part of the Constitution Review at a future meeting.

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> <input type="checkbox"/> <i>Capital - £150,000</i> <input type="checkbox"/></p>	<p>No</p>
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<p>NEDDC: Revenue - £100,000 <input type="checkbox"/></p> <p>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>Has the relevant Portfolio Holder been informed</p>	Yes
<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	Proposal and Rationale
<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> <p>None.</p>	
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