

Bolsover District Council

Meeting of Annual Council on 18th May 2022

Review of the Council's Constitution

Report of the Solicitor to the Council & Monitoring Officer

Classification	This report is Public
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PURPOSE/SUMMARY OF REPORT

To consider proposed amendments to the Council's constitution as recommended by the Standards Committee as part of the Annual Review for adoption by Council.

REPORT DETAILS

1. Background

- 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 Meeting in May 2021.
- 1.2 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.
- 1.3 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.

2. Details of Proposal or Information

- 2.1 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.
- 2.2 The Standards Committee considered the Review of the Constitution at its meetings on 20 July 2020, 29 September 2020, 30 November 2020 and 22 February 2021. The following areas of the Constitution and related procedures have been reviewed during 2020/21:
- Questions by Members (Scope and Withdrawal)
 - Housing Allocations Review Panel (HARP) Terms of Reference
 - Audit and Corporate Overview Scrutiny Committee Terms of Reference
 - Delegation Scheme in relation to a new Senior Management Team
 - Petitions Scheme
 - Council Procedure Rules
 - Scrutiny Procedure Rules
 - Call In Procedure
 - Budget and Policy Framework
- 2.3 Each of the areas of review, other than the housekeeping changes, has been set out in detail, including the rationale for the amendments proposed, in Appendix 1.
- 2.4 All of the amendments have been entered into the Constitution at Appendix 2. The amendments appear in the document as 'tracked changes'.

Due to the size of the Appendix 2, a paper copy has not been issued to Members. The document is published on the Council's website and is accessible to Members on their iPads.

3. Reasons for Recommendation

- 3.1 The Standards Committee with support from the Monitoring Officer, Deputy Monitoring Officer and Governance Manager have carried out the review with a particular focus on certain areas of the Constitution that required attention. These areas have been thoroughly discussed and the amendments proposed are recommended to Council for approval.
- 3.2. It is required by law to keep an up to date constitution. Part of the role of the Standards Committee is to review the document on a regular basis to make such recommendations to Council as necessary.

4 Alternative Options and Reasons for Rejection

- 4.1 The Council may make other amendments or reject the amendments proposed as part of this review, however the rationale for each proposal has been to ensure the Council's procedures comply with the law, are in line with best practice, are practical and up-to-date, as well as in accordance with other decisions taken by the Council. No alternative options are therefore proposed.
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RECOMMENDATION(S)

That the amendments to the Constitution detailed at Appendix 1 and set out in Appendix 2 be approved.

Approved by the Portfolio Holder – Corporate Governance

<u>IMPLICATIONS:</u>	
<u>Finance and Risk:</u>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Details: There are no financial or risk implications arising from this report. On behalf of the Section 151 Officer	
<u>Legal (including Data Protection):</u>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Details: It is a requirement under Council Procedure Rule 1.1 (o) of the Council’s Constitution, that Annual Council Meeting agrees the Scheme of Delegation as set out in Part 3 of the Constitution. On behalf of the Solicitor to the Council	
<u>Staffing:</u>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Details: There are no human resource issues implications arising from this report. On behalf of the Head of Paid Service	

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:</p> <p>Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p>Is the decision subject to Call-In? <i>(Only Key Decisions are subject to Call-In)</i></p>	No

District Wards Significantly Affected	All
<p>Consultation: Leader / Deputy Leader <input checked="" type="checkbox"/> Executive <input type="checkbox"/> SLT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/></p>	<p>Details: The Leader</p>

Links to Council Ambition: Customers, Economy and Environment.

DOCUMENT INFORMATION	
Appendix No	Title
1	Summary of Amendments to the Constitution
2	Tracked Changes to the Constitution

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 Executive you must provide copies of the background papers).

None