

**Bolsover District Council**

**Meeting of the Annual Council on 24<sup>th</sup> May 2023**

**Review of the Council's Constitution**

**Report of the Solicitor to the Council and Monitoring Officer**

<b>Classification</b>	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.

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**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 meeting on 20<sup>th</sup> February 2023. The following areas of the Constitution and related procedures were reviewed during that meeting:
- Changes to the establishment, i.e. separating the Audit Committee from Scrutiny. This is dealt with separately in the Establishment of Committees report.
  - Scrutiny Procedure Rules
  - Call-in
  - Budget and Policy Framework

#### SCRUTINY PROCEDURE RULES AND CALL-IN

- 2.3 Following a Call-In to Scrutiny in October 2022, it has become apparent that the current procedure rules need to be made clearer in relation to where responsibility lies should a Scrutiny Committee recommend that the decision under review, is to be re-submitted to Executive for re-consideration.
- 2.4 Attached at Appendix 1 is an amended version of the Scrutiny Procedure Rules, with specific amendments as highlighted. Attached at Appendix 2 is an amended version of the Call-In Procedure Rules, which rectifies the gap within the current rules.

#### BUDGET AND POLICY FRAMEWORK

- 2.5 In accordance with the changes to the establishment, attached at Appendix 3 is the revised Budget and Policy Framework, acknowledging the proposed changes to the committee structure.

### **3. Reasons for Recommendation**

- 3.1 The Standards Committee with support from the Monitoring Officer 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)**

1. That the amendments to the Constitution set out in Appendix 1, 2 and 3 be approved.

### **IMPLICATIONS:**

**Finance and Risk:**            Yes             No

**Details:**

There are no financial or risk implications arising from this report.

On behalf of the Section 151 Officer

**Legal (including Data Protection):**            Yes             No

**Details:**

Section 37 of the Local Government Act 200 requires a local authority which is operating executive arrangements 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.

On behalf of the Solicitor to the Council

**Environment:**            Yes             No

Please identify (if applicable) how this proposal/report will help the Authority meet its carbon neutral target or enhance the environment. Please speak to the Climate Change lead officer for further advice.

**Details:**

There are no environmental implications arising from this report.

**Staffing:**            Yes             No

**Details:**

There are no human resource issues implications arising from this report.

On behalf of the Head of Paid Service

## **DECISION INFORMATION**

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

<b>District Wards Significantly Affected</b>	None directly
<b>Consultation:</b> <b>Leader / Deputy Leader</b> <input checked="" type="checkbox"/> <b>Executive</b> <input type="checkbox"/> <b>SLT</b> <input type="checkbox"/> <b>Relevant Service Manager</b> <input type="checkbox"/> <b>Members</b> <input type="checkbox"/> <b>Public</b> <input type="checkbox"/> <b>Other</b> <input type="checkbox"/>	Details:  Deputy Leader for 2022/23

<b>Links to Council Ambition: Customers, Economy and Environment.</b>

<b>DOCUMENT INFORMATION</b>	
<b>Appendix No</b>	<b>Title</b>
1	Amended version of the Scrutiny Procedure Rules
2	Amended version of the Call-In Procedure Rules
3	Revised Budget and Policy Framework

<b>Background Papers</b>
<i>(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).</i>
None