

Bolsover District Council

Standards Committee

24th February 2020

Review of the Council's Constitution (Part 3)

Report of the Joint Head of Corporate Governance & 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 Standards Committee at its meeting on 1st July 2019 agreed the following areas for review:

- Union/Employee Consultation Committee Terms of Reference
- Safety Committee Terms of Reference
- Contract Procedure Rules – Contract Formalities
- Standards Committee Terms of Reference (*completed*)
- Review of Employee Code of Conduct
- Employment Rules
- Joint Employment and Appeals Committee Terms of Reference (*completed*)
- Questions and Motions to Council (limitations) (*completed*)
- Delegation Scheme (MO Delegations)
- Minor wording changes or updating of job titles (housekeeping)

1.3 Additional areas had also been identified, the first by the Section 151 Officer and the second by Members:

- Authorisation to spend from reserves by Executive
- Membership of Budget Scrutiny Committee (*completed*)

1.4 Since the Standards Committee held on 23rd September 2019, further areas have now been identified for review:

- Exempt Sessions at Executive (*clarification suggested by Officers*)
- Motions processes and deadlines (*extension from wider review of Motions and Questions*)
- Budget & Policy Framework/Financial Regulations conflict (*identified by Internal Audit*)
- Director of Development delegations (*raised by SAMT*)
- Discharge of Executive decisions
- Licensing Terms of Reference (*Raised by legal*)

1.5 The following table 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	Lead Officer	Dates for Consideration
Standards Committee Terms of Reference	Governance Manager	Standards Committee 23 rd September 2019
Joint Employment and Appeals Committee Terms of Reference	Monitoring Officer	Standards Committee 23 rd September 2019
Questions and Motions to Council (limitations)	Deputy Monitoring Officer	Standards Committee 23 rd September 2019
Membership of Budget Scrutiny Committee	Monitoring Officer	Standards Committee 23 rd September 2019
Delegation Scheme – authority to implement legal changes.	Senior Governance Officer	Standards Committee 24 th February 2020
Reserves – approval of Transformation Reserve - Delegation	Monitoring Officer/Section 151 Officer	Standards Committee 24 th February 2020
Reserves – approval of expenditure from Reserves by Executive.	Monitoring Officer/Section 151 Officer	Standards Committee 24 th February 2020
Time limits for Questions and Motions to Council.	Monitoring Officer	Standards Committee 24 th February 2020
Budget and Policy Framework /Financial Regulations conflict.	Monitoring Officer	Standards Committee 24 th February 2020
Small increases in expenditure and effect on the Council's Budget	Monitoring Officer	Standards Committee 24 th February 2020

Council Procedure Rules Rule 8 Questions by the public	Deputy Monitoring Officer	Standards Committee 24 th February 2020
Access to Information - Member attendance during exempt items of Executive.	Senior Governance Officer	Standards Committee 24 th February 2020
Delegation Scheme (MO Delegations)	Monitoring Officer	Standards Committee 20 th April 2020
Contract Procedure Rules – Contract Formalities	Monitoring Officer	Standards Committee 20 th April 2020
Review of Employee Code of Conduct	HR and Organisational Development Manager	UECC Special meeting TBC* Standards Committee 20 th April 2020
Employment Rules	Monitoring Officer and Governance Manager	Standards Committee 20 th April 2020
Union/Employee Consultation Committee Terms of Reference	HR and Organisational Development Manager	UECC Special meeting TBC* Standards Committee 20 th April 2020
Safety Committee Terms of Reference	Health and Safety Manager and HR Organisational Development Manager	Safety Committee Special meeting TBC* Standards Committee 20 th April 2020
Review of High Hedges Committee	Senior Governance Officer	Standards Committee 20 th April 2020
Final report and any remaining issues for the year.		Standards Committee 20 th April 2020
Minor wording changes or updating of job titles (housekeeping)	Governance Officers	Once final draft version produced

**should special meetings of UECC and Safety Committees not be arranged prior to Standards Committee in April 2020, these items of review will be rolled over to the next annual review.*

1.6 The areas for review for this meeting in the above table are detailed in **Appendix 1**. This sets out the proposal and 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.

2.2 The rationale for each proposal as part of the review is set out in Appendix 1.

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 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 in Appendix 1 and support the submission of the proposals to Council as part of the Constitution Review in May 2020.

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"/> <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>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	Areas for Review – Proposals 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>	
None.	
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