

Report To:	STANDARDS AND PERSONNEL APPEALS COMMITTEE	Date:	18 MARCH 2020
Heading:	ANNUAL CONSTITUTION REVIEW 2020		
Portfolio Holder:	NOT APPLICABLE		
Ward/s:	NOT APPLICABLE		
Key Decision:	NO		
Subject to Call-In:	NO		

Purpose of Report

To report proposed changes to the Constitution to the Standards and Personnel Appeals Committee for their consideration and comment prior to being reported to the AGM of the Council in May 2020.

Recommendation(s)

To consider the proposed changes to the Council's Constitution and make comments and recommendations to Council.

Reasons for Recommendation(s)

To ensure that the Council's Constitution remains up to date and fit for purpose it is reviewed annually.

The Committee's remit includes making recommendations to Council regarding amendments to the Constitution relating to matters of an ethical governance nature.

Alternative Options Considered

(with reasons why not adopted)

Do not update the Constitution. However, this would not be best practice and would reduce the value of the document, both to the Council and the wider Community as an authoritative guide to how the Council works.

Detailed Information

Constitution Review 2020

It is good practice to review the Constitution regularly and it is the Council's practice to carry out a review annually.

The proposed changes to the Constitution are outlined below:

Part of the Constitution	Proposed Amendments
Part 1 – Summary	No changes.
Part 2 – Articles	No changes.
Part 3 – Functions and Delegations	Licensing No changes Planning No changes
Part 4 – Rules of Procedure	Council Procedure Rules No Changes Petition Scheme – Part 12 Updated <ul style="list-style-type: none">• If a petition submitted to the Council contains between 750 and 1,499 signatures, it will be referred to the Overview and Scrutiny Committee.• If a petition submitted to the Council contains over 1,500 signatures, it will be debated by Full Council.• If a petition submitted to the Council contains between 10 and 199 signatures, it will be responded to in accordance with Ashfield District Council's Compliments and Complaints procedure.• If a petition submitted to the Council contains between 200 and 749 signatures, it will be discussed at a meeting of the Council's Corporate Leadership Team. The discussion would lead to a formal written response from the Corporate Leadership Team to the petition organiser. Access to Information Procedure Rules No changes. Budget and Policy Framework Procedure Rules No changes. Executive Procedure Rules No changes.

	<p>Overview and Scrutiny Procedure Rules</p> <ul style="list-style-type: none"> • Part 4-54. Scrutiny consideration of Petitions, updated in accordance with changes to the Petition Scheme <p>Financial Regulations</p> <ul style="list-style-type: none"> • Part 4-71, Financial Planning Introduction. Added “The Treasury Management Strategy”. • Part 4 – 74, Use of Resources. Added “The Chief Finance Officer will determine the creation of new reserves”. • Part 4-74, Petty Cash and Float Accounts. Deleted this section as this is no longer relevant. • Part 4-83, Orders for Work, Goods and Services - Added “approved Purchase Card transactions”. • General update of Job titles <p>Code of Procedures Relating to the Disposal of Land and Buildings – No changes</p> <p>Contract Procedures Rules</p> <ul style="list-style-type: none"> • Part 4-101 and 4-102 (quick reference guide to the Contract Procedure Rules), for all contract values over and including “£50,000 to below EU thresholds” (and “frameworks”) under the column “authority” – Change to EDR instead of ODR. • Part 4-109, para 3.14 – amended to read “All call off contracts under framework agreements of £50,000 or more must be executed as deeds, by affixing the Council’s Common Seal.” • Part 4-109, para 3.15 – amended to read “A call off contracts under a Framework Agreement must not be longer than 4 years unless specifically agreed.” • Part 4-123, para 9.4.1 – amended to read “All call off contracts under Framework Agreements, bonds and guarantees, and Contracts of £50,000 or more must be executed as deeds.” • Part 4-131, definition of framework agreement – inserted “call off” between “one or more specific” and “Contracts with an authority.” <p>Employment Procedure Rules No changes.</p>
<p>Part 5 – Members’ Code of Conduct</p>	<p>No changes</p>
<p>Part 6 – Member/Officer Protocol</p>	<p>No changes.</p>
<p>Part 7 – Allowances</p>	<p>The Members Allowance Scheme will be updated following the Report of the Independent Remuneration Panel, which is due to be considered by Council on the 2 April 2020.</p>

Part 8 – Management Structure	No changes.
Part 9 – Employees Code	No changes
Part 10 – Planning Code	No changes

Implications

Corporate Plan:

To ensure we deliver high-quality public services we have adopted a set of corporate values which underpin the successful delivery of our priorities. How we work is as important as what we do. The Council's values are: People Focussed; Honest; Proud; Ambitious.

Legal:

In accordance with Article 13 of the Constitution, the Monitoring Officer is responsible for keeping the Constitution under review. The Monitoring Officer is delegated the authority to make minor alterations to the Constitution or make amendments to reflect in year changes. Substantive changes to the Constitution must be approved by the Council.

Finance:

Budget Area	Implication
General Fund – Revenue Budget	None
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

Risk:

Risk	Mitigation
Not updating the Constitution on a regular basis would increase the risk of failing to reflect current legislation and practices which would negatively impact decision-making.	Ensuring the Council's Constitution remains up to date and fit for purpose it is reviewed annually.

Human Resources:

There are no significant Human Resource implications identified in this report.

Equalities:

There are no specific equalities issues highlighted in the report or apparent at this stage in relation to proposed changes.

Environmental/Sustainability

There are no significant Environmental/Sustainability implications identified in this report.

Other Implications:

None

Reason(s) for Urgency

Not applicable

Reason(s) for Exemption

Not applicable

Background Papers

None

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