

<b>Report To:</b>	<b>STANDARDS AND PERSONNEL APPEALS COMMITTEE</b>
<b>Date:</b>	<b>23 MARCH 2022</b>
<b>Heading:</b>	<b>ANNUAL CONSTITUTION REVIEW</b>
<b>Portfolio Holder:</b>	<b>NOT APPLICABLE</b>
<b>Ward/s:</b>	<b>NOT APPLICABLE</b>
<b>Key Decision:</b>	<b>NO</b>
<b>Subject to Call-In:</b>	<b>NO</b>

### **Purpose of Report**

The purpose of this report is to detail proposed changes to the Constitution to the Standards and Personnel Appeals Committee for consideration and comment prior to being reported to the Annual Council Meeting in May 2022.

### **Recommendation(s)**

Members of the Standards and Personnel Appeals Committee are recommended to:

- a. Consider the proposed changes to the Constitution.
- b. Consider any additional changes to the Constitution.
- c. Make comments and recommendations to the Annual Council Meeting.

### **Reasons for Recommendation(s)**

To ensure that the Council's Constitution remains up to date and fit for purpose, it is reviewed annually. The Standards and Personnel Appeals Committee's remit includes making recommendations to Council regarding amendments to the Constitution relating to matters of an ethical governance nature.

### **Alternative Options Considered**

Alternatively, the Council could choose not to update the Constitution. However, this would be contrary to best practice and reduce the value of the document: both to the Council and the wider community as an authoritative guide to how the Council operates.

## Detailed Information

### CONSTITUTION REVIEW 2022

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

The below table sets out proposed amendments made by Officers in line with changes to policy and legislation.

Part of the Constitution	Proposed Amendments
Part 1 – Summary	<b>Summary and Explanation</b> – Removed reference to virtual meetings due to changes in legislation.
Part 2 – Articles	No changes proposed.
Part 3 – Functions and Delegations	<b>Executive Functions 1.6</b> – The detailed delegation lists setting out the responsibilities of Portfolio Holders have been updated.  Chief Officers responsibilities have been updated to accurately reflect the service responsibilities within each directorate.
Part 4 – Rules of Procedure	<b>Council Procedure Rule 1.1 (iv)</b> – Updated reference to declarations of disclosable pecuniary or personal interests and/or non-registerable interests.  <b>Council Procedure Rule 2.1 (ii)</b> - Updated reference to declarations of disclosable pecuniary or personal interests and/or non-registerable interests.  <b>Council Procedure Rule 6.1</b> - Removed reference to virtual meetings due to changes in legislation.  <b>Council Procedure Rule 24.1</b> – Removed reference to virtual meetings due to changes in legislation.  <b>Access to Information Procedure Rule 3.1</b> – Removed reference to virtual meetings due to changes in legislation.  <b>Executive Procedure Rule 1.6</b> – Removed reference to virtual meetings due to changes in legislation.  <b>Contract Procedure Rules</b> – Minor formatting updates. Job title updates.  Minor formatting updates throughout.

<b>Part 5 – Members’ Code of Conduct</b>	The draft Use of Resources Policy to be appended if approved by Council.
<b>Part 6 – Member/Officer Protocol</b>	No changes proposed.
<b>Part 7 – Allowances</b>	Figures have been updated in line with the recent pay award.
<b>Part 8 – Management Structure</b>	The Senior Management Structure chart has been updated to the most current version.
<b>Part 9 – Employees Code</b>	No changes proposed.
<b>Part 10 – Planning Code</b>	No changes proposed.

## **DISCUSSION POINTS**

As part of the Annual Constitution Review process, all Members were contacted and given the opportunity to put forward proposals for changes to be made to the Constitution. Proposals put forward include:

### Portfolio Holder Reports

A suggestion that there should be an opportunity for Members of the Council to question Portfolio Holders following the 30-minute allotted time for Portfolio Holder updates.

The rule that allows Portfolio Holders 30 minutes to provide updates is set out in Council Procedure Rule 2 (Ordinary Meeting) Part 2.1 (x) as follows:

*“Receive updates from members of the Cabinet on their portfolio activity, within a maximum collective time allocation of 30 minutes.”*

### Petition Scheme

There has been much debate regarding the Council’s Petition Scheme, and how petitions are dealt with once they are submitted to the Council.

One suggestion has been made to lengthen the amount of time for debate on a petition that meets the signature threshold for discussion at Council. Currently, the limit for debate under these circumstances is 15 minutes.

The Petition Scheme is appended to this report as **Appendix 1** for consideration.

Questions Submitted by Members to Council

A suggestion that questions submitted by Members to the Council should be moved up the agenda to after questions from members of the public.

Currently, questions submitted by Members to the Council is listed under Council Procedure Rule 2.1 (xiii) and questions from members of the public is listed under Council Procedure Rule 2.1 (v).

**Implications**

**Corporate Plan:**

The Council will strive to ensure effective community leadership through good governance, transparency, accountability, and appropriate behaviours.

**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	
Housing Revenue Account – Revenue Budget	
Housing Revenue Account – Capital Programme	

**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.	To ensure the Council’s Constitution remains up to date and fit for purpose, it is reviewed annually.

## **Human Resources:**

There are no direct HR implications resulting from this report.

## **Environmental/Sustainability**

There are no direct environmental/sustainability implications resulting from this report.

## **Equalities:**

There are no direct equalities implications resulting from this report.

## **Other Implications:**

There are no other implications resulting from this report.

## **Reason(s) for Urgency**

None.

## **Reason(s) for Exemption**

None.

## **Background Papers**

None.

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