

<b>Report To:</b>	<b>ANNUAL COUNCIL MEETING</b>
<b>Date:</b>	<b>26 MAY 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 present proposed changes to the Constitution for consideration and approval by Council, as recommended by the Standards and Personnel Appeals Committee. As part of the work undertaken by the Standards and Personnel Appeals Committee, a draft Use of Resources Policy (Appendix A) and a revised Petition Scheme (Appendix B) are also recommended for approval by Council.

### **Recommendation(s)**

Council is recommended to:

- a. Approve the draft Use of Resources Policy (Appendix A)
- b. Approve the revised Petition Scheme (Appendix B)
- c. Approve proposed changes to the Council's Constitution

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

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

### **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

### **DRAFT USE OF RESOURCES POLICY**

Members of the Standards and Personnel Appeals Committee have been working to develop a Use of Resources Policy, intended to be included in the Constitution, appended to Part 5 – Members' Code of Conduct.

Members have developed the draft Use of Resources Policy with the key principle that public office and public resources should not be used to further purely private or party-political purposes. All Councillors must comply with the provisions of the adopted Members' Code of Conduct regarding the use of the Council's resources.

Council resources should be used exclusively for the purposes of Council business or to enable Councillors to carry out their Councillor role. Failure to comply with the rules set out within the Use of Resources Policy would likely result in a breach of the Members' Code of Conduct.

Council is asked to approve the draft Use of Resources Policy developed and recommended by the Standards and Personnel Appeals Committee. The draft Use of Resources Policy is appended to this report as **Appendix A**.

### **PETITION SCHEME**

At the previous meeting of the Standards and Personnel Appeals Committee, Members held a discussion on the Council's Petition Scheme and formulated several recommended changes to the Scheme:

- Increasing the allocated time for a petition organiser to present their petition to Council if the petition has more than 1,500 signatures, from 5 minutes to 10 minutes.
- Increasing the allocated time for Members to discuss a petition at Council from 15 minutes to 30 minutes should the petition have more than 5,000 signatures.
- Introducing a 3-minute limit to the speech time of Members during the allocated time for discussing a petition at Council.

Council is asked to approve the above changes to the Petition Scheme as recommended by the Standards and Personnel Appeals Committee. The revised Petition Scheme is appended to this report as **Appendix B**.

### **CONSTITUTION REVIEW 2022**

To ensure that the Council's Constitution remains up to date and fit for purpose, the document is reviewed annually. This includes consultation with all Members and with Senior Officers.

The below table sets out proposed amendments to each section of the Constitution 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	<b>Overview and Scrutiny Committee 7.02</b> – Added in a requirement for the relevant Portfolio Holder to report progress on the implementation of any approved scrutiny recommendations to the Overview and Scrutiny Committee.
Part 3 – Functions and Delegations	<p><b>Executive Functions 1.6</b> – The detailed delegation lists setting out the responsibilities of Portfolio Holders have been updated.</p> <p>Chief Officers responsibilities have been updated to accurately reflect the service responsibilities within each Directorate.</p>
Part 4 – Rules of Procedure	<p><b>Council Procedure Rule 1.1 (iv)</b> – Updated reference to declarations of disclosable pecuniary or personal interests and/or non-registerable interests.</p> <p><b>Council Procedure Rule 2.1 (ii)</b> - Updated reference to declarations of disclosable pecuniary or personal interests and/or non-registerable interests.</p> <p><b>Council Procedure Rule 6.1</b> - Removed reference to virtual meetings due to changes in legislation.</p> <p><b>Council Procedure Rule 12</b> – Updated information relating to the Council’s Petition Scheme.</p> <p><b>Council Procedure Rule 24.1</b> – Removed reference to virtual meetings due to changes in legislation.</p> <p><b>Access to Information Procedure Rule 3.1</b> – Removed reference to virtual meetings due to changes in legislation.</p> <p><b>Executive Procedure Rule 1.6</b> – Removed reference to virtual meetings due to changes in legislation.</p> <p><b>Overview and Scrutiny Procedure Rule 8</b> – Removed the scrutiny work programme as a standing item on the Overview and Scrutiny Committee Agenda. The scrutiny work programme will still be added as an agenda item as required by the Overview and Scrutiny Committee Chairman.</p> <p><b>Overview and Scrutiny Procedure Rule 15</b> – Added in a requirement for the relevant Portfolio Holder to report progress on the implementation of any approved scrutiny recommendations to the Overview and Scrutiny Committee.</p>

	<p><b>Contract Procedure Rules</b> – Minor formatting updates. Job title updates.</p> <p>Minor formatting updates throughout.</p>
<b>Part 5 – Members’ Code of Conduct</b>	The 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 and to reflect the most up-to-date committee list.
<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>	Minor updates throughout.

## **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. [RLD 18/05/2022]

**Finance:** No direct financial implications arising from this report. [PH 18/05/22].

<b>Budget Area</b>	<b>Implication</b>
General Fund – Revenue Budget	Not applicable
General Fund – Capital Programme	
Housing Revenue Account – Revenue Budget	
Housing Revenue Account – Capital Programme	

**Risk:**

<b>Risk</b>	<b>Mitigation</b>
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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