

<b>Report To:</b>	<b>COUNCIL</b>
<b>Date:</b>	<b>30 MAY 2024</b>
<b>Heading:</b>	<b>ANNUAL CONSTITUTION REVIEW</b>
<b>Executive Lead Member:</b>	<b>EXECUTIVE LEAD MEMBER FOR GOVERNANCE</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, as recommended by the Standards and Personnel Appeals Committee following the Annual Constitution Review, for consideration and approval by Council.

### **Recommendation(s)**

Council is recommended to:

- a. Consider and approve proposed changes to the Constitution as detailed within this report.
- b. Delegate authority to the Monitoring Officer to make necessary amendments to the Constitution following any changing delegations as a result of the Decision Making Accountability process.

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

To ensure that the Council's Constitution remains up to date and fit for purpose, it is reviewed annually. The remit of the Standards and Personnel Appeals Committee 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 2024**

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

As part of this process, each section of the Constitution is circulated to Officers, who are asked to review the contents of the Constitution and ensure it remains up-to-date and fit for purpose. For the 2024 review, the Constitution was circulated to the following Officers:

- Executive Director, Governance and Monitoring Officer
- Corporate Resources Director
- Assistant Director, Legal
- Assistant Director, Democracy
- Assistant Director, Planning
- Service Manager, Commercial Development
- Licensing Manager
- Procurement and Projects Officer

The below table sets out proposed amendments made by Officers in line with changes to policy and legislation. Formatting changes are made throughout the document where necessary.

Changes to role titles are made throughout the document where necessary.

Changes have been made throughout the Constitution to reflect an change to the Key Decision criteria relating to revenue expenditure/savings from £50,000 to £100,000.

<b>Part of the Constitution</b>	<b>Proposed Amendments</b>
<b>Part 1 – Summary</b>	No changes proposed.
<b>Part 2 – Articles</b>	Clarification to the exclusions section of the Council's Petition Scheme.
<b>Part 3 – Functions and Delegations</b>	No changes proposed.

<p><b>Part 4 – Rules of Procedure</b></p>	<p>Clarification to the exclusions section of the Council's Petition Scheme.</p> <p><b><u>Council Procedure Rules –</u></b></p> <p>Clarification on the processes relating to Member Questions and Motions On Notice to Council.</p> <p><b><u>Contract Procedure Rules –</u></b></p> <p>Changes are expected as a result of new procurement legislation. Full details of the changes, and how they will impact the Council's Contract Procedure Rules, are not expected to be known until late 2024. The Contract Procedure Rules will be updated accordingly when this information becomes available.</p> <p><b><u>Employment Procedure Rules</u></b></p> <p>Amended to reflect the roles which fall within the remit of the Chief Officers Employment Committee to appoint.</p>
<p><b>Part 5 – Members' Code of Conduct</b></p>	<p>No changes are proposed as part of the Annual Constitution Review. The Standards and Personnel Appeals Committee will consider the Members' Code of Conduct as part of the Committee's 2024/25 work plan.</p>
<p><b>Part 6 – Member/Officer Protocol</b></p>	<p>No changes proposed.</p>
<p><b>Part 7 – Allowances</b></p>	<p>Figures have been updated in line with the latest pay award.</p> <p><b>5: Inflation</b> - Corrected outdated reference to spinal column 49.</p> <p>Clarification added from the previous Independent Remuneration Panel regarding the Special Responsibility Allowance payable to the Leader of the Main Opposition Group and Deputy Leader of the Main Opposition Group.</p> <p>Amendment to clarify that where a Member is using an electric or hybrid vehicle on an approved duty outside of the District, they are able to claim mileage at Approved Mileage Allowance Payments rates.</p> <p><i>Note: The Independent Remuneration Panel conducted a review of Members' Allowances in February 2024. The Panel have produced a final report including recommendations on the Council's Scheme, to be presented to the Annual Council Meeting 2024. The outcome of this may result in further changes to the Members' Allowances Scheme.</i></p>

<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>	Clarification on the wording for Policy 19 within the Planning Code of Conduct to make it clear that an additional speaking slot will be available for a representative from a Parish Council or Neighbourhood Forum to speak on any application within those designated areas.

## **Implications**

### **Corporate Plan:**

In alignment with the Corporate Plan 2023 – 2027, the Council strives 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:**

There are no direct finance implications resulting from the recommendations within this report. The Constitution has been circulated to the Chief Finance Officer as part of the annual review process.

<b>Budget Area</b>	<b>Implication</b>
General Fund – Revenue Budget	None.
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.	The Council's Constitution is reviewed annually to ensure it remains up to date and fit for purpose.

## **Human Resources:**

There are no direct HR implications resulting from the recommendations within this report. The Constitution has been circulated to HR Officers as part of the annual review process.

## **Environmental/Sustainability:**

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

## **Equalities:**

There are no direct equalities implications resulting from the recommendations within this report.

## **Other Implications:**

There are no other implications resulting from the recommendations within this report.

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

None.

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

None.

## **Background Papers**

None.

## **Report Author and Contact Officer**

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