

<b>Report To:</b>	<b>STANDARDS AND PERSONNEL APPEALS COMMITTEE</b>
<b>Date:</b>	<b>18 MARCH 2025</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>ALL</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 2024. Members are also asked to consider any additional changes to the Constitution, including reviewed the Member/Officer Protocol. Finally, Members are asked to note an in-year update made to the Contract Procedure Rules.

### **Recommendation(s)**

The Standards and Personnel Appeals Committee is recommended to:

- a. Consider the proposed changes to the Constitution as detailed in this report.
- b. Consider any additional changes to the Constitution, including a review of the Member/Officer Protocol (appended to this report).
- c. Recommend changes to the Constitution to the Annual Council Meeting in May for approval.
- d. Note the in-year updating of the Contract Procedure Rules.

### **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

### **ANNUAL CONSTITUTION REVIEW**

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, including:

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

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. Committee and Role titles are updated throughout the document where necessary.

<b>Part of the Constitution</b>	<b>Proposed Changes</b>
<b>Part 1 – Summary</b>	No changes proposed.
<b>Part 2 – Articles</b>	No changes proposed.
<b>Part 3 – Functions and Delegations</b>	No changes proposed.
<b>Part 4 – Rules of Procedure</b>	<b>Overview and Scrutiny Procedure Rules</b> – Implementation of an Executive/Scrutiny Protocol. Recommendation within Overview and Scrutiny Statutory Guidance published in April 2024 and further recommended following Corporate Peer Challenge 2024. To be developed by the Principal Select Committee in conjunction with Cabinet for implementation later in the year.

	<p>Protocol will establish practical expectations of both Select Committee Members and the Executive.</p> <p><b>Financial Regulations</b> – Amendment for the Annual Statement of Accounts to be approved by Audit Committee instead of Cabinet.</p>
<b>Part 5 – Members’ Code of Conduct</b>	<p>No changes are proposed as part of the Annual Constitution Review. The Standards and Personnel Appeals Committee have been reviewing the Members’ Code of Conduct as part of the Committee’s 2024/25 work plan.</p> <p>Changes are anticipated to come forward as part of the Ministry of Housing, Communities and Local Government (MHCLG) schedule of work to review strengthening the standards and conduct framework for local authorities in England. This could include new powers for local authority standards regimes as well as a mandatory code to be adopted by all local authorities.</p> <p>Any developments and/or new requirements for the Council resulting from the work being undertaken by the MHCLG will be reported to the Standards and Personnel Appeals Committee</p>
<b>Part 6 – Member/Officer Protocol</b>	<p>Being reviewed by the Standards and Personnel Appeals Committee as part of the 2024/25 work plan following a recommendation from Audit that the Protocol be refreshed.</p>
<b>Part 7 – Allowances</b>	<p>Figures have been updated in line with the latest pay award and national living wage.</p>
<b>Part 8 – Management Structure</b>	<p>The Senior Management Structure chart has been updated to the current version.</p>
<b>Part 9 – Employees Code</b>	<p>Reviewed and updated by the HR Manager.</p>
<b>Part 10 – Planning Code</b>	<p>No changes proposed.</p>

## **MEMBER/OFFICER PROTOCOL**

A review of the Member/Officer Protocol was added to the Standards and Personnel Appeals Committee work plan for 24/25 following a recommendation from Audit that the Protocol be refreshed.

### **Standards Informal Working Group**

Members of the Standards and Personnel Appeals Committee held an informal working group in February 2025. At this meeting, Members held a discussion on the Member/Officer Protocol.

#### Purpose

Members discussed the purpose of the Protocol as a guide for how Members and Officers work together, and how it can ensure that Members and Officers work together effectively and efficiently.

#### Application

Members also discussed the application of the Protocol, and how it is imperative that it is followed uniformly across the Council, and in conjunction with other relevant codes, procedures, and protocols.

#### Protocols at other Local Authorities

Members considered how similar Protocols were implemented in other local authorities, looking at examples from:

- Mansfield District Council
- Broxtowe Borough Council
- Newark and Sherwood District Council
- Gedling Borough Council
- Nottingham City Council
- Nottingham County Council

It was clear to Members that Protocols across all considered local authorities, including Ashfield, have many commonalities. These include sections on the roles of Officers and Members, guidance on personal relationships, publicity, and Officer attendance at party group meetings.

It was also clear to Members that all other Protocol examples considered were more condensed than Ashfield's version, and the merits of this were discussed.

### **Protocol Review Considerations**

- Are the role profiles for Members and Officers (Page 6-4) still fit for purpose?
- Are the outlined expectations for Members and Officers (Pages 6-5 to 6-6) still fit for purpose?
- Are there examples of duplication within the Protocol with other parts of the Constitution? For example, Officer Support: Overview and Scrutiny within the Protocol and the Overview and Scrutiny Procedure Rules in Part 4 of the Constitution.

- Would the Officer Support: The Executive be better suited for inclusion with the Executive Procedure Rules in Part 4 of the Constitution?
- Is the information on Involvement of Ward Members (Page 6-12) still fit for purpose?
- Should details on Access to Information be included in a separate document made available to Members (including details in the Protocol and appended flowcharts)?
- How should the Member/Officer Protocol be linked to the Member/Officer Communication Protocol?
- Any other considerations for the Member/Officer Protocol

The Member/Officer Protocol is appended to this report for the consideration of Members. Following discussion at Committee, a refreshed Protocol will be drafted based on feedback from Members and subsequently presented to the Annual Council Meeting in May for approval.

## **IN-YEAR UPDATE**

Committee is also asked to note that an in year update was made to the Contract Procedure Rules to ensure that they were compliant with new requirements introduced by the Procurement Act 2023. The update to the Contract Procedure Rules was signed off by the Monitoring Officer under delegation.

## **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:**

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	N/A
General Fund – Capital Programme	
Housing Revenue Account – Revenue Budget	

Housing Revenue Account – Capital Programme	
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**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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