

Report To:	STANDARDS AND PERSONNEL APPEALS COMMITTEE	Date:	28 MARCH 2018
Heading:	ANNUAL CONSTITUTION REVIEW		
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 2018.

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 2018

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	Minor changes are proposed to make corrections and ensure links are up to date to enable the public to access information more easily.
Part 2 – Articles	Minor changes are proposed to make corrections and ensure links are up to date to enable the public to access information more easily. Article 7 – Overview and Scrutiny Committee – to be checked for clarity. For example, the minority reporting process.
Part 3 – Functions and Delegations	Minor changes are proposed to make corrections and ensure links are up to date to enable the public to access information more easily. Executive Scheme of Delegation to be checked and amended as necessary in accordance with the Leader's instructions. Audit Committee terms of reference to be reviewed to take account of current good practice. Planning Committee terms of reference and delegations to be reviewed to reflect changes in legislation Licensing delegations and terms of reference will be given a general review and the "nature of functions" will be updated to take into account any changes in legislation or function. For example, Alcohol Disorder Zones no longer exist.
Part 4 – Rules of Procedure	Minor changes are proposed to make corrections and ensure links are up to date to enable the public to access information more easily. Council Procedure Rules - general review to ensure fit for purpose – no significant changes identified at this stage. Financial Regulations to be reviewed, concentrating on virement levels and reserves. Petition Scheme - general review and clarification of process. Overview and Scrutiny Rules - general review and clarification of process and function.

	<p>Employment Procedure Rules – general review and clarification if necessary.</p> <p>Disposal of Land and Property - general review to ensure up to date.</p> <p>Contract Procedures Rules to be reviewed to reflect changes in legislation.</p>
Part 5 – Members’ Code of Conduct	No changes proposed.
Part 6 – Member/Officer Protocol	<p>Minor changes are proposed to make corrections and ensure links are up to date to enable the public to access information more easily.</p> <p>Changes needed as a result of GDPR.</p>
Part 7 – Allowances	Changes to figures to incorporate annual inflation as appropriate.
Part 8 – Management Structure	New structure to be inserted.
Part 9 – Employees Code	No changes proposed.
Part 10 – Planning Code	<p>Areas being reviewed include lobbying to see if we can clarify further the decision making process and policy 19.</p> <p>Further consideration will be given to behaviours at Committee and expectations and formally noting recording of events.</p> <p>The Code will also be reviewed to reflect changes in legislation including “Permission in Principle”. This can be achieved either by:</p> <ul style="list-style-type: none"> a) Specific Permission in Principle as a separate process; or b) Defining in the Code “planning application” as a generic term which includes both planning applications and permission in principle.

It is intended that the detailed amendments will be presented to the AGM on 24 May 2018 for approval. The comments and recommendations of the Standards and Personnel Appeals Committee will be reported to the Council.

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 14 of the Constitution, the Monitoring Officer is responsible for keeping the Constitution under review. Any 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 minimal HR implications as outline in the body of the report with regard to minor changes to Member/Officer protocol.

Equalities:

(to be completed by the author)

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

Other Implications:

(if applicable)

None

Background Papers

(if applicable)

None

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