

PUBLIC

AGENDA ITEM No. 9

DERBYSHIRE COUNTY COUNCIL

COUNCIL MEETING

15 May 2019

THE COUNCIL'S CONSTITUTION

**Report of the Director of Legal and Democratic Services and
Monitoring Officer and the Director of Finance and ICT and Section
151 Officer**

Purpose of the Report

To approve the revisions to the Council's Constitution as recommended by the Standards Committee on 12 April 2019, with an effective implementation date for the revised Constitution of 27 May 2019.

Information and Analysis

In February 2018, the County Council launched its intention to be an Enterprising Council. To achieve this, a number of workstreams have been established and, with the support of the Standards Committee, the Systems and Processes Workstream has focussed on delivering a revised and refreshed Constitution.

On 6 February 2019, Full Council approved the revisions to the Constitution and acknowledged at that time that additional revisions were required to be considered by the Standards Committee. Further meetings of the Standards Committee have taken place with the result that at its meeting on 12 April 2019, the Standards Committee unanimously approved the final draft of the Constitution which is now appended to this report.

The Standards Committee has recommended that subject to the approval of Full Council, the revised Constitution should be fully implemented across Derbyshire County Council from 27 May 2019.

In recommending this revised Constitution to Full Council, the Standards Committee would like to highlight the following:

- a) Member Role profiles for the roles of Chairman of the County Council, Civic Chairman of Derbyshire County Council and Vice Civic Chairman of Derbyshire County Council have been considered and recommended to Full Council. These are the subject of a separate report on the agenda;
- b) The Council's Regulatory Licensing and Appeals Committee will cease to exist;
- c) A newly created Appointments and Conditions of Service Committee has been established and a detailed terms of reference for this new committee is incorporated into the revised Constitution;
- d) The Standards Committee will be re-named Governance, Ethics and Standards Committee;
- e) The Governance, Ethics and Standards Committee will undertake a six monthly review of the revised Constitution, once implemented, and an annual fitness for purpose test;
- f) That at the time of its meeting, namely 12 April 2019, it was noted that the Leader of the Council was undertaking a review of the Cabinet Member Portfolios and acknowledged that any amendments arising from this review would be reported directly to Full Council at its Annual General Meeting.

As previously reported to Full Council, the revised Constitution is now divided into two sections namely Articles and Appendices; the Articles set out the overarching functions and decision-making framework of the Council, whilst the Appendices to the Articles contain the details as to how the functions listed in the Articles will be carried out.

It should be noted that the Financial Procedure Rules and the Standing Orders relating to contracts have previously been approved by Full Council and came into force on 1 April 2019.

So as to promote transparency easy access to the Constitution by Elected Members, Officers and the Public, the constitution will be placed on the Council's website via the on-line committee management system, Modern.gov. However a printed copy of the Constitution will be made available in the Council's Reception and a limited number of paper copies will be available in Political Group Rooms and to individual Elected Members and Officers upon request.

A number of training and awareness raising sessions have already occurred to staff Groups across the Council and these will continue to be promoted by the Monitoring Officer and Democratic Services throughout the forthcoming Municipal Year.

Considerations

In preparing this report the relevance of the following factors has been considered: financial, legal, prevention of crime and disorder, equality and diversity, human resources, environmental, health, property and transport considerations.

Background Papers

Derbyshire County Council's Constitution.

OFFICER'S RECOMMENDATION

- (1) To approve the revisions to the Council's Constitution as recommended by the Standards Committee on 12 April 2019;
- (2) To approve that the revised Constitution will have an effective implementation date across the Derbyshire County Council of 27 May 2019.

Janie Berry
Director of Legal Services and Monitoring Officer

Peter Handford
Director of Finance and ICT and Section 151 Officer