



Report of Helen Lynch, Head of Legal & Democratic Services and Monitoring Officer

Electoral division(s) affected:

Countywide

Purpose of the Report

- 1 To present the Constitution for adoption by Council.

Executive summary

- 2 The Council's Constitution describes the four methods by which the Council operates; the Council, the Executive, Overview and Scrutiny and the Committees. It also provides the framework within which each must operate by including:

- a) the rules and procedures to be followed by the Council and committees when conducting their business;

- b) the decision-making powers of the Council, the Executive, Committees and Officers;

- c) the financial and contract regulations;

- d) the rights of the public;

- e) codes of conduct for councillors and employees;

- f) members allowances;

- 3 Council is responsible for adopting and changing the Constitution. This report presents the Constitution for adoption as part of the business to be considered at the annual meeting.

Recommendation(s)

- 4 The Council is recommended to:

- a) approve the Scheme of Delegations as set out in Part 3 of the Constitution and;

b) authorise the Head of Legal and Democratic Services, in consultation with the Constitution Working Group, to make future changes to the Constitution to reflect decisions of the Council, other Council bodies, to reflect changes in legislation and to correct inaccuracies.

Background

- 5 Section 37 of the Local Government Act 2000 requires local authorities operating executive arrangements to prepare and keep up to date a document which contains:
 - a) such information as the Secretary of State may direct;
 - b) the authority's standing orders (i.e. rules of procedure);
 - c) the code of conduct for members; and
 - d) such information as the authority considers appropriate.
- 6 The Council must ensure that copies of the above are available for inspection by the public at all reasonable hours and supply a copy of the same upon request (upon payment of such reasonable fee as we may determine).
- 7 Durham County Council's Constitution is available on the Council's website.

Annual Review of the Constitution

- 8 It has the practice over the last four years that the Constitution has been reviewed on an annual basis. It is considered good practice to conduct such annual reviews and therefore it is proposed that this practice continues.
- 9 The Constitution which is presented with this report at Appendix 2 was approved Council at its meeting on 24 March 2021. There are no further changes proposed at this time but it is presented for adoption as is customary at the annual meeting.
- 10 Adoption of the Constitution at the annual meeting does not prevent further changes being presented to Council during the course of the municipal year and/or as part of the regular annual review, which may

Background papers

- List any papers required by law / None

Other useful documents

- Previous reports / None

Author(s)

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Appendix 1: Implications

Legal Implications

The statutory requirements in relation to the Council's Constitution are set out at paragraph 5 in the report.

Finance

The review of the constitution has no financial implications.

Consultation

Relevant officers and the Constitution Working Group will be consulted in the event that changes are proposed to the Constitution.

Equality and Diversity / Public Sector Equality Duty

There are no equality and diversity implications arising out of this report. The Constitution is available in an accessible format. The annual reviews ensure that relevant provisions have regard to the Council's obligations under the public sector equality duty.

Climate Change

None specific within this report.

Human Rights

None specific within this report.

Crime and Disorder

None specific within this report.

Staffing

None specific within this report.

Accommodation

None specific within this report.

Risk

None specific within this report.

Procurement

None specific within this report.

