

APPENDIX 4 – Table of Changes

Section of constitution	Change	Detail
Summary and Explanation	<ul style="list-style-type: none"> - Updated information contained in this section 	<p>Improved summary of the Council and its constitutional arrangements which now incorporates the Council’s aims, explains its structure, how it operates and citizens’ rights, and is therefore more informative and relevant. The inclusion of a glossary of terms should aid understanding of the Constitution.</p>
Articles	<p>General review of wording / relationships</p> <p>Combining articles and removing duplication where possible</p>	<p>Art 1 – The Constitution – clarified by adding a sentence in respect of conflicts between legislation and the constitution.</p> <p>Art 2 – Members of the Council - definitions of councillor roles included, including that of the role of Chair / Vice Chair, which was formerly contained in Article 5 have been cross referenced to the Councillor Compact within this Article. The roles are defined within the Compact and therefore have been removed from the Constitution. The Councillor Compact is accessible on the Council’s website</p> <p>Art 3 – Citizens and the Council - no substantial changes are proposed to this article, which sets out citizens rights and responsibilities.</p> <p>Art 4 – The Full Council – This article sets out how the Council works. Previously it did not include all non-executive functions (which were listed at Table A), but the proposal is to incorporate details for all of the non-executive functions (i.e. the committees of the Council) within this section for ease of reference. The Committees have been re-ordered alphabetically and presented in a narrative fashion as opposed to in a table. The Human Resources Committee has been deleted and its functions reallocated to either the Audit Committee or the Corporate Director of Resources.</p> <p>Art 5 – Overview and Scrutiny Arrangements – this was formerly article 6. Cosmetic changes only have been made to update the arrangements as they were last reviewed after the elections in 2017.</p>

		<p>Art 6 – The Executive - formerly Article 7, as with Full Council, all of the information relevant to the Executive (Cabinet) have been combined within this article. It now includes the executive functions, form and composition, terms of office, information on executive support members and responsibility for functions.</p> <p>Art 7 – The Standards Committee - formerly Article 9. No substantive changes are proposed to this article.</p> <p>Art 8 – Joint Arrangements - formerly article 10 (former Article 8 incorporated into new Article 4) this article sets out the executive and non-executive joint arrangements in place within the County. It summarises the right to access information, delegations to and from other local authorities, contracting out, partnerships and existing joint arrangements (Mountsett Crematorium, Durham Crematorium, joint health overview and scrutiny, police and crime panel, health and wellbeing board, local safeguarding children board, safeguarding adults inter-agency partnership, fire and rescue authority and the North East Combined Authority. This removes the need for the former Article 16 (Health and Wellbeing Board) as a stand alone item.</p> <p>Article 9 – Officers – this article includes the Management Structure (formerly Article 11) and the functions of the statutory officers, which has been updated to include reference to the new statutory role of Data Protection Officer, required under the General Data Protection Regulations (GDPR). It covers the resources they can expect, conduct and provisions in respect of their recruitment, selection and dismissal.</p> <p>Art 10 – Decision Making - formerly article 12, no substantive changes have been made to this article, which covers decision making, the types of decisions and who can make them.</p> <p>Art 11 – Finance, Contracts and Legal Matters - formerly article 13, no fundamental changes have been made to the text of this article, save for the inclusion of a restriction on the commissioning of external legal advice to the Head of Legal and Democratic Services.</p> <p>Art 12 – Review, Revision and Suspension of the Constitution – this article combines elements of the former articles 14 & 15 into one article and sets out how the constitution will be monitored, changed, suspended, interpreted and published</p>
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Council Functions	Removed as this is now incorporated within the articles	Including all provisions in relation to the discharge of council functions into one place (i.e. Article 4) makes the constitution easier to navigate, read and understand and reduces the need to move between sections of the Constitution.
Executive Functions	Removed as this is now incorporated within the articles	Including all provisions in relation to the discharge of executive functions into one place (i.e. the articles) makes the constitution easier to navigate, read and understand and reduces the need to move between sections of the Constitution.
Officer Scheme of Delegations	Updated to reflect changes in legislation and organisational structure	<p>Inaccuracies in legislative referencing have been corrected and omissions have been rectified either due to being inaccurate or by virtue of further provisions being made by the Council and or Cabinet.</p> <p>Minor changes have been made to the delegations to the Corporate Director of Regeneration and Local Services to include:</p> <p>Changes consequent to restructuring have been incorporated, particularly in respect of the Corporate Director of Resources:-</p> <ul style="list-style-type: none"> - As a consequence of the discontinuation of the Human Resources Committee, the Corporate Director of Resources also has the delegated authority to approve ER/VR applications in consultation with the Cabinet Member for Social Inclusion. - he will also have delegated authority to determine compassionate pensions cases, taking into account any representations received from opposition Group Leaders and after consultation with the Cabinet Member for Social Inclusion. - Authority to commission external legal advice is limited only to the Head of Legal and Democratic Services <p>Delegations to the Corporate Director, Children and Young Peoples Service, have been clarified to specifically refer to fostering and adoption.</p>
Joint arrangements	Removed as this is now incorporated within the articles	All provisions in relation to joint arrangements have now been concentrated in one location (i.e. the articles) with previously omitted joint arrangements now included (e.g. the fire and rescue joint authority, the local safeguarding children and vulnerable adult boards etc.). This makes the constitution easier to navigate, read and understand and reduces the need to move between sections of the Constitution.

<p>Council procedure rules</p>	<p>Updated to reflect changes in practice and legislation</p>	<p>Rule 9 The revised draft incorporates the rules all the rules for questions in one place and removes need for separate protocol for public questions at back of constitution. The provisions for questions from AAPs have been included for completeness.</p> <p>It is proposed any Members wishing to ask a question on reports of the Executive are required to submit their question by midday 3 working days before the Council meeting. This is consistent with the requirements for Members submitting other questions to Council. It will allow sufficient time for answers to be prepared for the meeting</p> <p>Rule 9.13 It is proposed that this rule (formerly 10.7) is amended to clarify that questions which would involve the disclosure of confidential/exempt information or relate to matters which are purely of personal concern to an individual or family members are not appropriate to be raised at full Council meetings.</p> <p>Rule 10.8 It is proposed that a new rule is included, which requires Opposition Groups wishing to submit amendments to the budget proposals to submit these by midday 3 working days before the Council meeting. This will ensure that the s.151 Officer has sufficient time to consider whether the proposed amendment is appropriate and also enable the Head of Legal and Democratic Services and Committee Services colleagues to upload the amendments into the system and ensure that amendments are dealt with in accordance with the procedures. Amendments submitted after this deadline will only be accepted in exceptional circumstances and with the approval of the Chairman, s151 officer and Head of Legal and Democratic Services.</p> <p>Rule 12.2 It is proposed that this rule is amended so that all amendments must be in writing (currently only required in writing if the Chairman requires it) so that Officers can arrange for amendments to be uploaded into the system and displayed on screen and there is clarity as to what is being proposed.</p>
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Access to Information Procedure Rules	Updated to reflect changes in practice	<p>The provisions in relation to attending reporting on meetings, which previously sat as a separate document, have now been incorporated within these rules at paragraph 3, reducing the need to move between different parts of the constitution.</p> <p>The provisions on access to documents by Members have been simplified as far as possible within paragraph 20</p>
Budget and Policy Framework Procedure Rules	Reviewed	No amendments made
Executive Procedure Rules	Reviewed and updated	Procedure for Members and the public to ask questions now incorporated within the rules, , at paragraphs 2.6 and 2.7.

<p>Overview and Scrutiny Procedure Rules</p>	<p>Reviewed and updated in relation to faith and education co-optees</p>	<p>With the Childrens and Young People Overview and Scrutiny Committee taking on additional responsibilities, the rules have been updated (paragraph 4) to reflect the representation of faith and education co-optees on certain matters. Parent Governor and Faith co-optees are now reserved only to Children and Young Peoples Overview and Scrutiny Committee.</p> <p>Provision has been made at paragraph 26 for appeals in relation to the operation of the Petition Scheme adopted by the Council given that the Petition scheme is proposed to be removed from the Constitution.</p>
<p>Financial Procedure Rules</p>	<p>Reviewed</p>	<p>No amendments made</p>
<p>Contract Procedure Rules</p>	<p>Updated to reflect changes in the organisational structure of the Council</p> <p>A small number of other minor changes are made for accuracy and readability</p>	<p>Rule 1: Remove references to the Assistant Chief Executive</p> <p>Rule 2: Updated references to the Council's Procurement Strategy and Social Value Policy and additional reference to the need for an appropriately established budget to be in place.</p> <p>Rule 3: Reference to TUPE issues expanded to refer to TUPE and pensions, with Rule 3.1.4: slightly expanded to allow Chief Procurement Officer to deny access to all payment mechanisms in the case of breaches of the rules.</p> <p>Rule 5.1: Add clause (w) providing an exemption where the Council is providing a payment processing facility to charitable bodies such as Groundwork North East for lawfully-permitted VAT reasons, and where this does not make the Council the accountable legal body for Groundwork's contract. Rule 5: An addition to the final bullet point under Rule 5 to ensure any social care, health or mental health contracts ruled exempt are appropriately reported using a Procurement Acceptance Report or other reporting mechanism, to ensure they are listed on the Contracts Register.</p> <p>Rule 8: Amended to stress the importance of pre-tender market testing and information gathering, to make this a "default" approach in major procurement projects – and to highlight the importance of allowing an appropriate lead-in time to facilitate this.</p>

		<p>Rule 10: Removed references to specific value thresholds, as these may change during the year as directed by Crown Commercial Service or by Council decisions.</p> <p>Rule 12: Removed 12.3.2 which required e-tenders to be un-sealed by Legal & Democratic Services acting as verifier. It has been agreed by Legal, Internal Audit, and Corporate Procurement that this is no longer necessary due to other security and audit controls built into the e-tender system.</p> <p>Rule 17: Expanded the rules on the duration of Framework Agreements to reflect the full coverage of the updated Public Contracts Regulations, allowing for cases where a Framework may legitimately last for more than four years.</p> <p>Rule 21: Expanded, for clarity, the duty of Contract Managers to ensure they monitor the expiry dates and extension periods of contracts under their control, to facilitate more effective procurement planning and to prevent contracts expiring without appropriate alternative coverage being in place.</p> <p>Rule 22.2: Revised wording to ensure consistent application of the rules on in-house providers, and to remove a potential loophole where in-house teams within the same Service Grouping could avoid using each other's services.</p>
Officer Employment Procedure Rules	Reviewed	<p>No amendments made at this time as the Rules will be subject to a comprehensive review in conjunction with the review of the Employee Code of Conduct, save for inclusion of the new statutory role of Data Protection Officer.</p> <p>The provisions in respect of interests have been updated to accurately reflect the legislative position and the local desire for declaration of officer interests to reflect the requirement for disclosure placed on Members in respect of disclosable pecuniary interests and other interests.</p>
Code of Conduct for Members	Reviewed (subject to confirmation by Standards Committee)	Duplication has been removed and a more straightforward approach taken which puts the Nolan Principles at the heart of the Code of Conduct. Requirements in relation to declarations of interest have been updated to reflect the current legislative provisions.

		The provisions in respect of Interests and hospitality have been updated and the layout harmonised with the rest of the constitution. Where interests are referred to in other areas of the constitution (e.g. Officer Employment Procedure Rules).
Code of Practice for Members & Officers dealing with Planning Matter	Reviewed	Duplication has been removed where possible, particularly information in relation to Members Interests.
Highway Committee Representation procedure	Reviewed	No amendments made other than cosmetic layout alterations, save for the addition of provisions in relation to the submission of late evidence in relation to village green applications. It is proposed to include a clearer deadline for the submission of evidence in advance of the meeting to ensure that all parties have an opportunity to consider it before the meeting and avoid business being adjourned due to the late submission of information.
Code of Conduct for Employees	Not reviewed at this point therefore no changes made	A review of the Employee Code of Conduct will be conducted as part of a wider review of the HR policy framework.
Protocol on Member Officer Relations	Reviewed and re-written	Given the level of repetition within the document, it was determined that it was more appropriate to re-write the same from scratch. The fundamental obligations on officers and members remain unaltered but there is now less repetition and a clear focus on core behaviours.
Local Member Consultative Charter	propose to remove from the Constitution	This repeats information previously contained in a number of locations within the constitution and accordingly has been deleted. The Member Officer Protocol (both existing and proposed) makes provision for Members to be informed of key / significant issues affecting their areas. If the consultative charter is considered helpful, it can be retained but it is suggested that this sits and is maintained separately from the Constitution.

Confidential Reporting Code	Proposed that this document sits apart from the constitution	Whilst the Confidential Reporting Code (more colloquially known as the “Whistleblowing policy”) is a vital part of the governance landscape, there is no requirement for it to be contained within the constitution. It is proposed that this document be included on the Council’s website and intranet.
Local Code of Corporate Governance	Proposed that this document sits apart from the constitution	This Code sets out the Council’s governance provisions and informs key governance processes, including preparation of the Annual Governance Statement published with the statement of accounts. It is proposed that the code is published on the council’s website and intranet with the Annual Governance Statement and Statement of Accounts.
Councillor Compact	Proposed that this document sits apart from the constitution	The compact clarifies the role of a councillor and how responsibilities should be exercised. The document is informative in nature and therefore it is proposed that it be published on the website and intranet, including on the Members area of the intranet.
Petition Protocol	Proposed that this document sits apart from the constitution	The provisions in relation to the submission of petitions to the Council will be published on the website. The appeal mechanism has been included within the Overview and Scrutiny Procedure Rules and Article 3.
Speaking at Cabinet meetings	Proposed that this document sits apart from the constitution	Provisions for speaking at Cabinet meetings have been incorporated within the Executive Procedure Rules.
Public Questions to Council	No longer required as referred to elsewhere in the Constitution	Provisions for speaking at non-executive meetings have been incorporated within the Council Procedure Rules
Public reporting on meetings	No longer required as referred to elsewhere in the Constitution	Provisions for reporting on any meeting of the Council (including the executive) have been incorporated into the Council Procedure Rules and Executive Procedure Rules.
Civic Handbook	Proposed that this document sits apart from the constitution	Whilst informative, the civic handbook is not required to be part of the Council constitution and therefore will be retained within the Civic Office and published on the website.

Civic Protocol	Proposed that this document sits apart from the constitution	This is of assistance to officers and the public and will therefore be published on the intranet and on the website.
Members Allowances Scheme	Updated	The Independent Remuneration Panel reported to Council in relation to Allowances in January 2018 and therefore the only amendment required at this stage is in relation to reflecting that with effect from the election in May 2017, Members no longer have access to the Local Government Pension Scheme. Cosmetic changes have been made to the layout to make the Scheme easier to read and understand.
Register of Executive Members	No longer required as referred to elsewhere in the Constitution.	This register duplicated information elsewhere in the constitution. Now the details relating to the Executive are contained within Article 6
Members Interests	No longer required as referred to elsewhere in the Constitution	The Members Code of Conduct sets out the requirements imposed on Members in relation to their interests and this separate document is no longer required.
Member Role Descriptions	Deleted as they are included within the Councillor Compact	The Councillor Compact sets out in detail the roles and responsibilities of members and therefore this duplication can be removed as the Councillor Compact is available on the Council's website.