

## **STANDARDS COMMITTEE 19<sup>TH</sup> OCTOBER 2015:**

### **CONSTITUTION**

**Cabinet Member** Cllr Clive Eginton  
**Responsible Officer** Head of Communities & Governance (Monitoring Officer)

**Reason for Report:** To present Members with the updated Constitution and for them to consider a number of aspects before making recommendation to Full Council

**RECOMMENDATION:** That the Standards Committee reviews the updated Constitution and recommends it to Full Council for approval.

**Financial Implications:** None identified

**Legal Implications:** The Legislation listed within the Constitution and the Constitution itself has been checked by the Deputy Monitoring Officer (Solicitor)

**Risk Assessment:** It is important to ensure that the Council has a Constitution that is relevant, appropriate, fit for purpose and is legally sound.

#### **1.0 Introduction**

1.1 A Members working group was set up and has been working drafting a revised Constitution where the content of the Mid Devon District Council Constitution has been considered alongside the Association of Council Secretaries and Solicitors (ACSES). One of the areas that the working group focused on was to make the Constitution more accessible and to improve the layout.

1.2 The document attached is the culmination of this work. There are a number of matters that the Standards Committee must consider before the document is recommended to Full Council for approval.

#### **2. Items for consideration**

##### **Petitions**

2.1 The Constitution makes reference in several places to a Petition Scheme. The statutory petition scheme which came into force through the Local Democracy Economic Development and Construction Act 2009 was repealed by the Localism Act 2011. Therefore there is no statutory requirement to have a Petition Scheme, only arrangements relating to the Local Authorities (Referendums) (Petition) Regulations 2011. It is up to the Committee to decide whether they wish to have a local petition scheme.

##### **Article 6 – Scrutiny Committee, Policy Development Groups (PDGs), Audit Committee and Standards Committee**

- 2.2 The item for consideration here is whether Members feel that it is appropriate to have all of these Committees in one Article or whether it would be more appropriate to separate them into different articles. Research by the Monitoring Officer shows that a number of other Councils have them as separate Articles

### **Article 9 – Area Committees**

- 2.3 The Standards Committee will need to decide whether they wish to keep Article 9 on Area Committees in the Constitution. Area Committees have not been used for a number of years so do Members still wish to keep this in the Constitution

### **Key Decision**

- 2.4 The wording within the Constitution has been amended to the statutory definition of a key decision. In the current Constitution a limit of £50,000 has been defined as a key decision. The Committee must decide whether it feels that £50,000 is “significant” when considering the Council’s overall budget.

### **Other Matters**

- 2.5 There are a number of other items noted in the Constitution for consideration by the Committee

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