

ANNUAL CONSTITUTION REVIEW

AGENDA ITEM No. 10

MEETING: ANNUAL GENERAL MEETING

DATE: 13TH MAY 2026

REPORT BY: TOWN CLERK

1.0 Purpose of the Report

1.1 The purpose of the report is to provide Members with information regarding the annual review of the Council's Constitution undertaken by the Town Clerk and to seek the approval and adoption of any new items or proposed amendments as appropriate.

2.0 Background to the Report

2.1 The Council's Constitution is currently made up of fourteen specific component parts known as 'Articles'.

2.2 These Articles are summarised below:-

1. How the Council Operates
2. Committee Structure
3. Powers and Duties of Committees
4. Information for the Mayor
5. Members Allowances Scheme
6. Standing Orders
 - (a) Relating to the Proceedings and Business of the Council
 - (b) Relating to Contracts and Procurement
7. Financial Regulations
8. Scheme of Delegation
9. Rights of Citizens
10. Member's Code of Conduct
11. Officer's Code of Conduct
12. Protocols:-
 - (a) Councillor and Officer Relations Protocol
 - (b) Use of Council Facilities and Resources by Councillors Protocol and Publicity Code
13. Index of Strategies / High Level Documents / Service Plans
14. Index of Council Policies

3.0 Annual Review of the Constitution

- 3.1 The fourteen Articles currently making up the Constitution are listed in turn in the following section of the report with a summary and commentary as to what, if any, changes have been made to each.
- 3.2 The Town Clerk has undertaken comprehensive review of the Constitution in previous years, in line with best practice requirements, including cross reference to the National Association of Local Council's (NALC) Model Standing Orders.
- 3.3 A lighter touch review of the Constitution has therefore been undertaken this year, again with reference to the latest version of the NALC Model Standing Orders and any other changes to law, best practice, or the Council's own systems, services, staffing etc.
- 3.4 The main changes this year relate to the Council's request for a review of Standing Order 21 - Staff Appointments, covering the management and oversight of staffing changes and recruitment; consideration of a possible addition to the Members' Code of Conduct, to ensure consistency with the Durham County Council Code of Conduct; and the addition of the Santa Tours Sub Committee to the list of Sub Committees and Working Groups.
- 3.5 However, in most cases only very minor amendments have been suggested, largely to improve clarity and understanding of the various documents, as well as incorporating any changes to Council services and events over the course of the last year, and any changes to the approved staffing structure.
- 3.6 A copy of the Constitution (where changes have been made) is attached in Appendix 1 for Members' consideration and approval at this meeting.
- 3.7 Where changes have been made to any Article, the revised document shows any deleted items with a line through, while any additions or amendments are highlighted in grey.
- 3.8 A summary of the position regarding each Article is set out on the following page.

CONTENTS AND INTRODUCTION

No changes have been made to this document.

ARTICLE 1 – HOW THE COUNCIL OPERATES

The staff organisation chart has been updated with any agreed changes to the Council's approved staffing structure during the year such as at the golf shop.

No further changes have been made to this Article this year.

ARTICLE 2 – COMMITTEE STRUCTURE

The Santa Tours Sub-Committee has been added to the Sub-Committee List.

The draft committee meeting timetable for 2026/27 (as included at Agenda Item 17 for consideration and agreement) has also been added.

Please note that any changes to the list of committees, sub-committees or working groups or the meeting timetable that are agreed at this Annual Meeting will need to be incorporated into this Article following the meeting.

ARTICLE 3 – POWERS AND DUTIES OF COMMITTEES

The powers and duties of the Council's Committees, Sub-Committees and Working Groups are set out in this Article under the following headings:-

- (a) *Policy and Resources Committee – Powers and Duties*
- (b) *Environment Committee – Powers and Duties*
- (c) *Recreation Committee – Powers and Duties*

The powers, duties, and membership details for the Santa Tours Sub-Committee has been added under the Recreation Committee Section.

No other changes have been made to this Article.

Please note that any changes to the list of committees, sub-committees or working groups or the meeting timetable that are agreed at this Annual Meeting will need to be incorporated into this Article following the meeting.

ARTICLE 4 – MAYOR'S INFORMATION BOOKLET

Only minor changes have been made to the Mayor's Information Booklet.

It has been clarified under the Lone Working Guidance in Section 14 that if the Mayor is making home visits to residents, this must not be undertaken alone.

The Civic Duties Risk Assessment has also been added at Appendix K.

Members are also requested to agree or amend the Civic Dignitary Invitation List for 2026/27 which is set out in Appendix E to the Mayor's Information Booklet.

It is also requested that the new Mayor advises the Council of the two other authorities within the County Durham boundary who they wish to add to the Civic Dignitary Invitation List for 2026/27.

ARTICLE 5 – MEMBERS' ALLOWANCES SCHEME

This document was last updated in April 2019 and will remain current unless Members wish to instruct officers to undertake a review of this scheme during the 2026/27 financial year.

It is understood that Durham County Council's Remuneration Panel are currently undertaking a review of member allowances rates and may report their findings later in the year.

It is not known if the scope of this review will cover or make recommendations on town and parish council allowances.

No changes have been made to this document pending a decision from the Council as to whether the Members' Allowances Scheme should be reviewed.

It may be advisable to await the results of the Durham County Council Remuneration Panel review, and review whether this makes any recommendations on town and parish council allowances.

ARTICLE 6A – STANDING ORDERS – RELATING TO PROCEEDINGS AND BUSINESS OF THE COUNCIL

The Standing Orders have been reviewed by the Town Clerk in line with best practice requirements, including the latest NALC Model Standing Orders and confirmed to be up to date and reflective of recommended best practice.

The main change to these Standing Orders this year relates to Standing Order 21 – Staffing Changes and Staff Appointments.

At the Personnel Sub Committee Meeting on 4th November 2025, it was agreed that:

“Officers undertake a review of Standing Order 21 in relation to staffing issues, with a view to potentially making changes to allow officers to decide on staffing issues, if this does not create a financial impact for the Council and bring a report forward as part of the Annual Constitution Review at the Annual Council Meeting in May”.

The main change suggested to this Standing Order is to increase the threshold for officers needing to bring a full report to the Personnel Sub-Committee, and for Members to be involved in the shortlisting and interview process, from Salary Point 12 to Salary Band 3(i) (which is currently equivalent to salary point 17 and above).

This would limit the need for member involvement in staff recruitment issues to senior officer posts only.

It has also been recommended that more flexibility is added to give officers delegated authority to make variations to staffing structures, within the overall staffing budget available for each department. Examples would include varying the working hours of posts and issuing of temporary contracts to cover staff absences.

However, it has been made clear that any proposal to create a new or additional staffing post, delete a staffing post, make changes to the existing staffing structure that have an additional budget implication for the Council, or change the terms on conditions of a post, would still require a full report to the Personnel Sub-Committee.

The following specific changes have also been made to Article 6A:

- Clarification under Standing Order 15 that the Mayor will be a member of the Personnel Sub-Committee and the Deputy Mayor will be a member of the Personal Appeals Sub-Committee but neither shall be a member of both, and that appointments to the General Appeals Sub-Committee are made as required from the relevant committee, and may include both the Mayor and Deputy Mayor.
- Reference to the ‘proper practices’ in relation to accounts and governance have been updated in Standing Order 18 to reflect the latest situation.
- Standing Order 31 has been updated with the latest procurement thresholds to ensure consistency with the Standing Orders for Contracts and Procurement.

Please note that any Standing Order highlighted in bold within Article 6A relates to a legal or statutory requirement, and the National Association of Local Councils (NALC) recommends that Councils adopt these without making any changes.

ARTICLE 6B – STANDING ORDERS – RELATING TO CONTRACTS AND PROCUREMENT

These Standing Orders have been updated by the Finance Manager and were considered and approved at the Council Meeting held on the 22nd April 2026 (Minute No. 146 (i) and (ii) refers).

ARTICLE 7 – FINANCIAL REGULATIONS

The Financial Regulations have been updated by the Finance Manager and were considered and approved at the Council Meeting held on the 22nd April 2026 (Minute No. 145 (i) and (ii) refers).

ARTICLE 8 – SCHEME OF DELEGATION

One minor amendment has been made to update the reference to the procurement threshold for the authorisation of routine expenditure.

ARTICLE 9 – RIGHTS OF CITIZENS

There have been no changes made to this Article this year.

ARTICLE 10 – MEMBER’S CODE OF CONDUCT

The Member’s Code of Conduct is largely based on and consistent with the Durham County Council (DCC) Code of Conduct and was originally approved and adopted by the Council at its meeting on the 28th July 2021.

Some minor amendments to wording have been made in the ensuing years to improve clarity, and to include reference to the Civility and Respect Pledge.

Members may be aware that at a DCC Meeting in October 2025, it was agreed to add in the following paragraph to the Members’ Code of Conduct:

“The right to freedom of expression under Article 10 of the European Convention on Human Rights is the basis of democracy and will be upheld at all times. Members have a democratic duty to represent their constituents and engage in robust political debate. Therefore in a political context, a degree of immoderate, offensive, shocking or provocative expression is acceptable”.

Members are requested to consider whether this statement should be added to the Council’s Members’ Code of Conduct.

The County Durham Association of Local Councils (CDALC) view on this is that it *“would not recommend that Councils adopt Durham County Council’s new wording for the Code of Conduct”*, but noting that the final decision rests with each individual Council.

Some further minor changes have been made to improve clarity and ensure consistency with the DCC Code and the relevance of the Code to the Council’s own arrangements e.g. removing some duplication in the Members’ Obligations Section, removing reference to joint committees, and including reference to working groups, adding reference as to where to find further information in relation to dispensation requests.

Please also note that the Government has consulted on and is currently considering a new *‘Strengthening the Standards and Conduct Framework for Local Authorities’*. This includes a number of proposals which may result in future changes to the Members’ Code of Conduct.

ARTICLE 11 – OFFICER’S CODE OF CONDUCT

The Officer’s Code of Conduct was subject to full review three years ago and remains fit for purpose.

One small amendment has been made to update the references to the senior staff salary point threshold to ensure consistency with the proposed update to Standing Order 21.

In addition it has been clarified that officers should only provide factual statements to the press and not personal opinions.

ARTICLE 12 (A) – MEMBER AND OFFICER RELATIONS PROTOCOL

Following the comprehensive review and rewrite of the Member and Officer Relations Protocol three years ago to bring it in line with the Civility and Respect ‘Model Councillor and Officer Protocol’ issued by the National Association of Local Councils (NALC), no changes have been made to the protocol this year.

ARTICLE 12 (B) – PROTOCOL ON USE OF COUNCIL FACILITIES AND RESOURCES BY COUNCILLORS

There have been no changes made to this Article this year.

ARTICLE 13 – STRATEGIES / HIGH LEVEL DOCUMENTS / SERVICE PLANS

All Strategies, High Level Documents and Service Plans of the Council are listed in Article 13 of the Constitution.

These documents are updated at the appropriate time and reported to the Council or relevant Committee.

The current documents together with dates of their last review are listed below:-

1.	Risk Management Strategy	March 2021
2.	Medium Term Financial Plan	September 2025
3.	Treasury Management Code of Practice	September 2020
4.	Business Continuity Plan	September 2025
5.	Asset Management Plan*	June 2018
6.	Town Council Service Delivery Plan	September 2025
7.	Sports Complex Service Plan	April 2026
8.	Works and Environment Service Plan	July 2025. Update due.
9.	Finance Section Service Plan	April 2026
10.	Pre-Schools Service Plan	September 2025
11.	Golf Complex Service Plan	April 2026
12.	Local Code of Governance	September 2015
13.	Health and Safety Policy	Ongoing Updates
14.	Emergency Action Plan	July 2025

**Asset Management Plan Schedules and Action Plans are updated every year*

ARTICLE 14 – COUNCIL POLICIES AND PROCEDURES

The Council's various policies and procedures are listed in Article 14.

Policies are reviewed at meetings of the Policy and Resources Committee or Personnel Sub-Committee (for staffing related policies) as and when necessary.

Any new policies required during the year will be submitted to future meetings of the Policy and Resources Committee for consideration and approval.

A full list of Council Policies and Procedures giving the dates they were last reviewed is highlighted below:

1.	<i>Comments and Complaints Procedure</i>	October 2019
2.	<i>Data Protection (GDPR) Policy</i>	January 2026
3.	<i>Freedom of Information Policy</i>	October 2016
4.	<i>Model Publication Scheme</i>	April 2024
5.	<i>Confidential Reporting Policy</i>	September 2021
6.	<i>Hospitality and Gifts Code of Practice</i>	October 2016
7.	<i>Anti-Fraud and Corruption Policy</i>	July 2016
8.	<i>Mobile Phone Policy</i>	April 2015
9.	<i>No Smoking Policy</i>	September 2016
10.	<i>Anti-Bullying and Harassment Policy</i>	December 2024
11.	<i>Annual Leave Procedure</i>	December 2019
12.	<i>Grievance Policy and Procedure</i>	January 2022
13a	<i>Performance Management Policy / Procedure</i>	January 2022
13b	<i>Disciplinary Policy and Procedure</i>	January 2022
14.	<i>Maternity, Adoption and Surrogacy Policy</i>	January 2022
15.	<i>Paternity Leave Policy</i>	January 2022
16.	<i>Parental Leave Policy</i>	January 2022
17.	<i>Special Leave Policy</i>	April 2024
18.	<i>Training and Development Policy</i>	August 2016
19.	<i>Recruitment Policy and Procedure</i>	March 2016
20.	<i>Exclusion Policy</i>	October 2021
21.	<i>Disclosure and Barring Services Policy</i>	January 2016
22.	<i>Officer's Code of Conduct</i>	October 2016
23.	<i>Child, Young Person and Adult Protection and Safeguarding Policy</i>	June 2023
24.	<i>Redundancy Policy and Procedure</i>	January 2016
25.	<i>Sickness and Absence Policy and Procedure</i>	March 2016
26.	<i>Document Retention and Disposal Policy</i>	March 2025
27.	<i>Statement of Community Engagement</i>	March 2015
28.	<i>Purchase Ordering Policy</i>	April 2017
29.	<i>Restructuring and Reorganisation Policy</i>	<i>Restricted Document.</i>
30.	<i>Equality and Diversity Policy</i>	December 2024
31.	<i>Officers' Allowances Policy</i>	April 2019
32.	<i>Flexible Working Policy</i>	April 2024
33.	<i>Retirement and Pensions Policy</i>	November 2015
34.	<i>Lone Working Policy</i>	October 2019
35.	<i>Appeal Notification and Procedure</i>	December 2019
36.	<i>Oakleaf CCTV Policy - Policy withdrawn, now covered by Policy 56</i>	
37.	<i>Tree Management Policy</i>	November 2023
38.	<i>Public Filming and Recording Policy</i>	June 2016
39.	<i>Shared Parental Leave Policy</i>	January 2022
40.	<i>Income Collection and Debt Recovery Policy</i>	April 2017
41.	<i>Sports Complex Cancellation Policy</i>	April 2015
42.	<i>Social Media Acceptable Use Policy</i>	December 2024
43.	<i>Environment Policy</i>	Policy Pending
44.	<i>Payment Card Data Security Policy</i>	<i>Restricted Document.</i>

45.	<i>Body Worn Video (BWV) Policy</i>	<i>October 2016</i>
46.	<i>Flag Flying Protocol</i>	<i>December 2018</i>
47.	<i>Data Breach Policy</i>	<i>October 2021</i>
48.	<i>Mental Health and Wellbeing Policy</i>	<i>July 2021</i>
49.	<i>Drug and Alcohol Policy</i>	<i>July 2021</i>
50.	<i>Homeworking Policy</i>	<i>July 2021</i>
51.	<i>Grants and Donations Policy</i>	<i>June 2024</i>
52.	<i>Community Recognition and Awards Scheme</i>	<i>January 2022</i>
53.	<i>IT, Computers and Communications Policy</i>	<i>January 2026</i>
54.	<i>Drone and Model Aircraft Policy</i>	<i>April 2023</i>
55.	<i>Photography and Filming Children Policy</i>	<i>June 2023</i>
56.	<i>CCTV Code of Practice and Policies</i>	<i>July 2024</i>
57.	<i>Climate Emergency Policy</i>	<i>January 2025</i>
58.	<i>Co-Option Policy</i>	<i>May 2025</i>
59.	<i>Mayor's Cadet Policy</i>	<i>April 2026</i>

4.0 Policy Implications

4.1 The review of the Council's Constitution incorporating its Governing Documents, Standing Orders, Strategies, Policies and Service Plans conforms to Aim No. 1 of the Council's Strategic Aims:-

'To provide good quality governance and management of the Council'.

5.0 Staffing Implications

5.1 The Town Clerk has undertaken the annual review of the Council's Constitution.

6.0 Financial Implications

6.1 None.

7.0 Crime and Disorder Implications

7.1 None.

8.0 Equal Opportunities Implications

8.1 None.

9.0 Environmental, Biodiversity and Climate Change Implications

9.1 None.

10.0 Risk Assessment

10.1 It is not considered that the matters contained in the report pose a risk to the public standing of the Council to a degree that a risk assessment should be appended to this report.

11.0 General Data Protection Regulations (GDPR)

11.1 Is any personal or sensitive data required for this proposal which may have any implications for GDPR? **NO**

12.0 Recommendations

12.1 It is recommended that:-

- (i) The report be received.
- (ii) Members confirm the proposed amendments to the various Articles and readopt the Constitution of the Council.
- (iii) Members specifically consider whether to follow Durham County Council in adding the following paragraph to the Members' Code of Conduct: *"The right to freedom of expression under Article 10 of the European Convention on Human Rights is the basis of democracy and will be upheld at all times. Members have a democratic duty to represent their constituents and engage in robust political debate. Therefore in a political context, a degree of immoderate, offensive, shocking or provocative expression is acceptable"*.
- (iv) The Council agrees the Civic Dignitary Invitation List for 2026/27 as set out in Appendix E to the Mayor's Information Booklet, and the new Mayor advises the Council of which two other authorities within the County Durham boundary they wish to add to the List.
- (v) Members consider whether a review of the Members' Allowances Scheme should be undertaken during the 2026/27 financial year.
- (vi) A full copy of the Constitution of the Council, be made available for Members in the Council Chamber, updates be issued for the Member Information Packs, and Members note that the information will also be made available via the Council's Website.

Town Clerk