

APPENDIX A: Refreshed Constitution Showing Proposed Amends

South Derbyshire Partnership Constitution

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Article 1 - Name of the Partnership

The name of the Partnership will be: =

South Derbyshire Partnership

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Its abbreviation will be: =

SDP

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Article 2 - Role and function

The SDP is a single body that:

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- brings together at a local level the different parts of the public sector as well as the private, business, community and voluntary sectors so that different initiatives and services support each other and work together,
- is a non-statutory, non-executive organisation,
- operates at a level which enables strategic decisions to be taken and is close enough to individual neighbourhoods to allow actions to be determined at community level, and

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- is aligned with South Derbyshire's local authority boundary.

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The SDP is the Body responsible for the development, implementation and monitoring of the South Derbyshire Sustainable Community Strategy and its Actions Plan.

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Article 3 - Legal status

The SDP will be an unincorporated, non-statutory, non-executive body with an Accountable Body.

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This is not seen as being prescriptive but as appropriate in present circumstances.

The SDP may later wish to consider a move to being a company limited by guarantee or establishing a community development trust in order to assume responsibility for delivery of certain services.

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Article 4 - Accountable Body

The Accountable Body for the SDP will be South Derbyshire District Council, who will discharge the following duties: -

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· provide the Secretariat to the SDP Board, undertaking all administrative duties for the preparation and despatch of papers relating to its meetings and the taking of minutes and their publication and distribution accordingly,

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· advising the Board on any legal, constitutional and administrative matters, which are specific to the SDP,

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· receiving and managing financial resources on behalf of the SDP and advising on financial matters.

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Article 5 - Designated office of the SDP

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The designated office of the SDP shall be the administrative headquarters of the Accountable Body.

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Article 6 - Aims and objectives

The aim of the SDP is to develop and deliver the Sustainable Community Strategy for South Derbyshire.

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To achieve this the SDP will need to: -

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· facilitate the development of common aims and joint priorities,

· build common purpose and shared commitment,

· draw on the expertise of the public, community, voluntary and private sector partners to make local services more responsive and effective,

· ensure, by working with appropriate agencies and partners, that mainstream services are of the highest quality,

· secure, by working with appropriate agencies and partners, the development of the local economy,

· work to ensure, as far as possible, that actions of the agencies and partners and plans and programmes of the SDP lead to and enhance sustainable communities.

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Article 7 - Values of the SDLSP

The SDP shall be governed by the following values: -

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· making decisions openly and with integrity,

· being accountable to the people of South Derbyshire for its decisions,

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- involving all communities in choices about services and local priorities,
- being open and responsive to change,

- promoting equality of opportunity and treating people fairly in everything it does,

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- working collectively and collaboratively to achieve more than individual partners can on their own,

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- valuing the contribution of local people and partner organisations to the work of the SDP,

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- achieving a better quality of life for everyone now and for generations to come.

Article 8 - Membership of the SDP

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The SDP is intended to be broadly representative of the public, private, community and voluntary sectors in South Derbyshire. Any organisation or resident operating within the community of South Derbyshire is eligible for membership.

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Article 9 - Structure of the SDP

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The SDP will consist of an overarching **Partnership Board** to oversee the business of the Partnership.

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A Strategic Co-ordination Group (SCG) will co-ordinate the formulation of the agendas for board meetings, manage performance within the SDP, co-ordinate the approach to cross cutting issues and focus on developing plans to put the **Partnership** on a sound financial basis in the long-term.

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Working or Theme Groups or Forums will be established under the Board's jurisdiction to focus on specific issues or special projects as and when required.

Article 10 - Designated officers

The designated officers appointed to the SDP will be officers of the Accountable Body as follows: -

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For the provision of the Secretariat to the Board and for the purposes of advising the Board on constitutional issues, this will be the **Legal and Democratic Services Manager & Monitoring Officer**.

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For the purposes of receiving and managing finances and other resources on behalf of the SDP and advising on financial matters pursuant to article 18 below, this will be the **Strategic Director Corporate Resources**, acting in the capacity of the Accountable Body's **Chief Finance Officer**.

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Article 11 - Membership of the Board

The Board shall consist of 24 members comprising 6 from the local authorities, 6 from other 'public sector' organisations, 6 from the private sector and 6 from the voluntary/community sectors.

All representatives should be of sufficient seniority to enable them to make strategic decisions that may impose requirements or impact upon their organisations. It will be for each sector to nominate appropriate representatives.

Any nominating body/sector shall have the right at any time to remove a representative and make a replacement nomination subject to formal notice to the Board.

Board representatives may offer a relevant substitute representative in their absence.

Other advisors may be in attendance at the meetings to support discussions. Pursuant to article 15 below, other advisors will have no voting rights.

Deleted: Representatives of the Government Office for the East Midlands and the East Midlands Development Agency are eligible to attend Board meetings in their advisory capacity.

Notwithstanding the provisions detailed above, Board members will be required to retire after a period of two years. Any individual member retiring can seek re-election.

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Deleted: Members of the Board will be confirmed at the relevant Annual General Meeting.

Article 12 - Functions and responsibilities of the Board

The Board will be required to: -

· act as the strategic body to oversee the general development and management of the SDP and seek its endorsement as fit for purpose,

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· represent the views of the local community on matters of significance,

· seek to co-ordinate and rationalise existing partnerships and practices to maximise efficiency and reduce duplication,

· co-ordinate plans and initiatives for service providers to work together with the community to meet local needs and priorities,

· prepare and implement the Sustainable Community Strategy,

· encourage a community ethos in the public and private sector with partners and encourage the adoption of innovative practices in the delivery of mainstream services,

· champion South Derbyshire by promoting the interests of the area to outside agencies, lobbying and projecting a positive image of the area,

· deliver and co-ordinate funding proposals to outside agencies.

Article 13 - Appointment of Chair and Vice-Chair of the Board

The Chair and Vice-Chair of the Board will be elected by the Board Members and the term of office shall be two years from the date of election. The appointments will be made on a majority decision and can take place providing a Board meeting is quorate as set out in article 15 below.

In the event of both the Chair and Vice-Chair being absent from a board meeting, the Board members present will elect a Chair from those Board members present for that meeting.

Article 14 - Meetings of the SDLSP

The Board will meet at least once every 3 months. The Strategic Co-ordination Group will meet between the Board meetings. Special meetings of the Board can be convened at any time for the purposes of taking resolutions of any matter that may arise from time to time. Notification of and the agenda for a Board meeting will be despatched at least 5 working days prior to the meeting taking place. Supporting papers and reports can be despatched up to the date of a meeting taking place.

Deleted: A meeting of the Partnership Forum will be held twice a year, with one of the meetings designated the Annual General Meeting of the SDLSP.

The working groups of the SDP will set their meeting dates as appropriate to their activities.

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Article 15 - Board meeting quorum and voting

Board meetings shall only take place if a minimum of 8 Board members (or their nominated substitutes pursuant to article 11 above) are in attendance throughout the whole duration of the meeting.

Board decisions, if not by consensus, shall be taken by a simple majority with the Chair having an additional casting vote in the event of equality voting. Observers, designated officers, supporting officers presenting reports etc. will not have voting rights and therefore shall not take part in any voting.

Article 16 - Declarations of interest

Any Board representative having a "personal" interest within the meaning of the Accountable Body's Code of Conduct shall at the start of the meeting, or as soon as possible thereafter, disclose the existence and nature of that interest. However, they can remain in the meeting and consider, discuss and vote on the matter. Where the interest is a "prejudicial" one within the meaning of the Code, the representative must declare the existence of that interest and leave the room where the meeting is being held and must not seek improperly to influence a decision about the matter. The Board representative will take no part in the consideration, discussion or voting in respect of the business. The minutes of the meeting will record the declaration.

Article 17 - Openness and transparency

In the interests of openness and transparency, Board meetings will be regulated as follows: -

- members of the public may attend all meetings subject only to that specified below,
- copies of the agenda and reports open to the public, will be available for inspection **on the website of the Accountable Body**, at least five clear days before the meeting,
- if an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda. (Where reports are prepared after the notice has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to members of the Board),
- the public will be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that confidential information would be disclosed.

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Article 18 - Financial matters

The management of the Board's financial affairs will be conducted in accordance with the Financial Regulations and the associated Financial Procedure Rules of the Accountable Body as set out in Part 4 of the Accountable Body's Constitution.

Article 19 - Changes and amendments to this constitution

The Constitution of the SDP may be varied or changed **by the Partnership's Board**, 21 days' notice in writing shall be given to all SDP **Board Members**, of the proposed change.

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Article 20 - Resources

Members can contribute funds to the running of the SDP and these will be administered by the Accountable Body pursuant to articles 4,10 and 18 above.

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Approved and issued by the SDP

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