



**Governance Scrutiny Group**

**Thursday, 30 June 2022**

**Revisions to the Council's Constitution**

## **Report of the Monitoring Officer**

### **1. Purpose of report**

- 1.1. This report summarises amendments to the Council's Constitution to reflect legislative changes, changes to the Councillor Code of Conduct, an amendment to the meeting time of Planning Committee, to include a procedure for a review of the Chief Executives pay, to include Information Sharing / UK GDPR and DPA 2018 agreement between Councillors and the Council, and various other textual amendments.
- 1.2. Drafting will continue throughout the year so that the entire Constitution is compliant with the accessibility regulations, this includes formatting.

### **2. Recommendation**

It is RECOMMENDED that Governance Scrutiny Group consider the proposed revisions to the constitution and recommend them for adoption by Council.

### **3. Reasons for Recommendation**

- 3.1. The Borough has a duty to keep its Constitution up to date and is required to review it annually.
- 3.2. The proposed revisions incorporate and give effect to legislation, to changes requested by the Governance Member Working Group and ensure that the document is accessible.
- 3.3. The proposed information sharing guidance is to ensure that the Council and Councillors are adhering to UK GDPR and DPA 2018 legislation.

### **4. Supporting Information**

The proposed revisions are set out at Appendix 2. A summary of the main proposed revisions is set out below:

## Summary of proposed changes:

### 4.1. Part 2:

- Changes to management structure, Cabinet structure and committee structures.

### 4.2. Part 3:

- A process for the remuneration of the Chief Executive
- Amendments to the circumstances in which applications must be considered by Planning Committee
- Amendments to the terms of reference for all Scrutiny Groups to include reference to policy review.

### 4.3. Part 4:

- An update to the meeting time of Planning Committee
- Amendments to the Standing Orders relating to Contracts.

### 4.4 Part 5:

- Amendments required to the Councillor Code of Conduct and Local Government Association guidance as a result of recommendations by the Standards Committee
- Introduction of Information Sharing/UK GDPR and DPA 2018 Protocol.

### 4.5 Documents ancillary to the Code of Conduct revisions have also been updated as follows:

[Arrangements for dealing with Code of Conduct complaints](#)

[Public Interest Test](#)

[Register of Interests](#)

[Guidance on completion of Register of Interests](#)

## **5. Risks and Uncertainties**

- 5.1. The Council is required to undertake an annual review of its Constitution and ensure that it complies with the law. Failure to undertake a review of the Constitution risks a legal challenge of decisions taken.

## 6. Implications

### 6.1. Financial Implications

There are no direct financial implications arising from these proposals.

### 6.2. Legal Implications

Under section 9P of the Local Government Act 2000, the Council has a duty to keep its Constitution up to date and that section also prescribes its minimum content. The proposals in this report comply with those requirements.

Under Article 5 - Principles relating to processing of personal data and Article 24 - Responsibility of the Controller of the UK GDPR, the Council and Councillors are to ensure these obligations are adhered to.

### 6.3. Equalities Implications

The formatting amendments to the Constitution made for web accessibility purposes will have a positive impact ensuring that the website is accessible to all users. No other implications as this alteration to the Constitution does not involve new or changing policies, services or functions, or financial decisions that will have an effect on services

### 6.4. Section 17 of the Crime and Disorder Act 1998 Implications

There are no direct Section 17 implications.

## 7. Link to Corporate Priorities

Quality of Life	The proposed revisions should make it easier for members of the public, Councillors and officers to access, and use, materials, which are essential to effective and efficient democratic decision-making.
Efficient Services	
Sustainable Growth	
The Environment	

## 8. Recommendations

It is RECOMMENDED that Governance Scrutiny Group consider the proposed revisions to the constitution and recommend them for adoption by Council.

<b>For more information contact:</b>	Gemma Dennis Monitoring Officer 0115 914 8584 <a href="mailto:gdennis@rushcliffe.gov.uk">gdennis@rushcliffe.gov.uk</a>
<b>Background papers available for Inspection:</b>	The Council's constitution is available online
<b>List of appendices:</b>	Appendix 1: Constitution – Highlighted changes

[Constitution Changes](#)

Appendix 2: Table of amendments