



Council

Thursday, 7 July 2022

Revisions to the Council's Constitution

Report of the Monitoring Officer

**Cabinet Portfolio Holder for Strategic and Borough Wide Leadership,
Councillor S Robinson**

1. Purpose of report

- 1.1. This report seeks approval for the Council's Constitution which has been revised to reflect legislative changes, changes to the Councillor Code of Conduct, amendment to the meeting time of Planning Committee, to include a procedure for a review of the Chief Executives pay, to include an Information Sharing/UK General Data Protection Regulations (GDPR) and the Data Protection Act 2018 (DPA) agreement between Councillors and the Council and textual amendments.

2. Recommendation

It is RECOMMENDED that Council approves the revisions to the Constitution.

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 recommended by the Standards Committee and to ensure that the document is accessible to all residents.

4. Supporting Information

The proposed revisions are set out at Appendix 1. 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 membership and committee membership.

4.2. Part 3:

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

4.3. Part 4:

- An update to the meeting time of Planning Committee.
- Amendment 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:

- 4.5.1 Arrangements for dealing with Code of Conduct complaints
- 4.5.2 Public Interest Test
- 4.5.3 Register of Interests
- 4.5.4 Guidance on completion of Register of Interests

4.6 The Constitution amendments as detailed herein will be considered by the Governance Scrutiny Group at its meeting on 30 June 2022 and the outcome reported to Council at its meeting on 7 July 2022.

4.7 Drafting will continue throughout the year so that the entire Constitution is compliant with the accessibility regulations, this includes formatting.

5. **Risks and Uncertainties**

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 legal challenge of decisions taken.

6. Implications

6.1. Financial Implications

There are no direct financial implications arising from the proposals in this report.

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 a 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. There are no other implications as these alterations to the Constitution do 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. Recommendation

It is RECOMMENDED that Council approves the revisions to the Constitution.

For more information contact:	Gemma Dennis Monitoring Officer 0115 914 8215 gdennis@rushcliffe.gov.uk
Background papers available for Inspection:	The Council's Constitution is available online.
List of appendices:	Appendix 1: Table of amendments