



Governance Scrutiny Group

Thursday, 29 June 2023

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 procedures and the introduction of new procedures, in addition to various other textual amendments.

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 and policy. In addition, revisions have been made to reflect changes within the Council following the May 2023 elections, staffing changes and other procedural amendments.

4. Supporting Information

The proposed revisions are set out at Appendix 1. A summary of the main proposed revisions is set out below:

- 4.1. Part 2 – Political Leadership and Management Structure
- Amendments required to the Cabinet membership and portfolios and the Leader of the Council's details. Committee memberships and 'Know your Councillor' details have also been updated.
- 4.2. Part 3 – Responsibility for functions and scheme of delegation
- Amendments to reflect updated responsibilities for individual portfolios of Cabinet members
 - Amendments to reflect changes around officer responsibilities for services and processes
 - Terms of Reference and Membership of Committees, Groups, Panels and Boards added and amended where necessary

- Amendments to the circumstances in which applications must be considered by Planning Committee and provisions around the process for requesting that an application be determined by the committee.

4.3. Part 4 – Standing Orders, Rules and Financial Procedures

- Public procurement thresholds have been amended following changes to procurement rules
- Introduction of a process for alternative budget proposals
- Revisions to the flowcharts detailing the procedure for motions and amendments to motions.
- Revisions to the timings of Planning Committee meetings.
- Revisions to the rules relating to public speaking at Planning Committee meetings.
- Revisions to the rules relating to consultation on planning applications.

4.4 Part 5 – Codes of Conduct and Protocols

- Include reference within the Councillor Code of Conduct to the obligation to behave in accordance with all legal obligations, alongside the Council's policies, protocols and procedures

4.5 Part 6 – Member Allowances

- Updates to mileage rates paid to Members to align with those paid to employees.

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 37 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.

6.3. **Equalities Implications**

No 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.

For more information contact:	Gemma Dennis Monitoring Officer 0115 914 8584 gdennis@rushcliffe.gov.uk
Background papers available for Inspection:	The Council's constitution is available online
List of appendices:	Appendix 1: Table of amendments