



**Council**

**Thursday, 13 July 2023**

**Revisions to the Council's Constitution**

## **Report of the Monitoring Officer**

**Cabinet Portfolio Holder for Strategic and Borough-wide Leadership,  
Cllr N Clarke**

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

This report summarises amendments to the Council's Constitution to reflect legislative changes, changes to procedures and the introduction of new procedures, recommendations of the Governance Scrutiny Group, and various other textual amendments.

### **2. Recommendation**

It is RECOMMENDED that Council adopts the proposed 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 at least once annually.
- 3.2. The proposed revisions incorporate and give effect to legislation and policy and to changes requested following review by the Governance Scrutiny Group at its meeting on 29 June 2023. In addition, revisions have been made to reflect changes within the Council following the May 2023 elections, staffing changes and other procedural amendments have been proposed to refine where necessary and improve upon the way in which the Council operates.
- 3.3. It should be noted that due to the number of amendments proposed, particularly in relation to planning matters, the Governance Scrutiny Group was unable to consider all of the proposed amendments during the time available. Those amendments, which remain unconsidered will be taken to the next meeting of that Group and subsequently presented to Council in the same format as the amendments before you today.

### **4. Supporting Information**

The proposed revisions are set out in a table at Appendix 1. A third column has been added to the table at the request of Governance Scrutiny Group. This provides some commentary around the proposed change and indicates

whether the change is an administrative change to be noted or a change for which approval is sought. A summary of the main proposed revisions is provided below:

### **Summary of proposed changes:**

- 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
- 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 timing of Planning Committee meetings
- 4.4. Part 6 – Member Allowances
  - Updates to mileage rates paid to Members to align with those paid to employees.

## **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 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

There are 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. Recommendation

It is RECOMMENDED that Council adopts the proposed revisions to the constitution.

<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: Table of amendments