



## **Governance Scrutiny Group**

**Thursday, 23 November 2023**

### **Amendments to the Constitution**

## **Report of the Monitoring Officer**

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

- 1.1. Governance Scrutiny Group will recall that at the meeting on 28 September 2023, the Group noted the decision to create a Working Group to consider outstanding changes to the Council's Constitution and nominated two members to sit on this Working Group, namely Councillor Calvert and Councillor Thomas.
- 1.2. The Working Group met on the 7 November and has now concluded its work. the final proposed changes to the Constitution in relation to Planning are set out in Appendix One.
- 1.3. Since the previous meeting of this Group, a further change to the Constitution has been proposed regarding the timing of the submission of Motions to be heard at Council meetings which it is right and proper that this Group considers. The detail of this proposal is set out later in the report.

### **2. Recommendation**

It is RECOMMENDED that Governance Scrutiny Group consider and provide any comments on the proposed changes to the Constitution prior to consideration by Council.

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

- 3.1. The Council has a duty to keep its Constitution up to date and is required to review it at least on an annual basis.

### **4. Supporting Information**

- 4.1. The outstanding changes considered by the Working Group relate solely to Planning matters. When the issues under consideration were last reviewed, this work was undertaken by a similar Working Group and this approach worked well. Comments from Governance Scrutiny Group are welcomed on the conclusions reached by the Working Group outlined in Appendix One.
- 4.2. In the time between the previous meeting of this Group and tonight's meeting, a further change to the Constitution has been proposed by the Chief

Executive and agreed by Group Leaders. The proposal is to extend the timescales within which motions must be delivered to the Chief Executive in order for that motion to be considered at the next Council meeting from not later than seven clear working days, to not later than ten working days (except in exceptional circumstances). The exact wording is reproduced at Appendix Two.

**5. Risks and Uncertainties**

5.1. The Council is required to undertake an annual review of its Constitution and ensure 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 the alterations proposed 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.

**6.5. Biodiversity Net Gain**

There are no Biodiversity Net Gain implications.

**7. Link to Corporate Priorities**

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

## 8. Recommendations

It is RECOMMENDED that Governance Scrutiny Group consider and provide any comments on the proposed changes to the Constitution prior to consideration by Council.

<b>For more information contact:</b>	Gemma Dennis Monitoring Officer  gdennis@rushcliffe.gov.uk
<b>Background papers available for Inspection:</b>	None
<b>List of appendices:</b>	Appendix 1: List of proposed amendments relating to Planning Committee  Appendix 2: Other amendments proposed