



Council

Thursday, 6 March 2025

Amendments to the Constitution

Report of the Monitoring Officer

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

1. Purpose of report

This report summarises proposed amendments to the Council's Constitution to reflect recommendations from the Planning Committee Working Group, officers and Governance Scrutiny Group.

2. Recommendation

It is RECOMMENDED that Council adopts the proposed revisions to the Constitution as set out at Appendix 1.

3. Reasons for Recommendation

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 proposed revisions to the Council's Constitution are set out in Appendix 1 and can be summarised as follows:

Part 1 – Clarification that the Local Government and Social Care Ombudsman will only consider complaints where the complainant has first formally complained to the Council.

Part 3 - Clarification that the delegation to the Director for Development and Economic Growth in respect of development management extends to determination of approvals and consents under the Local Development Order.

Part 4 – Amendments to the Standing Orders governing Council Meetings to ensure the efficient running of Council business, to take account of best practice and ensure the Council complies with its equality duty in respect of accessibility.

4.2. The Council's Governance Scrutiny Group reviewed the proposed changes on 20 February 2025. The Committee supported the proposals overall and recommended their approval to Full Council with the following exceptions:

4.2.1. Recorded vote – the majority of the Committee supported the amendment but with the requirement for the number of Councillors to request a recorded vote be reduced from five to four.

4.2.2. Proposed new standing order relating to motions not moved – the Committee was keen for motions not dealt with at a previous meeting due to lack of time to still receive priority over any new motions submitted for the following meeting in the interests of fairness. The Committee considered whether additional wording could be added to reflect this but after debate determined not to recommend adoption of this new rule.

4.2.3. Standing to speak – the Committee wished for the wording to reflect that a Councillor would not need to give notice before each meeting for longstanding medical reasons.

5. Alternative options considered and reasons for rejection

The Council is required to undertake an annual review of the 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. Risks and Uncertainties

It is a statutory responsibility of the Council to maintain its Constitution. The recommendation in the report supports this obligation and prevents any risk of challenge.

7. Implications

7.1. Financial Implications

There are no direct financial implications arising from these proposals.

7.2. 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.

7.3. Equalities Implications

The proposed amendments are intended to address a potential accessibility issue in compliance with the Council's equality duty.

7.4. Section 17 of the Crime and Disorder Act 1998 Implications

There are no direct Section 17 implications.

7.5. Biodiversity Net Gain Implications

There are no implications.

8. Link to Corporate Priorities

The Environment	Regular review of the Council's Constitution is essential to ensure effective and efficient democratic decision-making, which supports all of the Council's Corporate Priorities.
Quality of Life	
Efficient Services	
Sustainable Growth	

9. Recommendation

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

For more information contact:	Sara Pregon Monitoring Officer and Head of Chief Executive's Department SPregon@rushcliffe.gov.uk
Background papers available for Inspection:	None
List of appendices:	Appendix 1