



Governance Scrutiny Group

Thursday, 30 July 2020

Constitution Review

Report of the Monitoring Officer

1. Purpose of report

- 1.1. The Constitution provides the framework for the Council's decision making process. The purpose of this report is to ensure that the Council's Constitution remains fit for purpose, and reflects existing legislation and best practice.
- 1.2. This report sets out opportunities to enable the Governance Scrutiny Group to consider the Council's Constitution and highlights sections that may be expedient to review.
- 1.3. The Governance Scrutiny Group, in considering the Constitution, may make recommendations for consideration by Full Council to amend, remove or add sections of the document..

2. Recommendation

It is RECOMMENDED that the Governance Scrutiny Group:

- a) considers the suggestions for review of the Constitution set out in Appendix A,
- b) considers other sections for review,
- c) recommends amendments considered appropriate for adoption by Full Council.

3. Reasons for Recommendation

- 3.1. It is a statutory requirement under the Local Government Act 2000, as amended, that the Council has and maintains a Constitution which must be publicly available. The Constitution should contain the Council's rules of procedure. The Council should review its Constitution annually.

4. Supporting Information

- 4.1. The Constitution was presented to Council on 16 July 2020. The adopted Constitution can be accessed at

<https://www.rushcliffe.gov.uk/aboutus/aboutthecouncil/documentsstrategiesandpolicies/>.

- 4.2. Since its inception, there have been a number of reviews of the Council's Constitution, the most recent one being in 2018.
- 4.3. The most recent reviews concentrated on the public speaking protocol and the Councillor Code of Conduct.
- 4.4. The Governance Scrutiny Group may, following review of the Constitution, propose changes to it, and make comments on the proposed amendments, if any, to be reported to the full Council meeting in June 2021.
- 4.5. Appendix A sets out suggested areas that the Group may consider appropriate for review.

5. Risks and Uncertainties

- 5.1. If the Council does not review its Constitution decisions could be taken unlawfully.

6. Implications

6.1. Financial Implications

- 6.1.1. There are no direct financial implications arising from this report.

6.2. Legal Implications

- 6.2.1. The Local Government Act 2000 requires the Council to prepare and keep up to date a Constitution. The provisions in the current, and proposed amended, Constitution comply with this requirement. Once agreed the Constitution must be publicly available.

- 6.2.2. The Council has a general duty to secure continuous improvement in the way in which its functions are exercised. The proposals in this report are designed to comply with that duty.

6.3. Equalities Implications

- 6.3.1. There are no equalities implications to this report.

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

- 6.4.1. There are no Section 17 Implications to this report.

7. Link to Corporate Priorities

Quality of Life Efficient Services Sustainable Growth The Environment	The Constitution is integral in the supporting the Council's decision making framework and delivery of its Corporate Priorities.
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8. Recommendations

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- b) considers other sections for review,
- c) recommends amendments considered appropriate for adoption by Full Council.

For more information contact:	Sanjit Sull, Monitoring Officer Tel: 0115 914215, ssull@rushcliffe.gov.uk
Background papers available for Inspection:	Constitution: https://www.rushcliffe.gov.uk/aboutus/aboutthecouncil/documentsstrategiesandpolicies/
List of appendices:	Appendix 1- Summary of suggested considerations