



**Council**

**Thursday, 1 July 2021**

**Revisions to the Council's Constitution**

## **Report of the Monitoring Officer**

**Cabinet Portfolio Holder for Strategic and Borough Wide Leadership,  
Cllr S Robinson**

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

- 1.1. This report summarises amendments to the Council's Constitution to reflect legislative changes, changes to the Management and Cabinet structure, the arrangements for participation in companies (wholly owned and external), recommendations of the Governance Member Working Group, and textual amendments.
- 1.2. The report also recommends the inclusion into the Constitution of a transitional six month period to support the revised model for Planning Committee, and substantial revisions to the Contract Standing Orders.

### **2. Recommendation**

It is RECOMMENDED that Council approve the 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 annually.
- 3.2. The proposed revisions incorporate and give effect to legislation, to changes requested by the Governance Member Working Group and to ensure that the document is accessible.

### **4. Supporting Information**

The proposed revisions are set out at Appendix 2. A summary of the main proposed revisions is set out below.

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

- 4.1. Part 1: Changes to comply with accessibility regulations and recommendations of Governance Member Working Group.

- 4.2. Part 2: Textual changes to reflect changes in management team service delivery structure and Cabinet.

Changes to comply with accessibility regulations and recommendations of Governance Member Working Group.

- 4.3. Part 3:

4.3.1 Revisions to update the Scheme of Delegation to support the new management structure, and representation on the Boards of the Freeport and Development Corporation.

4.3.2 Revisions to Responsibility for Executive Functions – Leader and Cabinet and Strategic and Borough Wide Leadership (Leader) to take decisions as required as the member of a company not wholly owned by the Council

4.3.3 Revisions to Functions of the Chief Executive as Head of Paid Service authorising the Chief Executive, as Head of the Paid Service, shall be authorised to act as the Council’s representative, and to make orders associated with being the said representative of a company not wholly owned by the Council as authorised by Council or Cabinet.

4.3.4 Changes to comply with accessibility regulations and recommendations of Governance Member Working Group.

- 4.4. Part 4:

4.4.1 Amendment to Standing Orders – Council, Committees and Working Groups (to remove reference to virtual meetings and add in transitional arrangements for planning committee).

4.4.2 Amendment to include the Terms of Reference of the Streetwise Oversight Board.

4.4.3 Amendment to Standing Orders relating to Contracts.

- 4.5 The Constitution will be considered by the Governance Scrutiny Group at its meeting 24 July 2021. Should the Group make recommendations for further changes these will be presented by a supplemental report.

- 4.6 Drafting will continue throughout the year so that the entire Constitution is compliant with the accessibility regulations, this includes formatting.

## **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 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

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| 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 approve the revisions to the Constitution.

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| <b>For more information contact:</b>               | Sanjit Sull<br>Monitoring Officer<br>0115 914 8215<br><a href="mailto:ssull@rushcliffe.gov.uk">ssull@rushcliffe.gov.uk</a>                               |
| <b>Background papers available for Inspection:</b> | None.  |
| <b>List of appendices:</b>                         | Appendix 1: Constitution – Highlighted changes<br>Available via the link:<br><a href="#">Constitution Changes</a><br><br>Appendix 2: Table of amendments |

