

# City Council – 10 July 2023

## Report of the Leader of the Council

### Corporate Director/ Director:

Malcolm Townroe, Director, Legal and Governance

### Report Author and Contact Details:

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### Title: Executive Amendments to the Constitution

### Does the report form part of the Budget or Policy Framework?

Yes  No

### Does this report contain any information that is exempt from publication?

No

### Relevant Council Plan Key Outcome:

Green, Clean and Connected Communities	<input type="checkbox"/>
Keeping Nottingham Working	<input type="checkbox"/>
Carbon Neutral by 2028	<input type="checkbox"/>
Safer Nottingham	<input type="checkbox"/>
Child-Friendly Nottingham	<input type="checkbox"/>
Living Well in our Communities	<input type="checkbox"/>
Keeping Nottingham Moving	<input type="checkbox"/>
Improve the City Centre	<input type="checkbox"/>
Better Housing	<input type="checkbox"/>
Serving People Well	<input checked="" type="checkbox"/>

## 1. Summary

- 1.1 As required by the Constitution this report asks Council to note the Constitutional amendments necessitated by the changes to Executive delegation arrangements agreed by the Leader of the Council.

## 2. Recommendations

- 2.1 To note that Articles 10 (Executive Arrangements) and 13 (Access to Information) of the Constitution will be amended to reflect the following changes to Executive delegations as agreed by the Leader of the Council:
- Raise the financial limit on decisions that can be taken by officers to £300,000.
  - Raise the value of a decision that requires publication via a delegated decision form to £100,000. This excludes policy decisions taken by Portfolio Holders which will continue to require publication.

### **3. Reasons for recommendations**

- 3.1 To ensure the Constitution reflects the governance arrangements agreed by the Leader of the Council.

### **4. Other options considered in making recommendations**

- 4.1 Not to amend the Constitution. This option was rejected because the governance arrangements in the Constitution need to reflect those agreed by the Leader of the Council.

### **5. Consideration of Risk**

- 5.1 The changes to the Constitution proposed seek to increase the efficiency of decision making, bringing practices closer to those exercised in other core cities and reducing the risk of the governance arrangements impacting upon the timeliness of decisions while also maintaining robust procedures.

### **6. Best Value Considerations**

- 6.1 The proposed amendments to the Constitution support efficiency of decision making by the Council.

### **7. Background (including outcomes of consultation)**

- 7.1 As part of the Council's improvement work a new Constitution was agreed by Full Council on 13 September 2021. The Constitution sought to clarify roles, responsibilities and decision making arrangements and establish and embed best practice principles of corporate governance throughout our decision-making processes. Executive decision making arrangements are an important element of the Constitution.
- 7.2 Under the Strong Leader model of governance, the Leader of the Council has authority to agree changes to Executive decision making arrangements but any Constitutional amendments required as a result must subsequently be noted by Council. Since the adoption of the new Constitution the Leader has kept the operation of the Executive Scheme of Delegation under review to ensure it is fit for purpose. The most recent review was undertaken during June 2023.
- 7.3 As a result of this review, the Leader has agreed the following changes to the Executive Scheme of Delegation which seek to ensure decision making is efficient while remaining robust and bringing practices in Nottingham more closely in line with those in other core cities:
  - a) Raise the financial limit on decisions that can be taken by officers to £300,000.
  - b) Raise the value of a decision that requires publication via a delegated decision form to £100,000. This excludes policy decisions taken by Portfolio Holders which will continue to require publication.

### **8. Finance colleague comments (including implications and value for money)**

Comments from Finance colleagues in relation to individual decisions will be published as part of those decisions.

9. **Legal colleague comments**

The recommendations contained in this report raise no significant legal issues and are supported. It is an essential element of good governance that the Council has a clear, concise and up to date Constitution that sets out in a very transparent manner how the Council conducts its business.

Malcolm R. Townroe – Director of Legal and Governance, Solicitor and Monitoring Officer – 3 July 2023

10. **Other relevant comments**

Not Applicable

11. **Crime and Disorder Implications (If Applicable)**

11.1 Not Applicable

12. **Social value considerations (If Applicable)**

12.1 Not Applicable

13. **Regard to the NHS Constitution (If Applicable)**

13.1 Not Applicable

14. **Equality Impact Assessment (EIA)**

14.1 Has the equality impact of the proposals in this report been assessed?

No



An EIA is not required because the amendment of the Constitution does not involve a new or changing policy or service

15. **Data Protection Impact Assessment (DPIA)**

15.1 Has the data protection impact of the proposals in this report been assessed?

No



A DPIA is not required because the amendment of the Constitution does not involve the collection or transfer of data.

16. **Carbon Impact Assessment (CIA)**

16.1 Has the carbon impact of the proposals in this report been assessed?

No



A CIA is not required because the amendment of the Constitution does not have any significant carbon impact.

17. **List of background papers relied upon in writing this report (not including published documents or confidential or exempt information)**

17.1 None

**18. Published documents referred to in this report**

18.1 Nottingham City Council's Constitution

**Councillor David Mellen**  
**Leader of the Council**