

CITY COUNCIL – 12 NOVEMBER 2018

REPORT OF THE LEADER OF THE COUNCIL

AMENDMENTS TO THE CONSTITUTION

1 SUMMARY

- 1.1 The Local Government Act 2000 requires the Council to keep its Constitution up to date. The amendments to be reported and/or agreed are outlined below.
- 1.2 Councillors may wish to make reference to the current Constitution, which can be viewed online via the following link <https://www.nottinghamcity.gov.uk/about-the-council/nottingham-city-councils-constitution/>. If you have any difficulty accessing the Constitution, please contact Constitutional Services on 0115 8764315.

2 RECOMMENDATIONS

- 2.1 To amend the Area Committee Terms of Reference (as detailed in Appendix A) to clarify the Committees' role in relation to consultation on Section 106 funding.
- 2.2 To amend Audit Committee Terms of Reference (as detailed in Appendix B) to ensure that it reflects the roles and responsibilities of local authority audit committees.
- 2.3 To amend Health and Wellbeing Board Terms of Reference to add the Nottingham City Council Chief Executive as a non-voting member of the Board.
- 2.4 To approve non-executive changes to the Scheme of Delegation, as detailed in Appendix C.
- 2.5 To amend Standing Orders (as detailed in Appendix D) to
 - a) make the deadline for citizen questions submitted for a response at Full Council 9am 2 clear working days before the Council meeting; and
 - b) clarify what constitutes an appropriate citizen question.
- 2.6 To note the executive change to the Scheme of Delegation, as detailed in Appendix E.
- 2.7 To note changes to committee memberships (as detailed in Appendix F) approved by the Corporate Director for Strategy and Resources as in-year changes.
- 2.8 To approve the amendments to the relevant parts of the Constitution as required by the above changes.

3 REASONS FOR RECOMMENDATIONS

- 3.1 The Local Government Act 2000 requires the Council to keep its Constitution up to date.
- 3.2 The Area Committee Terms of Reference are being amended to reflect changes made by the Community Infrastructure Levy Regulations 2015 to the way Section 106 funding needs to be approved. The Regulations require the exact scheme which is to receive the funding to be identified at the point that planning consent is granted.

Therefore Planning Committee or officers acting under delegated authority will now approve the scheme upon which the money is to be spent when planning approval is granted.

- 3.3 The Audit Committee Terms of Reference are being amended to ensure that they reflect the Chartered Institute of Public Finance and Accountancy (CIPFA) 2018 guidance on the operation of local authority audit committees.
- 3.4 The Health and Wellbeing Board Terms of Reference are being amended to ensure that the membership remains fit for purpose to undertake the evolving work of the Board.
- 3.5 From 1 June 2018 the Government introduced a new way of getting planning permission called Permission in Principle, followed by Technical Details Consent. The process is similar to getting Outline Planning Permission, followed by Reserved Matters Approval and the outcome is the same. Therefore the Scheme of Delegation is being amended to include authority to approve applications for Permission in Principle within Delegation 208 to enable these applications to be dealt with under the same delegated arrangements as other planning applications. The addition of Delegation 208b will enable decisions to be taken under delegated authority regarding Permission in Principle for sites that are on the Council's Brownfield Land Register.
- 3.6 Standing Orders are being amended to provide clarity for citizens on what questions are appropriate for submission to be responded to at Council meetings and to allow more time to fully consider and process citizen questions prior to the meeting.
- 3.7 The amendment to Delegation 127 within the Scheme of Delegation was made to ensure that the delegation accurately reflects current responsibilities.

4 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 4.1 Not updating the Constitution is not an option as it is required by the Local Government Act 2000 to ensure clarity of rights and duties to enable Council to conduct its business lawfully and in line with Council policy.

5 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

- 5.1 The Constitution needs to be updated regularly to reflect changes in legislation and to ensure clarity of rights and duties. Therefore reports are submitted to Council every six months, if required, detailing changes for approval/ noting and to amend the relevant parts of the Constitution as required.

6 FINANCE COLLEAGUE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY)

- 6.1 None

7 LEGAL AND PROCUREMENT COLLEAGUE COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)

- 7.1 The Council would be in breach of its statutory duty if it did not update its Constitution and it is essential that there is clarity for councillors, colleagues, partners and citizens about rights and duties.

8 EQUALITY IMPACT ASSESSMENT (EIA)

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

No



An EIA is not required because the report does not contain any changes to policy.

**9 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE
DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION**

9.1 None

10 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

10.1 Local Government Act 2000

10.2 Community Infrastructure Levy Regulations 2015

10.3 The Council's Constitution – version 7.25

**COUNCILLOR JON COLLINS
LEADER OF THE COUNCIL**