

City Council – 9 March 2020

Joint Report of the Chair of Audit Committee and Chair of Standards Committee

Amendments to the Constitution

1 Summary

- 1.1 The Local Government Act 2000 requires the Council to keep its Constitution up to date. Proposed amendments to non-executive aspects of the Constitution are outlined below. Council is also asked to note an executive amendment to the Constitution.

2 Recommendations

- 2.1 To adopt a revised Contract Procedure Rules as detailed in appendix A, and to amend the Constitution accordingly.
- 2.2 To amend the Councillors' and Co-opted Members' Codes of Conduct as detailed in appendix B, and to amend the Constitution accordingly.
- 2.3 To amend the Constitution to reflect the Health and Wellbeing Board's decision to add the Portfolio Holder with a remit covering adult social care as a voting member of the Health and Wellbeing Board Commissioning Sub Committee.
- 2.4 To note the establishment of the Companies Governance Executive Sub Committee and that this executive amendment will be reflected in the next published version of the Constitution.

3 Reasons for recommendations

- 3.1 The Local Government Act 2000 requires the Council to keep its Constitution up to date.
- 3.2 Contract Procedure Rules have been reviewed to ensure that they reflect current procurement regulations and practice.
- 3.3 It is proposed to amend the Councillors' and Co-opted Members' Codes of Conduct to bring procedures and practice in Nottingham in line with the recommendations arising from the Committee for Standards in Public Life (CSPL)'s review of Ethical Standards in Local Government.
- 3.4 In September 2019, the Health and Wellbeing Board agreed to amend the Terms of Reference for the Health and Wellbeing Board Commissioning Sub Committee to add the Portfolio Holder with a remit covering adult social care as a voting member.
- 3.5 In December 2019 the Leader of the Council established the Companies Governance Executive Sub Committee. Under Scheme of Delegation 77, the Director of Legal and Governance has delegated authority to amend the Constitution to reflect such changes. Therefore Council is asked to note that this amendment to Executive Committee Terms of Reference and Membership will be made in the next published version of the Constitution.

4 Other options considered in making recommendations

- 4.1 Not updating the Constitution is not an option as it is required by legislation, to ensure clarity of rights and duties and enable the 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 ensure that it reflects current legislation and local agreement about governance of the Council and the way it makes decisions. This ensures that there is clarity about rights and duties.
- 5.2 It is the responsibility of Council to maintain and amend the Constitution.
- 5.3 On 31 January 2020 the Audit Committee considered a proposal to adopt a revised Contract Procedure Rules and this is recommended to Council for adoption and amendment of Part 5 of the Constitution accordingly. The revised Contract Procedure Rules are detailed in appendix A.
- 5.4 In the Spring of 2018 the Committee for Standards in Public Life (CSPL) conducted a review of ethical standards in local government. The CSPL's findings included 15 best practice items for local authorities to consider adopting. On 2 October 2019 the Standards Committee considered these best practice items and, in response, recommended that changes are made to the Council's Codes of Conduct for Councillors and Co-opted Members in Part 6 of the Constitution to include definitions of bullying and harassment. Details of the proposed amendments are set out in appendix B.
- 5.5 Since May 2019 responsibility for health and adult social care has been split between two different Executive Portfolios. The Health and Wellbeing Board Commissioning Sub Committee takes decisions on issues relating to both health and adult social care and therefore in September 2019 the Health and Wellbeing Board took the decision to add the Portfolio Holder with a remit covering adult social care as a voting member of its Sub Committee, in addition to the Portfolio Holder with a remit covering health who is already a voting member.
- 5.6 In December 2019, the Leader of the Council established the Companies Governance Executive Sub Committee. The Terms of Reference for the Committee are attached at appendix C. Council is required to note that the Constitution will be amended to reflect this change.
- 5.7 Councillors may wish to make reference to the current Constitution (version 7.28), which can be viewed online via the following link
<https://www.nottinghamcity.gov.uk/your-council/about-the-council/nottingham-city-councils-constitution>

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 proposals for changes to policies or services.

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 Nottingham City Council Constitution – version 7.28

10.3 Minutes of the meeting of the Health and Wellbeing Board on 25 September 2019

10.4 Minutes of the meeting of the Standards Committee on 2 October 2019

10.5 Minutes of the meeting of the Audit Committee on 31 January 2020

**Councillor Steve Battlemuch
Chair of the Audit Committee**

**Councillor Neghat Khan
Chair of the Standards Committee**