

## **City Council – 11 January 2021**

### **Report of the Lord Mayor/ Chair of Council**

#### **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.

##### **2 Recommendations**

- 2.1 To amend the Terms of Reference for the Greater Nottingham Light Rapid Transit Advisory Committee to add the Nottingham City Disability Involvement Group as a co-opted member of the Committee, and to amend the Constitution accordingly.
- 2.2 To adopt a revised Terms of Reference for the Overview and Scrutiny Committee as detailed in appendix A, and to amend the Constitution accordingly.
- 2.3 To amend the Terms of Reference for the Nottingham City Governance Improvement Board to enable any member of the Executive to attend as a substitute for the Leader of the Council, and to amend the Constitution accordingly.
- 2.4 To note changes to the levels of basic allowance and special responsibility allowance in the Members Allowances Scheme, as detailed in appendix B, and to amend the Constitution accordingly.
- 2.5 To adopt a revised Protocol for Councillor/ Officer Relations as detailed in appendix C, and to amend the Constitution accordingly.

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

- 3.1 The Local Government Act 2000 requires the Council to keep its Constitution up to date.
- 3.2 It is proposed to amend the Terms of Reference for the Greater Nottingham Light Rapid Transit Advisory Committee to improve representation in relation to disability and access issues.
- 3.3 It is proposed to adopt a revised Terms of Reference for the Overview and Scrutiny Committee in accordance with the recommendations contained with the Action Plan agreed by Council in response to the external auditor's Report in the Public Interest on Nottingham City Council's governance arrangements for Robin Hood Energy Ltd.
- 3.4 It is proposed to adopt a revised Protocol for Councillor/ Officer Relations to provide guidance on the complementary roles of councillors and officers, promoting good working relationships between councillors and officers and supporting smooth and effective running of the Council.

##### **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 there is clarity about rights and duties.

- 5.2 It is the responsibility of Council to maintain and amend the Constitution.

- 5.3 Membership of the Greater Nottingham Light Rapid Transit Advisory Committee includes representatives of users of the NET system, each appointed to the Committee for a three year term. The Committee has discussed that it needs to give greater consideration to accessibility issues relating to the tram and the tram network and how the views of users with particular accessibility requirements are represented. At its meeting on 10 March 2020 the Committee agreed to recommend that the Nottingham City Disability Involvement Group is added as a co-opted member of the Committee to improve representation in relation to accessibility issues affecting the network.

- 5.4 In August 2020, the Council's external auditor issued a Report in the Public Interest on Nottingham City Council's governance arrangements for Robin Hood Energy Ltd. In response to this Report, Council agreed an Action Plan. Recommendations included in the Action Plan require that the Overview and Scrutiny Committee Terms of Reference are reviewed. This review has been carried out against identified best practice and a revised draft Terms of Reference was considered by the Overview and Scrutiny Committee at its meeting on 9 December 2020. The proposed revised Terms of Reference is attached at appendix A.

- 5.5 At its meeting on 9 December 2020 the Nottingham City Governance Improvement Board agreed to recommend to Council that its Terms of Reference are amended so that any member of the Executive can attend as a substitute for the Leader of the Council if he/ she is unable to attend.

- 5.6 As set out in the Members' Allowances Scheme, the basic allowance and special responsibility allowance is indexed in line with pay of employees covered by the National Joint Council for Local Government Services. The Members Allowances Scheme in the Constitution needs to be updated to reflect the values of these allowances, as detailed in appendix B.

- 5.7 The Protocol for Councillor/ Officer Relations has been reviewed to ensure there is clear guidance in place on the complementary roles of councillors and officers. A proposed revised Protocol is attached at appendix C.

## **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 7.29

10.3 Minutes of the meeting of the Greater Nottingham Light Rapid Transit Advisory Committee held on 10 March 2020

10.4 Minutes of the meeting of the Overview and Scrutiny Committee held on 9 December 2020

10.5 Minutes of the meeting of the Nottingham City Governance Improvement Board held on 9 December 2020

**Councillor Rosemary Healy**  
**Lord Mayor/ Chair of Council**