

# City Council – 9 January 2023

## Report of the Leader of the Council

### Corporate Director/ Director

Malcolm Townroe, Director of Legal and Governance and Monitoring Officer

Nancy Barnard, Head of Governance

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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:

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"/>
Healthy and Inclusive	<input type="checkbox"/>
Keeping Nottingham Moving	<input type="checkbox"/>
Improve the City Centre	<input type="checkbox"/>
Better Housing	<input type="checkbox"/>
Financial Stability	<input type="checkbox"/>
Serving People Well	<input checked="" type="checkbox"/>

## 1. Summary

- 1.1 This report asks Council to note that amendments have been made to the Executive Scheme of Delegation contained within Article 10 of the Constitution and, arising from those changes, to Article 13. These amendments were made by the Director of Legal and Governance under delegated powers following their approval by the Leader.

## 2. Recommendations

- 2.1 That Council notes the amendments to Articles 10 and 13 of the Constitution. The revised articles are attached as Appendices A and B to this report and the changes are outlined in paragraph 7.2.

## 3. Reasons for recommendations

- 3.1 The Council is required to have a Constitution outlining its governance arrangements, including roles, responsibilities and decision making procedures. It is important that the Constitution is kept up to date and that it supports efficient and effective decision making.

3.2 The Leader of the Council reviewed the Scheme of Executive Delegation in November and agreed a number of changes to decision making arrangements as part of our ongoing governance improvement work. These resulted in changes to the Constitution which were made by the Director of Legal and Governance under delegation 77. It is a requirement that any changes made in this way are reported to Full Council at the next available meeting for noting.

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

4.1 No other options were considered as noting amendments is a Constitutional requirement.

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

5.1 The recommendations to note the amendments do not generate any risks. The scheme of delegation will continue to be monitored to ensure it is operating effectively. Individual decisions taken within the scheme will include consideration of risk.

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

6.1 This report has no financial implications and the maintenance of the Constitution is a statutory requirement.

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

7.1 As part of the Together for Nottingham Plan, Full Council agreed a new Constitution on 13 September 2021 which came into operation on 1 October 2021. The new Constitution contained a revised Scheme of Executive Delegation containing changes to the delegations to officers. When adopted, the Leader of the Council committed to keeping the scheme under six monthly review to ensure it continued to operate effectively. The second review took place in November 2022 and resulted in the Leader approving changes to the scheme which are presented for noting.

7.2 The affected Articles of the Constitution (10 and 13) are attached as appendices A and B but in summary the changes are as follows:

a) **Limit on Officer Delegations**

The officer decision making limit has been raised to £250,000. Provided the decision maker (usually the Corporate Director) has sufficient funds in their overall budget, they can take decisions up to this limit. The exception to this is policy decisions which remain with the Portfolio Holder.

b) **Grant Funding Decisions**

Corporate Directors can approve decisions to bid for and accept grant funding to implement agreed policies, up to the value of £250,000.

c) **Call-in**

All Key Decisions and decisions taken by Portfolio Holders or Executive Committees will continue to be subject to call in (unless exempted).

d) **Publication**

All officer decisions with a value of £25,000 and above will be recorded on an operational decision form and published on the website (unless exempt where a

record of the decision will be published, in line with current arrangements and legal requirements).

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

- 8.1 This report has no direct financial implications as it is a procedural update and has no impact on the Council's finances. Any decisions taken within the revised scheme of delegation will be subject to financial advice and comment.

Nishil Rabheru, Strategic Finance Business Partner, 22/12/2022

## 9. Legal colleague comments

- 9.1 The Council is required under the Local Government Act 2000 to have and maintain a Constitution. It is an essential element of good governance that the Council's Constitution is clear, concise and up to date and that it sets out, in a very transparent manner, how the Council conducts its business. The amendments to the Scheme of Executive Delegation have been made in accordance with the Constitution and have been brought to Council for noting.

Beth Brown, Head of Legal, 22/12/2022

## 10. Other relevant comments

- 10.1 Not required.

## 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 amending the Scheme of Delegation has no data protection implications.

**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 amending the Scheme of Delegation has no carbon implications.

**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 The Council's Constitution - [Nottingham City Council's Constitution - Nottingham City Council](#)

18.2 Report to and minutes of the meeting of Full Council held on 13 September 2021 - [Agenda for City Council on Monday, 13th September, 2021, 2.00 pm - Nottingham City Council](#)

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