

Standards and Governance Committee – 11 December 2024

Title of paper:	Establishment of Constitution Advisory Panel	
Director(s)/ Corporate Director(s):	Director of Legal and Governance	Wards affected: All
Report author(s) and contact details:	Jane Garrard, Interim Head of Governance jane.garrard@nottinghamcity.gov.uk	
Other colleagues who have provided input:		
Date of consultation with Executive Member(s) (if relevant)	Not applicable	
Does this report contain any information that is exempt from publication? No		
Relevant Council Plan 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"/>	
Summary of issues (including benefits to citizens/service users): It is proposed that the Committee establish an informal advisory panel to support delivery of an action within the Council's Improvement Plan to maintain, enhance and embed the Constitution. The Panel will advise the Committee on proposed amendments to non-executive aspects of the Constitution, for recommendation to Council for approval.		
Recommendation(s):		
1	To establish a Constitution Advisory Panel, with a Terms of Reference as set out in Appendix 1.	

1. Reasons for recommendations

- 1.1 Programme 8 Improve Governance of the Council's Improvement Plan contains an area of work to maintain, enhance and embed the Constitution, including a Standards and Governance working group to consider proposals from Members, officers and Commissioners that identify areas for review; propose changes for consideration by Full Council; consider activity needed to raise awareness and understanding of the constitution; and review the Member/officer protocol.

2. Other options considered in making recommendations

- 2.1 Not establishing an advisory panel was rejected because it would reduce opportunities for councillors to review and identify opportunities to ensure that the Constitution is fit for purpose and embedded, which is an area of focus within the Council's Improvement Plan.
3. **Consideration of Risk**
- 3.1 The advisory group will be supported by colleagues from the Legal and Governance Division and subject matter lead officers from across the Council as necessary to ensure that proposals are legally compliant, and in line with legislative requirements and relevant good practice.
4. **Background (including outcomes of consultation)**
- 4.1 Article 12 Standing Orders and Committee Procedures allows a committee to establish an informal advisory panel, including setting its terms of reference and membership.
- 4.2 It is proposed that the Standards and Governance Committee establish a Constitution Advisory Panel to support delivery of an action within the Council's Improvement Plan to maintain, enhance and embed the Constitution. The proposed terms of reference for the Panel are set out at Appendix 1. The Committee is not able to delegate any of its functions to the Panel and its role will be to advise the Committee on proposed amendments to non-executive aspects of the Constitution, for recommendation to Council for approval. The membership of the Panel must be consistent with principles of good practice, and it is proposed that the membership is all members of the Standards and Governance Committee plus the Executive Member with responsibility for democratic services.
- 4.3 Areas of the Constitution identified for review so far are summarised at Appendix 2. Any further proposals from councillors, officers and commissioners will be considered for inclusion, and officers will work with the Chair to develop a schedule for activity. Some proposed amendments may have implications for other areas of the Constitution and this impact will be taken into account as part of the review.
5. **Finance colleague comments (including implications and value for money)**
- 5.1 There are no financial costs directly associated with this and the group will be supported through existing resource to the Standards and Governance Committee (which is through the 10020 Committee Administration and Appeals). If any expenditure is required to support review activity then budget will need to be identified for that and this will be subject to a separate decision that will be taken in line with the Council's decision making requirements.
- Sam Taylor
Senior Finance Business Partner
29/11/2024
6. **Legal colleague comments**
- 6.1 This report proposes the establishment of informal advisory panel to support delivery of an action within the Council's Improvement Plan to maintain, enhance and embed the Constitution. The Panel will advise the Committee on proposed amendments to non-

executive aspects of the Constitution, for recommendation to Council for approval, in accordance with the Terms of Reference at Appendix 1.

Article 9 of the Constitution (Council (Non-Executive) Functions and Committees) confirms that the function of adopting and amending the Constitution can only be exercised by the Council.

The Standards and Governance Committee is a politically balanced, non-executive, ordinary committee of the Council. The Terms of Reference of the Standards and Governance Committee are set out in Article 9. Included in the Purpose of the Committee is to make recommendations to Council on non-executive amendments to the Constitution.

Article 12 of the Constitution (Council Standing Orders and Committee Procedures) allows a Committee to establish informal advisory panels, including setting terms of reference and membership. The report confirms that the advisory panel is being established in line with those requirements, noting in particular the political neutrality of the advisory panel.

Legal Services, along with other subject-matter expert colleagues, will support the work of the advisory panel.

Anthony Heath, Head of Legal Services and Deputy Monitoring Officer, 2nd December 2024.

7. Other relevant comments

7.1 None

8. Crime and Disorder Implications (If Applicable)

8.1 Not applicable

9. Social value considerations (If Applicable)

9.1 Not applicable

10. Regard to the NHS Constitution (If Applicable)

10.1 Not applicable

11. Equality Impact Assessment (EIA)

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

No



An EIA is not required because the proposals do not relate to any new or changing policies, services or functions

12. Data Protection Impact Assessment (DPIA)

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

No



A DPIA is not required because the proposals do not relate to the use of personal data.

13. Carbon Impact Assessment (CIA)

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

No



A CIA is not required because the proposals do not relate to any new or changing policies, services or functions

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

14.1 None

15. Published documents referred to in this report

15.1 Nottingham City Council Improvement Plan

15.2 Article 12 - Standing Orders and Committee Procedures of the Council's Constitution