

CITY COUNCIL – 9 SEPTEMBER 2019

REPORT OF THE CHAIR OF THE AUDIT COMMITTEE

NON-EXECUTIVE 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 Part 1 of the Constitution as detailed in appendix A.
- 2.2 To amend Delegation 155 within the Scheme of Delegation as detailed in appendix B.
- 2.3 To amend the Access to Information Procedure Rules as detailed in appendix C.
- 2.4 To amend the Overview and Scrutiny Procedure Rules as detailed in appendix D.
- 2.5 To adopt a revised Standing Orders as detailed in appendix E.
- 2.6 To amend the Councillor and Co-opted Member Codes of Conduct as detailed in appendix F.
- 2.7 To note that the Members Allowances Scheme was updated in version 7.27 of the Constitution to reflect changes to the levels of the basic allowance and special responsibility allowances.

3 REASONS FOR RECOMMENDATIONS

- 3.1 The Local Government Act 2000 requires the Council to keep its Constitution up to date.
- 3.2 Part 1 of the Constitution has been reviewed to ensure that it is up-to-date and reflects current practice and, as a result, some minor wording amendments are proposed.
- 3.3 It is proposed to amend Delegation 155 within the Scheme of Delegation to include additional powers contained within the Highways Act 1980.
- 3.4 It is proposed to amend the Access to Information Procedure Rules to address an inconsistency in requirements to record conflicts of interest and to reflect current legislation.
- 3.5 It is proposed to amend the Overview and Scrutiny Procedure Rules to simplify the arrangements for call-in.
- 3.6 Standing Orders has been reviewed to ensure that it is fit for purpose and, as a result, a number of amendments are proposed to ensure that Standing Orders reflect current practice and support efficient operation of Council business.

- 3.7 The Councillor and Co-opted Member Codes of Conduct have been reviewed to ensure that they are fit for purpose and, as a result, amendments are proposed relating to:
- a) councillor and co-opted member responsibilities in relation to equality and diversity; and
 - b) declarations of Other Interests by councillors exercising individual decision making powers.

3.8 In accordance with Delegation 77 within the Scheme of Delegation, the Director for Legal and Governance approved an amendment to the Constitution to update the Members Allowances Scheme with the current level of basic allowance and special responsibility allowance. In accordance with this Delegation, Council is asked to note that this amendment was included in version 7.27 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 29 July 2019 the Audit Committee considered proposals to amend non-executive aspects of the Constitution and these are recommended to Council for adoption and amendment of the relevant parts of the Constitution as required.

5.3 Details of the proposed amendments are contained within appendices A – F.

5.4 Councillors may wish to make reference to the current Constitution (version 7.27), 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 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 7.27

**COUNCILLOR STEVE BATTLEMUCH
CHAIR OF THE AUDIT COMMITTEE**