

**Report of the Monitoring Officer****Annual Constitutional Review****1. Purpose of Report**

To consider amendments to the Constitution, in particular to the Council Procedure Rules and the Scheme of Delegation and to recommend these to full Council to be adopted.

**2. Recommendation**

**Council is asked to RESOLVE that the amendments to the Constitution, as detailed in the appendices, be approved.**

**3. Detail**

Under its terms of reference, this Committee is tasked with an overview of the Council's Constitution, consideration of proposed amendments or revisions and to recommend to Council amendments to this Constitution.

On 11 May 2022, the Council moved from a Committee system of governance to an Executive Cabinet system, which involved making significant changes to the Council's Constitution. It was consequently agreed that an annual review of these arrangements would be undertaken following implementation and in line with Best Practice Recommendations, to ensure the Constitution was kept updated and to ensure good governance.

An annual review which included consulting the Member and Officer Task Group, inviting all Members and Senior Management team to input was carried out in 2023. The Governance, Audit and Standards Committees recommendations were adopted to ensure the Constitution remained fit for purpose. The Constitution has since continued to be regularly reviewed to ensure it is refreshed as considered necessary to ensure good governance arrangements are in place. Over the course of the year, full Council has approved amendments to Urgent Business at Council Meetings, terms of reference for Working Groups, the Planning Call-In process, the Local Joint Consultative Committee's Constitution, terms of reference for portfolio holders and a number of amendments to the Council Procedure Rules.

A further annual review of the Constitution has been undertaken again this year in which Officers have been engaged and a proportional Task & Finish group (the Group) has met on two occasions, and all Members have been invited to input into the review. At the meetings, the Group considered amendments to the Council Procedure Rules, in particular to start times, duration and number of meetings, the role of Ex-Officio Members, reports on Outside Bodies, time allowed for public questions and considering supplementary questions by the

public being permitted during Council meetings, the petition scheme, Call-In Process, revisions to the criteria for Extraordinary Council meetings, changes to allow for Budget Council meetings to consider items of urgency and amendments to the Scheme of delegation.

When considering the Call-In process, it was thought that requestors should have a further opportunity to speak after their initial introductions and that the Overview and Scrutiny Committee, should determine whether the matters is referred back to Cabinet in line with the terms of reference of this Committee and the option to defer this decision to Council should be removed. The Task Group considered benchmarking data in agreeing their proposed revisions to the Call-In process. It is further suggested that Budget meetings adopt the criteria for considering Urgent Business at Council meetings to enable consideration of items that meet the criteria and also reduce the possible requirement for further Council meetings. Additionally, a two-tier consideration for Extra-Ordinary Council meetings has been proposed, therefore, should the initial proposal be refused by the Mayor, it will then be considered by the Chief Executive.

Further items considered:

- Petitions: it was suggested that the number of signatories to trigger a debate remain at 1,000, but anything under would be presented to the Mayor by a Councillor.
- Start times of meetings: it was considered that full Council which would start at 7:00p.m, with discretion allowed for Chairs to decide the start times of other meetings, although Licensing & Appeals meetings would remain at 10:00am.
- Ex-Officio Members: benchmarking at other authorities showed Ex-Officios were rare elsewhere. It was thought that they should remain but further consideration should be given to whether the Ex-Officios should be permitted to attend quasi-judicial meetings.
- Outside Bodies: The Constitution used to contain provision for Members to give updates on the bodies they represent. It was thought the existing ability for questions to be allowed on Outside Bodies would suffice and Members could report updates via Members Matters.

The annual Code of Conduct review has also been considered by the Governance, Audit and Standards Committee in March 2024 and is recommended to Council that the Code of Conduct remains fit for purpose with only one amendments being proposed to allow the Monitoring Officer to determine dispensation request for a period up to 4 years, in line with the legislation.

A change table showing the proposed amendments and reasons for the proposals are included at **Appendix 1** and the relevant sections of the Constitution which have been amended are attached at **Appendix 2**.

### Bramcote Bereavement Services Joint Committee Agreement

The review of the Bramcote Bereavement Services Joint Committee Agreement has undergone its initial checks through this Council's Legal Team and Erewash Borough Council have been consulted. The revised Agreement has been reported and considered by the Bramcote Bereavement Services Joint Committee on 20 June 2024 and will next be reported to Governance, Audit and Standards Committee on 22 July 2024 before being recommended to Council on 9 September 2024.

### Officer Code of Conduct

A review of the Officer Code of Conduct is also underway and shall be reported to Local Joint Consultative Committee before it is considered by the Governance, Audit and Standard Committee and then recommended to full Council.

#### 4. Financial Implications

The comments from the Head of Finance Services were as follows:

There are no additional financial implications to consider as part of this report. Any changes relating to delegated limits and the use of the Chief Executive's Urgency Powers may impact on the decision making process for spending going forward, although this is not considered to be significant to the overall budget.

#### 5. Legal Implications

The comments from the Head of Legal Services and Deputy Monitoring Officer were as follows:

Section 37 of the Local Government Act 2000 requires local authorities operating executive arrangements to prepare and keep up to date a document which contains:

- (a) such information as the Secretary of State may direct
- (b) the authority's standing orders (i.e. rules of procedure)
- (c) the code of conduct for members
- (d) such information as the authority considers appropriate.

Broxtowe Borough Council's Constitution is available on the Council's website.

#### 6. Human Resources Implications

There were no comments necessary from the Human Resource Manager.

7. Union Comments

There were no comments necessary from the Unions.

8. Climate Change Implications

There are no climate change implications contained within the report.

9. Data Protection Compliance Implications

This report does not contain any OFFICIAL(SENSITIVE) information and there are no Data Protection issues in relation to this report.

10. Equality Impact Assessment

This is not a change to policy so an Equality Impact Assessment is not required.

11. Background Papers

Nil.