



Report to: Audit & Governance Committee Meeting - 24 April 2024

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Report Summary	
<b>Report Title</b>	Annual Review of the Council’s Constitution
<b>Purpose of Report</b>	An annual report to consider any updates or amendments that may be required to the Council’s Constitution
<b>Recommendations</b>	That the following sections of the Constitution are reviewed by Members of Audit & Governance Committee at an informal workshop, and that proposals are presented at the earliest opportunity to Committee for formal consideration: - <ol style="list-style-type: none"> <li>1. The Petition Scheme</li> <li>2. Full Council Procedure Rules – Petitions and Annual Budget</li> <li>3. Local Code on Corporate Governance</li> <li>4. Other minor amendments proposed by the Monitoring Officer</li> </ol>
<b>Reason for Recommendation</b>	To ensure the Constitution is up to date and fit for purpose

**1.0 Background**

- 1.1 The Full Council adopted a revised version of the Constitution in May 2022 when the Council moved to Executive Arrangements (the Cabinet System). Since that date, some minor amendments and updates have been made. Audit & Governance Committee most recently considered the Constitution in November 2023 when it recommended to Full Council that amendments be made to allow for public speaking at Planning Committee. That amendment has since been approved by Full Council.
- 1.2 Audit & Governance Committee is responsible for overview of the Constitution, and the Work Programme includes an annual review.

## **2.0 Proposal/Options Considered**

- 2.1 The Petition Scheme is set out in the 'Public Participation' section of the Constitution. It was not reviewed in detail when the Constitution was updated in 2022 and a review is now considered appropriate to make sure the Council is following best practice, and that the Scheme is clear in terms of how the Council will respond to petitions, how E-Petitions will be dealt with and so on.
- 2.2 The Full Council procedure rules for handling petitions were reviewed and updated in 2022. While the Scheme is being reviewed it is considered timely to review how the procedure rules are operating in practice.
- 2.3 The Full Council procedure rules for the Council's General Fund Budget and Precept or Housing Revenue Account Budget and Rent Setting were also reviewed and updated in 2022. It is considered however that greater clarity in relation to motions for amendment might be helpful.
- 2.4 The Local Code of Corporate Governance is set out in the 'Protocols' section of the Constitution. It was not reviewed in detail when the Constitution was updated in 2022 and requires some updating.
- 2.6 The proposal is for all Members of Committee to be invited to an informal workshop to consider updates and amendments before proposals are presented formally to Committee. The Monitoring Officer will consider if any additional minor amendments or updates can be included for discussion.
- 2.7 The Council's Acquisitions and Disposals Policy is set out in the 'Financial Governance' section of the Constitution. Officers in Corporate Property and Housing have identified that some additional provisions in respect of Housing Revenue Account land would be helpful. Officers will review this Policy separately and consult with relevant Portfolio Holders as appropriate before bringing any proposed revisions to Audit & Governance Committee.

## **3.0 Implications**

In writing this report and in putting forward recommendations, officers have considered the following implications: Data Protection; Digital & Cyber Security; Equality & Diversity; Financial; Human Resources; Human Rights; Legal; Safeguarding & Sustainability and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

- 3.1 There is no longer a legal requirement for local authorities to adopt a petition scheme.

### **Background Papers and Published Documents**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

The Council's Constitution is published on its website - <https://www.newark-sherwooddc.gov.uk/constitution/>

Full Council report May 2022 – Item 8 - <https://democracy.newark-sherwooddc.gov.uk/ieListDocuments.aspx?CId=139&MId=569>

Audit & Governance report November 2023 – Item 10 - <https://democracy.newark-sherwooddc.gov.uk/ieListDocuments.aspx?CId=298&MId=877>

Full Council report January 2024 – Item 11 - <https://democracy.newark-sherwooddc.gov.uk/ieListDocuments.aspx?CId=139&MId=894>