



Report to: Audit & Governance Committee Meeting – 11 December 2024

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Report Summary	
Report Title	Review of the Council’s Constitution
Purpose of Report	An update on progress with review of the Constitution following the Committee’s first informal workshop
Recommendations	<ol style="list-style-type: none">1. That progress be noted2. That revisions to the arrangements for the Annual Budget meeting are presented to Full Council for adoption
Reason for Recommendation	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.
- 1.3 On 24 April 2024 all Members of Committee agreed for an informal workshop to be arranged to consider updates and amendments to the Constitution before proposals are presented formally to Committee.

2.0 Proposal/Options Considered

- 2.1 An informal workshop was held on 17 October 2024, with 7 Committee Members in attendance. Officers from Legal & Democratic Services presented issues and updates for Members to consider in relation to the following: -
- Petitions Scheme
 - Motions
 - Annual Budget Meeting arrangements
 - Licensing and General Purposes Committee
 - Contract Procedure Rules
 - Acquisitions and Disposals Policy
 - Local Code on Corporate Governance
 - Some miscellaneous amendments
- 2.2 It was agreed that an additional meeting was needed as it was not possible to complete the discussion in the time allotted. This will now be arranged for the New Year. It is proposed however for the Committee to consider one matter at this meeting, to enable amendments to be recommended to Full Council in February. Details are set out below.
- 2.3 In April it was reported to Committee that the Full Council procedure rules for the Council's General Fund Budget and Precept or Housing Revenue Account Budget and Rent Setting would benefit from greater clarity, in relation to motions for amendment. Currently, the procedure rules state that the motions for amendment must be delivered to Democratic Services 3 working days before the Annual Budget meeting. Members may wish to consider an earlier deadline to give Officers sufficient time to consider Financial Implications. The rules are silent on whether motions for amendment are to be circulated for all Members of Full Council prior to the meeting, other than to say that the Chair has discretion on how to deal with such motions. Members are referred to some minor proposed amendments which are shown as tracked changes in **Appendix 1** to this report.
- 2.4 One option presented at the workshop was to amend Full Council procedure rules at Budget Meetings to allow for all budget proposals and amendments to be moved and seconded in the order they were received and for there to be a single debate on the substantive motion and any amendments. At the end of the debate amendments would then be voted on in the order they were received. Members at the workshop were not persuaded to recommend this approach, but it is included in this report for completeness.
- 2.6 The Monitoring Officer advised the workshop that the Budget and Policy Framework Procedure Rules would also benefit from clarification, primarily because it is not explained that the procedure set out in paragraphs 12 to 16 is a statutory provision that is only applicable if the Annual Budget meeting is held before 8 February in any year. Members are referred to some minor proposed amendments which are shown as tracked changes in **Appendix 2** to this report.

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.

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>

Audit & Governance Committee Report April 2024 – Item 12 - <https://democracy.newark-sherwooddc.gov.uk/ieListDocuments.aspx?CId=298&MId=879>

- (a) Written notice of a motion to move an amendment of the Cabinet’s proposals for the Council’s General Fund Budget and Precept or Housing Revenue Account Budget and Rent Setting, must be delivered to Democratic Services **not later than midday 3 working days before the Council meeting at which it is to be considered** for Financial Comments to be added. The Section 151 Officer will comment whether the alternative proposals are reasonably calculated and sufficiently deliverable as to be robust and sustainable in the medium term and continue to ensure that reserves are maintained at an adequate level which protects the Council’s financial standing. Once Financial Comments have been added, the amendment will be circulated at the earliest opportunity for all Members of Full Council and where possible published on the Council’s website. Motions received after ~~that the~~ deadline will only be considered in exceptional circumstances and with the approval of the Chair, Section 151 Officer and Monitoring Officer. ~~The Chair has discretion on how to deal with m~~Motions under this Rule will be dealt with in the order in which they were received unless this proves unworkable for any reason, in which case the Chair has discretion on how to deal with Motions.

10. Full Council will consider the final proposals of the Cabinet and may:-
 - a. adopt them without amendment;
 - b. amend them after a motion to amend, in relation to which the Section 151 Officer must have provided Financial Comments, is put by the Leader and seconded;
 - c. refer them back to the Cabinet for further consideration in accordance with paragraphs 12 to 16 below; or
 - d. substitute its own proposals in their place providing the procedure set out in Part D of the Constitution regarding Written notice of a motion to move an amendment of the Cabinet’s proposals for the Council’s General Fund Budget and Precept or Housing Revenue Account Budget and Rent Setting, has been complied with.
11. If the Council accepts the Cabinet proposals with or without amendment the decision shall be effective immediately.
12. Where the Budget Decision Meeting takes place before 8 February in any financial year the provisions in paragraphs 13 to 16 below are applicable (The Local Authorities (Standing Orders (England) Regulations 2001/3384 Schedule 2).
13. If the Cabinet proposals are not accepted, the Chief Executive will inform the Leader of the Council’s objections and require him/her to reconsider the Cabinet’s proposals. The Leader will have five clear working days from receipt of the notification to submit a revised proposal or inform the Council of the Cabinet’s disagreement with the objections.
13. The Council’s decision will become effective on the expiry of five clear working days after notification of the Council’s objections unless the Leader submits revised proposals and/or formally objects in that period.
14. If the Leader wishes to submit revised proposals and or disagree with the objections of the Council, written notice will be given to the Chief Executive to that effect prior to the date upon which the decision is to be effective. The written notice must state the reasons for the revised proposals and/or the disagreement. Where such notice is received the Chief Executive shall convene a further meeting of the Council to reconsider its decision and the decision shall be effective pending that meeting.
15. The Council meeting must take place within ten working days of the receipt of the Leader’s written notice unless the Chair of the Council and Leader agree that the matter can wait until the next programmed meeting of the Council. At that Council meeting the decision of the Council shall be reconsidered in the light of any revised proposals submitted and the reasons for those revisions and / or the Cabinet disagreement and reasons for that disagreement which shall be available in writing to the Council.

16. The Council shall at that meeting make its final decision on the matter on the basis of a simple majority.