



Report to:

Audit & Governance Committee: 7 May 2025

Director or Business Manager Lead: Sue Bearman – Assistant Director Legal & Democratic Services and Monitoring Officer

Lead Officer:

Sue.Bearman@nsdc.info
01636 655935

Report Summary	
Report Title	Review of the Council's Constitution
Purpose of Report	To consider proposals for amendments to the Council's Constitution following consideration by an informal Audit & Governance Committee working party.
Recommendations	<p>That Committee: -</p> <ol style="list-style-type: none">1. Recommends the Constitutional amendments set out in Appendices A, B, E, G, I and J to Full Council for approval;2. Endorses the adoption of templates for motions and amendments as illustrated in Appendices C and D subject to approval by Full Council of the relevant amendments to Full Council Procedure Rules;3. Recommends a reduction in membership of Audit & Governance Committee to 9 Members to Full Council for approval;4. Endorses amendments to arrangements for Audit & Governance Committee as set out in paragraph 2.9 of the report;5. Requests that Officers explore options for more regular meetings with the auditors to assist with Audit & Governance Committee Member development;6. Recommends that Policy & Performance Improvement Committee re-issues guidance to all Members as set out in paragraph 2.11 of the report;7. Updates its work programme to include feedback at least annually on meetings between the Chair and Vice Chair of this Committee, and the Chair and Vice Chair of Policy & Performance Improvement Committee;

	<p>8. Recommends the addition of 'Principal Legal Officer' to the list of Officers with authority to seal legal documents on behalf of the Council, to Full Council for approval; and</p> <p>9. Approves the review of the sections of the Constitution set out in paragraph 2.26 of the report, with any proposals for amendment being brought to this Committee as soon as practicable.</p>
Reason for Recommendation	To ensure the Constitution is up to date and fit for purpose.

1.0 Background

- 1.1 Audit & Governance Committee is responsible for overview of the Constitution, and the Work Programme includes an annual review.
- 1.2 On 24 April 2024 Committee resolved to convene an informal workshop to review the Council's Petitions Scheme, Full Council Procedure Rules in relation to Petitions and Annual Budget, the Local Code on Corporate Governance, and any minor amendments proposed by the Monitoring Officer.
- 1.3 An informal workshop was held on 17 October, and an update was presented to Committee on 11 December 2024. Revisions to the arrangements for the Annual Budget were endorsed for recommendation to Full Council, and these were approved by the Full Council in February. It was also reported that the workshop considered there was a need to widen the scope of the review to include arrangements for written motions, Licensing & General Purposes Committees, and the Acquisitions and Disposals Policy in relation to land and property. An update was also provided on the Contract Procedure Rules (separate report on this agenda).
- 1.4 At its meeting of 18 February 2025, Cabinet considered the findings of the Local Government Association Peer Challenge and agreed the formation of a working group tasked with an action plan to address those findings. The Chair and Vice Chair of Audit & Governance Committee were appointed to the group. At its first meeting on 25 February, the group agreed for the Audit & Governance Committee to action the following recommendation: -
- Review Audit, Governance, Overview and Scrutiny functions of the Council to maximise councillor engagement and council productivity.
- 1.5 Two further Audit & Governance Committee informal workshops were held on 5 March and 27 March, and the above was included on the agenda. There is a separate report on this agenda regarding Peer Challenge actions.

2.0 Proposals/Options Considered

Petitions

- 2.1 The Council's Petition Scheme currently states that it welcomes e-petitions which are created through our website; while it does not prohibit e-petitions submitted through alternative platforms, the Scheme does not explicitly say they are accepted. The workshop acknowledged that it could be frustrating for petitioners who had used another online e-petition facility to find their e-petition rejected if the signatories could not be fully verified by Council officers. The importance of verification was noted, but on balance it was agreed that the Scheme should be amended to allow discretion to be exercised on the acceptance of e-petitions from other platforms (as we do now in practice). One minor amendment is also proposed in relation to petitions with more than 1,000 signatures that are actioned prior to the next meeting of Full Council at which they could be debated. The Petition Scheme, with proposed tracked changes, is **Appendix A** to this report (amendments at paragraphs 1.5 and 1.7).
- 2.2 The Full Council Procedure Rules contain provisions about the presentation of petitions. It is proposed to amend the Procedure Rules to allow for all petitions that fall under the remit of the Petition Scheme to be presented to Full Council by the relevant Member. Currently, the rules say that if a petition is to be debated it will not first be presented. Two further additions are proposed; firstly to clarify that the agreed course of action will normally be to refer the matter to another Council body or to note the petition, and secondly for the outcome of any consideration of petitions by the Cabinet, Portfolio Holders or Officers, to be reported back to Full Council for completeness. The relevant extract of the Full Council Procedure Rules, with proposed tracked changes, is **Appendix B** to this report (paragraph 3).

Motions

- 2.3 It is proposed to refine the Constitution's provisions regarding motions and introduce the use of a template. The proposed tracked changes to the Full Council Procedure Rules are in **Appendix B** (paragraph 3.4). This includes a new 3.4.1(c) which seeks to provide clarity for Members on valid motions. The template is **Appendix C**. The workshop decided not to propose bringing forward the deadline for submission of motions on notice (paragraph 3.4.3 Appendix B) due to the political group meeting schedules ahead of Full Council meetings, but agreed to suggest the inclusion of a provision recommending that early advice is sought prior to that deadline.
- 2.4 It is further proposed to introduce a template for amendments to motions, and a provision for amendments to be submitted to Democratic Services ahead of meetings (**Appendix B paragraph 4.6.2**). The template is **Appendix D**. Members at the workshop expressed the view that training on procedure would be helpful.

Licensing and General Purposes Committees

- 2.5 The workshop undertook a review of the terms of reference for these two Committees. Changes were proposed both for clarification and to remove functions that are no longer relevant. The workshop also discussed whether the two Committees could be

combined into one. A number of neighbouring authorities including Mansfield District Council, Ashfield District Council and Bassetlaw District Council have established a single committee for regulatory licensing functions. There is no statutory requirement to have two separate committees. The historical reason for having two, is that the committees were set up under different legislation with slightly different requirements. It was agreed to consult with the Licensing and General Purposes Committees on combining the committees. A report was taken on 20 March 2025, and the Committees supported the proposal to combine.

- 2.6 If a single committee is to focus solely on regulatory licensing functions, some of the General Purposes Committee's functions will need to be moved elsewhere. It is considered that Audit & Governance Committee would be the most suitable body to consider these electoral matters. The amount of committee business relating to these functions is minimal; in 2023-4 there were no reports, and in 2024-5 there was one report relating to a review of polling districts and polling places, and two reports relating to a community governance review. The proposed terms of reference for Licensing Committee are **Appendix E** (also **Appendix E1** – clean copy for ease of reference). The functions that would be moved to Audit & Governance Committee are highlighted.

Audit & Governance Committee

- 2.7 The workshop considered the functions of Audit & Governance Committee including the size of the Committee and whether it should be divided into two separate committees. It was agreed that the membership of the Committee should be reduced in line with best practice. There were mixed views regarding dividing the Committee.

- 2.8 For comparison, arrangements at other Nottinghamshire authorities are as follows: -

Authority	Combined or Separate	Membership
Nottinghamshire	Combined	11
Nottingham City Council	Separate	9 - Audit (2 independent) 8 – Governance (1 independent)
Gedling Borough Council	Separate	7 – Audit 2 from each group – Standards (2 co-optees)
Bassetlaw	Combined	9
Rushcliffe	Combined	9 (1 independent)
Broxtowe	Combined	13
Ashfield	Separate	7 – Audit 7 - Standards
Mansfield	Combined	9

- 2.9 It is proposed to reduce the membership of Audit & Governance Committee to 9. It is further proposed that for a trial period of 12 months from the start of the new municipal year, to add at least 2 extra Committee meetings, to be dedicated to Governance and Standards matters as far as possible, with other meetings being dedicated to Audit as far as possible. The timescale for the Government review of the Standards regime is

unknown, but it may be that within that time new requirements will come into effect regarding standards committees.

- 2.10 The workshop recalled that in previous years Committee Members were sometimes briefed by internal and external audit prior to meetings; this assisted with identifying issues that could be raised in meetings and was beneficial for training and development. The workshop recommends that options are explored for more regular meetings with the auditors to assist with Member development, including consideration of charges for additional attendance by internal and external audit.

Policy and Performance Improvement Committee

- 2.11 The workshop considered the functions of this Committee; Officers did not identify any necessary amendments to the terms of reference set out in the Constitution and made no recommendations. There was some discussion about chairmanship, as the Peer Challenge asked the Council to consider whether opposition Councillors could be chairs or vice chairs (of both Audit & Governance and Policy and Performance Improvement Committees). While in practice this is the case for Audit & Governance Committee, it is not a requirement of the Constitution. There were mixed views on this. On balance no Constitution changes are proposed at this time, as the Policy and Performance Committee membership is well established and no concerns have been raised about its leadership.
- 2.12 It is proposed that Audit & Governance Committee recommends Policy & Performance Improvement Committee re-issues guidance to all Members about how to submit scrutiny topic request forms at least twice a year, noting that this is already done annually. The Peer Challenge recommended that a matrix be considered to inform the Committee's work programme. The existing Operational Guidance is **Appendix F**; Committee will note that assessment criteria is already included on page 5. Some Members commented that the process can be bureaucratic.
- 2.13 It is proposed for the Chairs and Vice Chairs of PPIC and A&G, together with Officers, to meet at least once a year to review the Committee work programmes together and consider whether they cover the full range of scrutiny, governance, risk management and performance responsibilities. The work programme for each Committee should be updated to include feedback from this meeting.
- 2.14 This Committee will be considering a separate report regarding Member learning and development, including provision for scrutiny.

Planning Policy Board

- 2.15 The workshop endorsed proposals from Planning Officers to increase the membership of the Planning Policy Board to 9, comprised of the Portfolio Holder for Sustainable Economic Development, 4 Members from the membership of the Policy and Performance Improvement Committee, and 4 members of the Planning Committee including the Chair and Vice Chair. The rationale for this is to increase the geographical coverage and political representation of the membership. The proposed amendments are set out in **Appendix G**.

Acquisitions and Disposals Policy

- 2.16 The workshop was briefed on Officers' work to refresh and review this Policy, which is included in the Financial Governance section of the Constitution. The current Policy is **Appendix H**, and the proposed revised Policy is **Appendix I**.
- 2.17 The main changes are summarised below (if approved, flowcharts will also be added for ease of reference before the revised Policy is submitted to Full Council for approval):
- Inclusion of all legislative requirements for disposals by local authorities for ease of reference and to reduce the risk of omission
 - Clarification on delegations
 - Incorporation of reference to the distinction between General Fund and Housing Revenue Account assets
 - Addition of reference to 'appropriation' – the transfer of land between the General Fund Budget to the Housing Revenue Account Budget
- 2.18 As this Policy relates Cabinet and Portfolio Holder decision-making, in the event Committee endorses the updates, Officers will consult with the Leader and include any feedback in the report to Full Council.

Executive Arrangements

- 2.19 A Member queried whether any provision could be made in the Constitution for a 'no overall control' position. One example discussed was whether, in the event of no overall control, consideration should be given to the adoption of a team charter for a joint administration. Members may wish to consider this further.

Other

- 2.20 Currently, the only Committee with a training requirement incorporated into terms of reference is Planning Committee, 'All Members of the Planning Committee must have undertaken the required training, a minimum of once a year'. The working party discussed the importance of training, although there was recognition that mandating training might be difficult to implement in practice. The importance of different options for training (e.g. online, in person) was acknowledged, also effective marketing of training events. As referenced in paragraph 2.14 above, This Committee will be considering a separate report regarding Member learning and development. It is proposed to consider any Constitution amendments regarding training requirements as part of that report.
- 2.21 Some minor amendments are required to the Terms of Reference for Planning Committee to ensure it accurately reflects the contents of the Officer Scheme of Delegation and the Protocol for Planning Committee. The proposed amendments are **Appendix J**.

- 2.22 The Peer Review recommended a review of the Annual Governance Statement. As the two documents are closely aligned, it is proposed to review the Local Code on Corporate Governance (which is part of the Constitution and has been identified by this Committee for review) at the same time, and report back to this Committee with any proposed amendments.
- 2.23 The workshop was also briefed on proposed updates to the Contract Procedure Rules, in relation to which there is a separate report on the agenda for this meeting.
- 2.24 Finally, the Officer Scheme of Delegation in the Constitution delegates authority to the Chief Executive, Directors (including the Assistant Director) and Deputy Monitoring Officer, to seal legal documents on behalf of the Council. Due to hybrid working arrangements this is not always practical and it is proposed to extend this provision to include Principal Legal Officers.

Next Steps

- 2.25 Amendments and updates endorsed by this Committee will be recommended to Full Council for approval at the Annual Meeting in May. The Council's Independent Remuneration Panel will be asked to undertake a review in respect of any changes in Committee terms of reference.
- 2.26 In 2025-26 it is proposed to review and update the following Constitutional documents with a report being brought to Committee as soon as practicable: -
- Employment Procedure Rules
 - Protocol for Appointments to Outside Bodies
 - Consider inclusion of a regulatory obligations section
- 2.27 The Social Media Protocol for Members is a Constitutional document, but is being considered under the Conduct and Public Service workstream for this 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 Financial Implications - FIN25-26/2805

The costs associated with convening the independent remuneration panel can be accommodated within the existing budgets for the 2025-26 financial year.

3.2 Legal Implications (LEG2425/9323)

Audit & Governance Committee is the appropriate body to consider the content of this report, as it is responsible for overview of the Council's Constitution and consideration of proposed amendments or revisions to the Constitution including the Schemes of Delegation, Procedure

Rules and Protocols. Adoption and alteration of the Constitution is a function reserved to Full Council; therefore any amendments endorsed will need to be submitted to Full Council for approval.

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&MIId=569>

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

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

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

Audit & Governance Committee report 11 December 2024 – Item 16 - <https://democracy.newark-sherwooddc.gov.uk/ieListDocuments.aspx?CId=298&MIId=987>

Full Council report February 2025 – Item 52 - <https://democracy.newark-sherwooddc.gov.uk/ieListDocuments.aspx?CId=139&MIId=1028>

Cabinet report February 2025 – item 245 - <https://democracy.newark-sherwooddc.gov.uk/ieListDocuments.aspx?CId=288&MIId=1017>

Licensing and General Purposes Committees report March 2025 – item 4 - <https://democracy.newark-sherwooddc.gov.uk/ieListDocuments.aspx?CId=143&MIId=1008>