



Report to: Annual Full Council Meeting - 20 May 2025

Relevant Committee Chair: Councillor Rhona Holloway, Audit & Governance Committee

Director Lead: Sue Bearman, Assistant Director - Legal & Democratic Services and Monitoring Officer

Lead Officer: Nigel Hill, Business Manager - Elections and Democratic Services and Deputy Monitoring Officer, Ext. 5243

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 the Audit & Governance Committee.
Recommendations	<p>That Full Council: -</p> <ul style="list-style-type: none">a) adopts the Constitutional amendments set out in Appendices A, B, C, D, H, I and J and paragraph 2.8 of the report;b) subject to the approval of a) above, notes the adoption of templates for motions and amendments as illustrated in Appendices E and F to the report;c) adopts the terms of reference for a new Licensing Committee as set out in Appendix G of the report, to be implemented with effect from 15 July 2025;d) confirms for the Licensing Committee Terms of Reference in the Constitution to be updated accordingly once the Committee has approved any revisions to its Scheme of Delegation;e) approves a reduction in membership of the Audit & Governance Committee to 9 Members with effect from 15 July 2025 for a trial period, and adding two further meetings of the Committee to the Schedule of Meetings;f) approves the addition of 'Principal Legal Officer' to the Officers listed in the Council's Constitution as having authority to seal legal documents on behalf of the Council;g) notes that a further report will be brought to the Full Council meeting on 15 July 2025 to consider a revised allocation of seats on committees, if the changes recommended at c) and e) above are approved; and

	h) approves the convening of the Independent Remuneration Panel to undertake a desktop review of the affected Members' Special Responsibility Allowances, if the proposed changes to Committees are agreed.
Reason for Recommendation	To ensure the Constitution is up to date and fit for purpose.

1.0 Background

- 1.1 The Audit & Governance Committee is responsible for overview of the Constitution and the Work Programme includes an annual review. The Committee held three informal working parties between October 2024 and March 2025 to consider potential changes to the Constitution and following their meeting held on 7 May 2025 resolved to recommend several amendments to Full Council for approval.
- 1.2 In addition, at its meeting of 18 February 2025, the 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. At its first meeting on 25 February 2025, the group agreed for the Audit & Governance Committee to action the following recommendation: 'review Audit, Governance, Overview & Scrutiny functions of the Council to maximise councillor engagement and council productivity'. This recommendation has been considered by the Audit & Governance Committee as part of its review of the Constitution.
- 1.3 At its meeting of 7 May 2025, the Audit & Governance Committee also considered updates, proposed by the Business Manager - Financial Services, to the Financial Regulations and the Contract Procedure Rules, both of which are Constitutional documents. The Financial Procedure Rules (FPR's) set out the principles, roles and processes involved in Finance at the Council. The Contract Procedure Rules (CPR's) set out the principles, roles and processes involved in procurement at the Council.

2.0 Proposal/Options Considered

Financial Procedure Rules

- 2.1 The FPRs have been reviewed in conjunction with the Council's Section 151 Officer to update where appropriate and clarify relevant sections. There have been no material changes to the FPR's as a result of this review. **Appendix A** to the report shows the proposed changes to the FPR's.

Contract Procedure Rules

- 2.2 The main changes within the CPR's relate to at which points in the procurement process Welland Procurement (the Council's contracted procurement service) should be engaged. It is proposed that on each occasion a procurement is likely to be above £75,000 Welland must be engaged. There is further clarification regarding the approval to procure (which is after the budget has been secured) and the approval to

award (post the signature of the contract). It also details those officers (and when it is necessary for those officers) who can sign the contract, bearing in mind that £75,000 is still the limit for having the contract sealed. The CPR's have also been updated to reflect the requirements of the Procurement Act 2023. **Appendix B** to the report shows the proposed changes to the CPR's.

Petitions

- 2.3 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. It is proposed 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 C** to this report (amendments at paragraphs 1.5 and 1.7).
- 2.4 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 by the relevant Member. 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 attached as **Appendix D** to this report (paragraph 3.1).

Motions

- 2.5 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 shown in **Appendix D** to the report (paragraph 3.4). This includes a new 3.4.1(c) which seeks to provide clarity for Members on valid motions. The template which is proposed for use going forward is attached as **Appendix E** to the report. There is also a provision recommending that early advice is sought prior to the deadline for submission of motions.
- 2.6 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 where possible (**Appendix D paragraph 4.6.2**). The template is attached as **Appendix F** to the report.

Licensing and General Purposes Committees

- 2.7 The Audit & Governance Committee 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. Members 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. Such a report was taken to this meeting on 20 March 2025 and the Committees supported the proposal to combine. If Full Council approves the proposal a revised political composition report will be presented to the next meeting to be held on 15 July 2025 to adjust allocation of seats to committees, with the changes coming into effect immediately after that.
- 2.8 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 the 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 2023-24 there were no reports, and in 2024-25 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 the single Licensing Committee is attached as **Appendix G** to the report (**Appendix G(i)** shows tracked changes for comparison). The functions that would be moved to Audit & Governance Committee are highlighted in **Appendix G(i)**, these are: -
- Functions relating to parishes, elections and electoral registration.
 - Functions relating to Polling Station reviews.
 - Functions relating to Community Governance Reviews.
 - Making recommendations to Council relating to the name and status of areas and individuals.
 - Making recommendations to Council on the promotion or approval of local bill.
 - Making recommendations to the Council as to recommendations to the Secretary of State on district boundaries, ward boundaries, electoral divisions, wards or polling districts.
- 2.9 The Council's Licensing Team is in the process of reviewing and updating the Scheme of Delegation for Licensing functions which sets out which matters are reserved to Committee, which are delegated to the Sub-Committee, and which are delegated to Officers. The Scheme is set out in the Terms of Reference for the Committee. It is proposed that Full Council confirms for the Terms of Reference in the Constitution to be updated accordingly once the Committee has approved any revisions to the Scheme.

Audit & Governance Committee

2.10 Consideration was given to the current arrangements for the Audit & Governance Committee including the size of the Committee and whether the functions should be divided between two separate committees; one for audit and one for governance.

2.11 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

2.12 There were mixed views expressed by Members of the Audit & Governance Committee regarding separating the functions into two separate committees. Also, the timescale for the Government review of the Standards regime is unknown, and it may be that new requirements will come into effect regarding standards committees that require changes to the Council's arrangements. Considering the mixed views and potential upcoming changes, it is proposed to make some minor changes for a trial period of this municipal year.

2.13 It is proposed to reduce the membership of Audit & Governance Committee to 9. It is further proposed that for a trial period 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. If Full Council approves the proposal a revised political composition report will be presented to the next meeting on 15 July to adjust allocation of seats and add to the Schedule of Meetings, with the changes coming into effect immediately after that.

Independent Remuneration Panel

2.14 If the changes in paragraphs 2.7 and 2.8 are approved by Full Council, the Independent Remuneration Panel will need to be convened to undertake a desktop review of the affected Members' Special Responsibility Allowances.

Planning Policy Board

- 2.15 The Audit & Governance Committee endorsed proposals from Planning Officers to increase the membership of the Planning Policy Board to 9, comprising of the Portfolio Holder for Sustainable Economic Development, 4 Members nominated by the Policy and Performance Improvement Committee (any Member of Council), 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 to the Planning Policy Board are set out in **Appendix H**.

Acquisitions and Disposals Policy

- 2.16 Officers have refreshed and reviewed this Policy, which is included in the Financial Governance section of the Constitution. The proposed revised Policy is attached as **Appendix I** to the report.
- 2.17 The main changes are summarised below:
- 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 to Cabinet and Portfolio Holder decision-making, Officers have consulted with the Leader before bringing this report to Full Council.

Other

- 2.19 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 set out in **Appendix J** to the report.
- 2.20 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.

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.

Financial Implications (FIN25-26/7042)

- 3.1 It is proposed that remuneration for the Chair and the two members of the panel to be consistent with previous payments. This was previously £1,000 for the Chair and £600 for the other two members in 2023 when the Panel convened to review new portfolios. The scope of this review will be more limited; therefore it is anticipated that costs will be £500 for the Chair and £300 for the other two members. This can be funded from the annual Change Management budget.

Legal Implications (LEG2425/5629)

- 3.2 Adoption and alteration of the Constitution is a function reserved to Full Council; therefore, Full Council is the appropriate body to consider the content of this report.

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.

7 May 2025 Audit & Governance Committee –

- Item 5 – Review of Contract Procedure Rules
- Item 6 – Review of Financial Procedure Rules
- Item 10 – Review of the Council's Constitution

<https://democracy.newark-sherwooddc.gov.uk/ieListDocuments.aspx?CId=298&MIId=1179>