

COUNCIL – 24 FEBRUARY 2016

1. **THE CONSTITUTION – CONSEQUENTIAL CHANGES TO OFFICER SCHEME OF DELEGATIONS**

Submitted by: Monitoring Officer

Portfolio: Policy People & Partnerships

Wards affected: All

Purpose of the Report

To advise Council of revisions which have been made to the Officer Scheme of Delegation in relation to the Environmental Health function and the Licensing function in consequence of legislative changes and also to take into account the fact that the post of Head of Business Improvement, Central Services and Partnerships is currently vacant.

Recommendations

That the revised Schemes of Delegation be noted.

Reasons

Part 2, paragraph 15.2 of the Constitution, authorises the Monitoring Officer to make consequential changes to the Constitution to reflect resolutions of the Council or Cabinet, decisions properly made under delegated powers and changes of fact and law, subject to regular notification of Members to such changes.

Revising the Constitution is necessary to ensure that the Council is efficient and effective in making and implementing decisions and is properly accountable. Changes may become necessary where the law has changed or where the Council decides to change the way it operates, for example if the management structure changes and/or services move from one directorate to another. The Scheme of Officer Delegation must be updated and revised where necessary to allow officers to continue to act lawfully.

As the post of Head of Business Improvement, Central Services and Partnerships is currently vacant it is proposed that the Constitution is revised so that all delegations to him specifically also include the Chief Executive in order to ensure that there is no disruption in the Council's decision making.

1. **Background**

1.1 The Constitution is the set of rules that describe and constrain how the Council operates, how its decisions are made and the procedures to be followed. The Council adopted a new formal Constitution in 2001 and this has been updated and reviewed since that date. The Constitution provides a framework for Council decision making through which the Council delivers its strategic objectives.

2. **Outcomes to support Corporate Priorities as set out in the Council Plan and/or the Newcastle Partnership priorities**

- 2.1 The objective of the Constitution is to support the intentions of the Corporate Plan in the most efficient, effective, inclusive, open and accountable manner.
- 2.2 The Constitution governs the way the Council works. The amended Schemes of Delegation will enable the public, Council Members and Officers to engage more effectively with the decision making processes of the Council and also ensure that processes are lawful.
- 2.3 An effective Constitution contributes to the overall ethical wellbeing of the Council and helps to ensure a culture of high ethical standards, which the public and the Council's partners can have confidence in.

3. **Financial and Resource Implications**

- 3.1 There are no financial or resource implications flowing from this report.

4. **Legal, Statutory and Policy Implications**

- 4.1 The Constitution is the legal framework set by the Council and which governs the way it conducts its business. The powers of the Council to delegate the exercise of functions are set out in Section 101 of the Local Government Act 1972.

5. **Major Risks**

- 5.1 If the Schemes of Delegation for the Council's various functions are not kept up to date, it could expose the Council to legal risk, frustrate aspects of legal enforcement and may prevent the full implementation of Council decisions.