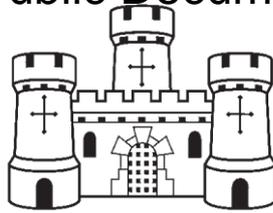


Public Document Pack



**NEWCASTLE
UNDER LYME**
BOROUGH COUNCIL

PLEASE NOTE THAT PRAYERS WILL BE HELD AT 6.50PM BEFORE THE COMMENCEMENT OF THE BUSINESS OF THE COUNCIL.

THE MAYOR REQUESTS THAT ANY MEMBER WISHING TO PARTICIPATE IN PRAYERS BE IN ATTENDANCE BY NO LATER THAN 6.45PM.

SUPPLEMENTARY AGENDA

Dear Sir/Madam,

You are summoned to attend the meeting of the Borough Council of Newcastle-under-Lyme to be held in the **Garden & Astley Rooms - Castle House, Barracks Road, Newcastle, Staffs. ST5 1BL** on **Wednesday, 18th May, 2022** at **7.00 pm**.

BUSINESS

- | | | |
|-----------|---|------------------------|
| 13 | APPOINTMENTS TO COMMITTEES, CHAIRS AND VICE CHAIRS FOR 2022/23 | (Pages 3 - 12) |
| | To appoint Members to committees. | |
| 14 | EXTERNAL ROLES AND APPOINTMENTS | (Pages 13 - 28) |
| 15 | CONFIRMATION OF THE CONSTITUTION | (Pages 29 - 32) |

Yours faithfully

Chief Executive

NOTICE FOR COUNCILLORS

1. Fire/Bomb Alerts

In the event of the fire alarm sounding, leave the building immediately, following the fire exit signs..

Fire exits are to be found at the side of the room leading into Queens Gardens.

On exiting the building Members, Officers and the Public must assemble at the statue of Queen Victoria. DO NOT re-enter the building until advised to by the Controlling Officer.

2. Mobile Phones

Please switch off all mobile phones before entering the Council Chamber.

3. Notice of Motion

A Notice of Motion other than those listed in Procedure Rule 14 must reach the Chief Executive ten clear days before the relevant Meeting of the Council. Further information on Notices of Motion can be found in Section 5, Standing Order 20 of the Constitution of the Council.

Officers will be in attendance prior to the meeting for informal discussions on agenda items.



NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO

Council
18 May 2022

Report Title: Appointment to Committees

Submitted by: Chief Executive

Portfolios: One Council, People and Partnerships

Ward(s) affected: All

Purpose of the Report

To appoint Members to committees, elect chairs and vice-chairs and note appointments to Political Group Leader and Deputy Leadership positions.

Recommendation

That:

- (a) Council makes the committee appointments set out in the Appendix to this report and notes the appointed Group Leader/Deputy Leadership positions.**
- (b) The Head of Legal and Governance/Monitoring Officer be granted delegated authority to make the arrangements for 2 non-voting co-opted members to be appointed onto the Health, Wellbeing and Environment Scrutiny Committee in accordance with the provisions of the constitution.**

Reasons

In accordance with the requirements of the Constitution, and to enable council business to be conducted through committees (Sections 101 & 102 of the Local Government Act 1972; Section 6 of the Licensing Act 2003) and to comply with the requirements in respect of Scrutiny (Part 1A of the Local Government Act 2000).

1. Background

Committee Appointments

- 1.1 The Local Government and Housing Act 1989 ("the 1989 Act") imposes political proportionality requirements in respect of the appointment of committees (other than the Executive). Specific provision is made in Section 15 of the Act as to how proportionality requirements should be prioritised as between the number of seats available on each committee and the number of available committee seats overall.
- 1.2 To meet these requirements, minor adjustments often need to be made where, for instance, a strict calculation results in an entitlement to less than one whole seat on any given committee.
- 1.3 These calculations were last refreshed in the run up to this Annual Council to reflect changes resulting from the Borough Elections held on 5 May, 2022.

- 1.4 It now falls to Council to appoint members from the relevant political groups to the seats allocated to those groups. Council will then need to elect a chair and vice-chair for each committee. Nominations made by the groups will be set out in an appendix to be tabled at the meeting.
- 1.5 Government advice on Scrutiny Committees suggests that local authorities might consider it appropriate to have all or some of these committees chaired by members outside the majority group.
- 1.6 The constitution states that there shall be 2 non-voting co-opted members on the Health, Wellbeing and Environment Scrutiny Committee as set out below:

“In addition, there shall also be 2 non-voting co-opted members, representing the young people of the Borough drawn from the Student’s Union at Keele University and the Student Representative Body at Newcastle College. Both establishments are to be invited to nominate a co-opted member at each Annual Council.”

It is recommended that the Head of Legal and Governance/Monitoring Officer be granted delegated authority to make these arrangements.

Group Leadership/Deputy Leadership

- 1.7 For completeness, Political Group Leader and Deputy Leaderships are also reported to Annual Council. These will also be set out the appendix to this report tabled at the meeting.

2. **Issues**

- 2.1 Set out above.

3. **Proposal**

- 3.1 That Council makes the committee appointments set out in the Appendix to this report and notes the appointed Group Leader/Deputy Leadership positions.

4. **Reasons for Proposed Solution**

- 4.1 To comply with the legislative requirements and Council’s Constitution.

5. **Options Considered**

- 5.1 Not applicable.

6. **Legal and Statutory Implications**

- 6.1 Dealt with in the body of the report

7. **Equality Impact Assessment**

- 7.1 Not applicable.

8. **Financial and Resource Implications**

8.1 There are no significant direct financial or resource implications arising from the proposals. There is no change to the number of chairmanships or vice-chairmanships so no impact on members' allowances.

9. **Major Risks**

9.1 It is essential that the council's decision making structures and processes are robust and established in line with the relevant legislation and principles of good governance, to minimise the risk of legal challenge. The proposed approach seeks to ensure those aims are met.

9.2 The appointment of scrutiny committees enables the Council to achieve enhanced accountability and transparency of decision making process. Scrutiny is a key element of the Council's executive arrangements and is the main way by which executive decision-makers are held to public account for the discharge of the functions for which they are responsible.

9.3 The scrutiny process is a key mechanism for enabling councillors to represent the views of their constituents and other organisations to the cabinet and to the Council and, by examining the operation and impact of the Council's policies, is a useful means of improving the development and delivery of services. Lack of an effective scrutiny function could lead to a lack of democratic accountability for the Council.

10. **UN Sustainable Development Goals (UNSDG)**

10.1 Not applicable.

11. **Key Decision Information**

11.1 This is not a Key Decision.

12. **Earlier Cabinet/Committee Resolutions**

12.1 Not Applicable.

13. **List of Appendices**

13.1 Nominations.

14. **Background Papers**

14.1 Not Applicable.

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Notification of Political Groups of the Borough Council

Members are advised that the Proper Officer has received notification, under the provisions of the Local Government (Committees and Political Groups) Regulations 1990, of the operation of two political groups on the Council namely:-

NAME & NUMBER OF MEMBERS	DESIGNATED LEADER	DESIGNATED DEPUTY LEADER
CONSERVATIVE	SIMON TAGG	MARK HOLLAND
LABOUR	DAVE JONES	ANDREW FOX-HEWITT

Representation of Political Groups in Committees and Appointment of Members to Committees

		LABOUR	CONSERVATIVE
Audit & Standards	7	3	4
		Mike Stubbs	Paul Waring
		Wendy Brockie	Barry Panter
		Steph Talbot	Mark Holland
			Joan Whieldon
Substitutes	7	3	4
		Annabel Lawley	David Hutchison
		Phil Reece	Paul Northcott
		Richard Gorton	Simon Jones
			Andrew Parker
Independent Member			
Employment Committee	7	3	4
		Andrew Fox-Hewitt	Simon Tagg
		Dave Jones	Gary White
		Dave Grocott	Gill Heesom
			Stephen Sweeney
Substitutes	7	3	4
		John Williams	Mark Holland
		Gill Williams	Paul Northcott
		Sue Moffat	Andy Fear
			Joan Whieldon
Licensing & Public Protection	15	6	9
		Sylvia Dymond	Andrew Parker
		Ruth Wright	Joan Whieldon
		Dave Allport	Simon White
		John Williams	Lilian Barker
		Gill Williams	Gill Heesom
		Jacqueline Brown	Stephen Sweeney
			Ian Wilkes
			Craig Skelding
			Rupert Adcock

Substitutes	15	6	9
		Wendy Brockie	David Hutchison
		Sue Beeston	Barry Panter
		Andrew Fox-Hewitt	Trevor Johnson
		Dave Jones	John Tagg
		Mike Stubbs	Jill Waring
		Lesley Richards	Gill Burnett
Conservation Advisory	5	2	3
		Annabel Lawley	Barry Panter
		Phil Reece	Trevor Johnson
			Lilian Barker
Substitutes	5	2	3
		Lesley Richards	Gill Burnett
		Ruth Wright	Ian Wilkes
			Rupert Adcock
Planning	12	5	7
		John Williams	Paul Northcott
		Gill Williams	Nick Crisp
		Sue Moffat	Andy Fear
		Richard Gorton	Mark Holland
		Dave Jones	Amy Bryan
			David Hutchison
			Simon Jones
Substitutes	12	5	7
		Sue Beeston	Stephen Sweeney
		Joel Edgington-Plunkett	Barry Panter
		Sylvia Dymond	Simon Tagg
		Dave Grocott	Gill Heesom
		Andrew Fox-Hewitt	Craig Skelding
			John Tagg
Health, Wellbeing & Environment SC	11	5	6
		Sylvia Dymond	Ian Wilkes
		Ruth Wright	Rupert Adcock
		Jacqueline Brown	Lilian Barker
		Phil Reece	Paul Northcott
		Lesley Richards	Nick Crisp
			Simon Jones
Substitutes	11	5	6
		Sue Beeston	Andrew Parker
		Dave Jones	Mark Holland
		Andrew Fox-Hewitt	John Tagg
		Sue Moffat	Simon White
		Joel Edgington-Plunkett	Amy Bryan
			Gill Burnett

Economy & Place SC	11	5	6
		Sue Moffat	Gary White
		Dave Grocott	David Hutchison
		Joel Edgington-Plunkett	Gill Burnett
		Richard Gorton	Robert Bettley-Smith
		Sue Beeston	Craig Skelding
			Barry Panter
Substitutes	11	5	6
		Dave Jones	Mark Holland
		Andrew Fox-Hewitt	Simon White
		Sylvia Dymond	John Tagg
		Dave Allport	Simon Jones
		Mike Stubbs	Joan Whieldon
			Nick Crisp
Finance, Assets & Performance SC	11	5	6
		Mike Stubbs	Mark Holland
		Wendy Brockie	Amy Bryan
		Steph Talbot	Andrew Parker
		Dave Allport	John Tagg
		Annabel Lawley	Paul Waring
			Robert Bettley-Smith
Substitutes	11	5	6
		Dave Jones	Joan Whieldon
		Andrew Fox-Hewitt	Barry Panter
		Ruth Wright	Craig Skelding
		Dave Grocott	Ian Wilkes
		Richard Gorton	Nick Crisp
			Rupert Adcock

Appointment of Chairs and Vice-Chairs of Committees (in accordance with Standing Order 46(1))

Members are advised of the following nominations for the positions of Chair and Vice-Chair for the various Committees of the Council. Where there are two nominations (**highlighted in bold**), the Council must vote on which Member to appoint:-

COMMITTEE	CHAIR	VICE-CHAIR
Audit & Standards	Jacqueline Brown Paul Waring	Steph Talbot Barry Panter
Conservation Advisory	Annabel Lawley Barry Panter	Phil Reece Trevor Johnson
Employment Committee	PORTFOLIO HOLDER	NO NOMINATION REQUIRED
Licensing & Public Protection	Ruth Wright Andrew Parker	Dave Allport Joan Whieldon
Planning	John Williams Paul Northcott	Gill Williams Nick Crisp
Health, Wellbeing & Environment SC	Sylvia Dymond Ian Wilkes	Ruth Wright Rupert Adcock

Economy & Place SC	Sue Moffat Gary White	David Grocott David Hutchison
Finance, Assets & Performance SC	Mike Stubbs Mark Holland	Wendy Brockie Amy Bryan
MAYOR AND DEPUTY MAYOR NOMINATIONS		
NOMINATION FOR MAYOR	Gillian Burnett	-
NOMINATION FOR DEPUTY MAYOR	Simon White	John Williams

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO

Council
18 May 2022

Report Title: External roles and appointments
Submitted by: Chief Executive
Portfolios: One Council, People and Partnerships
Ward(s) affected: ALL

Purpose of the Report

To ask council to appoint to various outside bodies.

Recommendation

That Council appoints representatives to the outside bodies as set out in the appendix.

Reasons

To ensure the council is represented on the outside bodies and external organisations as set out in the appendix.

1. **Background**

1.1 The council has representation on various outside bodies and organisations. It is recommended that appointments are made for the 4 year life of this council.

2. **Issues**

2.1 As set out above.

3. **Proposal**

3.1 That council makes appointments to the outside bodies and external organisations as listed in the appendix.

4. **Reasons for Proposed Solution**

4.1 To ensure the council has representation on various outside bodies and organisations.

5. **Options Considered**

5.1 None.

6. **Legal and Statutory Implications**

6.1 None.

7. **Equality Impact Assessment**

7.1 None.

8. **Financial and Resource Implications**

8.1 None.

9. **Major Risks**

9.1 None.

10. **UN Sustainable Development Goals (UNSDG)**

10.1 None.



11. **Key Decision Information**

11.1 This is not a key decision.

12. **Earlier Cabinet/Committee Resolutions**

12.1 None.

13. **List of Appendices**

13.1 List of outside bodies and external organisations.

14. **Background Papers**

14.1 . None

External Roles of Members – Community Groups

Name of Organisation/ Role	Description of Organisation / Role	Appointed by	Nomination convention	Term of Appointment	Nominations for re-appointment
<p>Community Centres Management Committees:</p> <p>Audley Bradwell Lodge Community Centre * Butt Lane Chesterton Clayton Crackley Harriet Higgins Knutton Marsh Hall Ramsay Road Red Street Silverdale, Park Road Silverdale, Social Centre Whitfield Wye Road</p> <p>CIC – Community Interest Group (Appoints own Directors)</p>	<p>The Management Committees hold regular meetings, usually monthly, to decide on how the organisation should operate the community centre on a day to day basis.</p>	<p>Council (up to 3 members on each)</p>	<p>Ward members automatically become the Council's nominated representatives for community centres situated within their wards for the period of their office, negating the need to make specific nominations each year</p> <p>Ward Members do not have voting rights unless co-opted or elected to the Management Committee</p>	<p>Every 4 years (18/05/2022)</p>	<p>Ward Councillors automatically appointed</p>

Residents Associations

Page 16

Residents' Associations are made up of local residents (tenants and/or homeowners) who represent the interests of everyone living in a particular area or building. They come together to represent the views of all residents in their area to help make their neighbourhood a better place to live.

Council

Ward Members automatically become the Council's nominated for any Residents Association within their ward for the period of their office, negating the need to make specific nominations each year.

Ward Members do not have voting rights unless co-opted or elected to the Residents Association.

Every 4 years
(18/05/2022)

Ward Councillors
automatically
appointed

External Roles of Members

Name of Organisation/ Role	Description of Organisation / Role	Appointed by	Nomination convention	Term of Appointment	Nominations for re-appointment
North Staffs Victim Support			Relevant Portfolio Holder or nominee	4 years	Portfolio Holder
Sir John Offley Almshouse Trust	Charity run Housing situated in Madeley	N/A	One Madeley Ward Cllr (Cllr S White)	4 years	Cllr S White
Go Kidsgrove	Community Interest Company promoting local businesses and events.	1 member/ Council	Relevant Portfolio Holder or nominee	4 years	Portfolio Holder
Stoke-on-Trent and North Staffordshire Theatre Trust Limited (New Victoria Theatre)	A charity for people of all ages/backgrounds – using the power of theatre to change lives.	1 member/ Council	Relevant Portfolio Holder or nominated Member (Cllr M Holland)	4 years	Cllr Holland

Aspire Housing Board Page 18	Provider of homes for rent and homes for shared ownership.	1 member/ Council (£5,000 p/a paid by Aspire)	Relevant Portfolio Holder or nominee (Cllr Northcott)	4 years	Cllr Northcott Cllr Beeston
Campaign to Protect Rural England - County Branch	Works to make the countryside of Staffordshire a better place for everyone to live, work and enjoy.	up to 2 members/ Council	One Member (Cllr Panter)	4 years	Cllr Panter
Staffordshire Playing Fields Association		1	Relevant Portfolio Holder or nominee	4 years	Portfolio Holder
Local Government Association	The 'parliament of Local Government'	1 member/ Council	Leader	4 years	Leader

<p>Locality Action Partnerships:</p> <ul style="list-style-type: none"> • Audley • Betley, Keele and Madeley • Butt Lane and Talke • East Newcastle • Greater Chesterton • Kidsgrove • Partnership of Western Communities • Newcastle Rural • Newcastle South 	<p>These represent the Newcastle Partnership's established infrastructure for the delivery of locality working and offer communities access to a range of partners.</p>	<p>Council</p>	<p>The LAP constitutions state that membership is open to "Any County or District Councillor representing any part of the area" - this negates the need to make specific nominations annually.</p>		<p>Ward Councillors automatically appointed</p>
<p>Business Improvement District</p>	<p>Works with partner organisations to lobby, support and deliver a range of projects and events in the BID area</p>	<p>1 member/ Council</p>	<p>Relevant Portfolio Holder or nominee</p>	<p>4 years</p>	<p>Portfolio Holder</p>

Newcastle Partnership (Local Strategic Partnership)

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Representing different sectors in the Borough and playing a vital role in bringing together a range of organisations through co-operative and co-ordinated joint working to improve social, economic and environmental wellbeing for residents.

It is committed to continuously improving the quality of life and experiences of people, who live, work, invest, study and visit Newcastle

1 + sub member/
Council

Leader, Deputy Leader as substitute

4 years

Leader

“Enjoy Staffordshire” Destination Management Partnership

A partnership between the public sector and private sector – to bring more visitors into Staffordshire. The partnership has a board of members representing all parts of the county and all elements of the industry.

1 member/
Council

Relevant Portfolio Holder or nominee

4 years

Portfolio Holder

Staffordshire County Council Health and Care Overview and Scrutiny Committee	Responsible for scrutinising the commissioning and delivery of health services in Staffordshire County Council's area, with the aim of helping to reduce health inequalities.	1 member/ Council	Chair of relevant Scrutiny Committee or substitute (Cllr Wilkes)	4 years	Cllr Wilkes (or sub)
Staffordshire Health and Wellbeing Board	To lead improvement of health and well-being and to oversee transformation of health and care services in Staffordshire. This includes conversations with the public about how they can improve their own health and well-being.	1 member/ Council	Relevant portfolio holder or nominee	4 years	Portfolio Holder

<p>Corporate Parenting Panel</p> <p>Page 22</p>	<p>The Corporate Parenting Panel supports the Council to ensure that it is fulfilling its duties towards those children looked after corporately. It also oversees the services provided to children and young people in care.</p>	<p>1 member/ Cabinet</p>	<p>Relevant Portfolio Holder or nominee</p>	<p>4 years</p>	<p>Portfolio Holder</p>
<p>Staffordshire Joint Sustainability Board</p>			<p>Relevant Portfolio Holder or nominee</p>	<p>4 years</p>	<p>Portfolio Holder</p>
<p>Staffordshire Police, Fire and Crime Panel and associated panels</p>	<p>The role of the Panel is to scrutinise the Police, Fire and Crime Commissioner, to promote openness in the transaction of Police and Fire and Rescue business and also to support the Commissioner in the effective exercise of their functions.</p>	<p>1+ sub member/ Council (£920.04 p.a. paid by the PFCP)</p>	<p>Relevant Portfolio Holder or nominee</p>	<p>4 years</p>	<p>Portfolio Holder Cllr Fox-Hewitt</p>

Stoke-on-Trent and Staffordshire Local Enterprise Partnership	The Partnership works to bring together businesses and local authorities to drive economic growth, create jobs and raise skills levels.	1 member/ Council	Leader	4 years	Leader
Staffordshire Leaders Board	A Joint Committee of the local authorities in Staffordshire to explore opportunities for improved joint working	1 member/ Council	Leader Deputy Leader is substitute	4 years	Leader
Waste and Mineral Site Liaison Committee – Acton Composting Site (Committee is Active) ONE elected member (whose ward is not specified in any related S106 agreement) - the site lies within the Loggerheads and Whitmore ward	Overseeing the operation of mineral or waste developments. The Committee ensures continued communication and cooperation with the community, operator, the Council and interested parties	1 member/ Council	One nominee (former Cllr G Hutton)	4 years	Cllr Bryan

<p>Waste and Mineral Site Liaison Committee – Knutton Quarry (Committee is Active)</p> <p>TWO elected members (the quarry lies predominately within the Knutton and Silverdale ward, with a small part located within the Silverdale and Parkside ward. There is a section 106 agreement that requires the liaison committee and for invitations for membership of up to two elected councillors. Whilst there are no conditions dictating which wards the councillors should be drawn from, it should be noted that this committee also determines community projects and the level of financial support from the S106 funds. These projects must be located within the Silverdale and Knutton ward.</p>	<p>Overseeing the operation of mineral or waste developments. The Committee ensures continued communication and cooperation with the community, operator, the Council and interested parties</p>	<p>2 members/ Council</p>	<p>Two nominees (former Cllrs A Rout, B Johnson)</p>	<p>4 years</p>	<p>Cllr Adcock Cllr Talbot Cllr Brown</p>
<p>Waste and Mineral Site Liaison Committee – Keele (Madeley Heath) Quarry (Committee not yet Active)</p> <p>TWO elected members (whose wards are not specified in any related S106 agreement) - the quarry lies within the Madeley ward</p>	<p>Overseeing the operation of mineral or waste developments. The Committee ensures continued communication and cooperation with the community, operator, the Council and interested parties</p>	<p>2 members/ Council</p>	<p>Two nominees (Cllr S White Cllr G White)</p>	<p>4 years</p>	<p>Cllr S White Cllr G White Cllr D Jones</p>

<p>Waste and Mineral Site Liaison Committee –Holditch House Waste Site (Committee not yet Active <i>(however as permission implemented August 2016, the County Council will be pushing the operator to arrange a meeting soon)</i>)</p> <p>ONE elected member (whose ward is not specified in any related S106 agreement) - the site lies within the Holditch ward</p>	<p>Overseeing the operation of mineral or waste developments. The Committee ensures continued communication and cooperation with the community, operator, the Council and interested parties</p>	<p>1 member</p>	<p>One nominee (former Cllr Owen)</p>	<p>4 years</p>	<p>Cllr Beeston</p>
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<p>Waste and Mineral Site Liaison Committee –Walleys Landfill Site (Committee is Active)</p> <p>FOUR elected members (*previously six) Red Industries have taken over as owners and operators of the site and a unilateral undertaking has formalised the previously voluntary liaison committee (reference N.12/09/216 MW approved 26/5/2016), reducing the number of invited Borough Council elected members from 6 to 4.</p> <p>The unilateral undertaking specifies that Red Industries must invite four elected councillors on behalf of the Borough Council, plus two elected councillors from Staffordshire County Council, one elected councillor on behalf of Silverdale Parish Council and one on behalf of Knutton Parish Council (albeit that Knutton Parish Council does not exist). The undertaking does not specify from which wards the Borough Council elected members should be drawn from. Walley’s Landfill site lies within the Thistleberry ward but also adjoins the Knutton and Silverdale and Silverdale and Parkside wards.</p>	<p>Overseeing the operation of mineral or waste developments. The Committee ensures continued communication and cooperation with the community, operator, the Council and interested parties</p>	<p>4 members Council</p>	<p>Four nominees, one each from Thistleberry, Silverdale, Knutton and Keele Wards</p> <p>(Cllr D Jones, former Cllrs Johnson, Reddish and Rout)</p>	<p>4 years</p>	<p><u>Thistleberry:</u> Cllr Bettley-Smith</p> <p><u>Silverdale:</u> Cllr Adcock Cllr Brown</p> <p><u>Knutton:</u> Cllr Talbot</p> <p><u>Keele:</u> Cllr D Jones</p>
<p>West Midland Reserve Forces and Cadets Association</p>	<p>Made up of volunteers from across the region. Supporting the Reserve Forces and Cadets from the Royal Navy, Royal Marines, Army and Royal Air Force within Staffordshire and other Counties.</p>	<p>1 member/ Council</p>	<p>Cllr Sweeney</p>	<p>4 years</p>	<p>Cllr Sweeney</p>

District Councils Network	The District Councils' Network is a cross-party member led network of 180 district councils. It is a Special Interest Group of the Local Government Association and provides a single voice for all district councils within the Local Government Association.	1 member/ Council	Leader	4 years	Leader
LGiU Assembly	A local authority membership organisation. Members are councils and other organisations with an interest in local government from across the UK. Support is provided to officers and councillors.	1 member/ Council	One nominee (former Cllr Julie Cooper)	4 years	Cllr Hutchison
Newcastle-under-Lyme Almshouse Association	Charity run housing – comprising 5 bungalows providing accommodation for single ladies, over the age of 60 and in need of affordable housing.	2 members/ N/A	Cross Heath Ward members automatically become the Council's nominated representatives for the period of their office, negating the need to make specific nominations each year	4 years	Ward Councillors automatically appointed

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

EXECUTIVE MANAGEMENT TEAM'S REPORT TO

Council
18 May 2022

Report Title: Confirmation of the Constitution
Submitted by: Chief Executive
Portfolios: One Council, People and Partnerships
Ward(s) affected: ALL

Purpose of the Report

To ask council to adopt the constitution.

Recommendation

That Council

- (1) adopts the Constitution; and,**
- (2) delegates to the Monitoring Officer, in consultation with the Portfolio Holder, authority to amend the constitution as necessary following annual council to attend to matters of layout, formatting, typographical errors and clarity in advance of publication.**

Reasons

To ensure the council has an up to date constitution that is fit for purpose.

1. Background

- 1.1 Council, on 5 May 2018, identified a need to undertake a comprehensive review of the constitution. This work commenced but then slowed due to the impact of the Covid 19 pandemic. At Council, on 17 November 2021, a resolution was passed to reconvene the Constitution and Member Support Working Group on a revised basis to oversee the completion of the review.
- 1.2 The new constitution has been designed to be clear, modern, accessible and user friendly. This has been achieved by using a plain English drafting style, but also by grouping provisions that relate to the Council and its Committees, Cabinet, Scrutiny and Officers into discreet parts, each part dedicated to one of those "arms" of the council.
- 1.3 In addition, the Constitution has been designed to be resilient so that any necessary future changes or updates will be minimal and easy to implement. This has been achieved predominantly by moving away from long, detailed lists of functions or responsibilities. Instead, a more descriptive or generic approach is taken. In addition, materials that do not need to be in the constitution have been removed and are signposted to instead.
- 1.4 The Working Group has met on several occasions since 2018 and has undertaken a thorough review of the draft document which is now submitted for approval. Notwithstanding,

it should be recognised that the Constitution is a “living document” and as such will need to change and adapt to reflect changes in the way the council works. The new constitution (like the current one) provides a power to the monitoring officer to make such changes. In addition, a specific delegation is sought in this report to the Monitoring Officer to resolve any editorial issues that are identified following annual council and prior to first publication of the new constitution. For instance, there is still a significant amount of formatting needed to the materials in Part F, which is currently underway but which officers were not able to complete before annual Council.

1.5 Any future substantive changes to the constitution will be taken to Council in the usual way, and this likely to include some areas that were identified during the review where improvements can be made, but where further discussion is required.

2. **Issues**

2.1 As set out above.

3. **Proposal**

3.1 That council adopts the updated constitution with effect from 18 May 2022, with delegated authority for the Monitoring Officer to make editorial amendments as set out above.

4. **Reasons for Proposed Solution**

4.1 To ensure the council has an up to date constitution.

5. **Options Considered**

5.1 To keep the current constitution, but make incremental changes to improve clarity and update it. This option would mean the council would have a document that was less user friendly and not entirely fit for purpose. The existing constitution is, in parts, unclear and out of date. It would also not realise the benefits of having a constitution in the new format suggested, which adopts a plain English drafting style and which is more resilient to future change.

6. **Legal and Statutory Implications**

6.1 Councils are required to have a constitution which sets out things such as its delegations to committees, cabinet functions, council functions and rules of debate. There is no prescribed format.

7. **Equality Impact Assessment**

7.1 An updated, accessible and user-friendly constitution would encourage better citizen understanding of and engagement in democratic functions, better serving those less able to navigate its current format and content.

8. **Financial and Resource Implications**

8.1 None directly arising, although a clearer, more user-friendly constitution will result in efficiency improvements across council functions.

9. Major Risks

9.1 One risk is that the constitution does not contain everything required by law. This has been addressed by a careful review of its content. A far greater risk is that a constitution contains too much material and/or is unclear or contradictory. This can lead to a lack of engagement with it or understanding of what it requires, in terms of decision making, which in-turn creates a greater risk of governance failures and inefficiencies.

10. UN Sustainable Development Goals (UNSDG)

10.1 As an enabling document which facilitates the efficient delivery of all council functions, a resilient, user-friendly and up to date constitution indirectly supports the attainment of all UNSDGs



11. Key Decision Information

11.1 This is not a key decision.

12. Earlier Cabinet/Committee Resolutions

12.1 There have been various Council decisions to adopt incremental changes to the constitution all of which are available via modern.gov from the Council's website. There have been various committee meetings where these changes have been discussed which are also available from the modern.gov system.

13. List of Appendices

13.1 [Draft Constitution](#)

14. Background Papers

14.1 Reports and minutes of meetings referred to.

