

Report Title	REVIEW OF THE CONSTITUTION FOR THE 2016/17 MUNICIPAL YEAR
Committee/Meeting	COUNCIL
Date	18TH MAY 2016
Submitted By	MONITORING OFFICER
Ward (s) Affected	ALL
Portfolio (Delete as appropriate)	Finance and Resources Environment and Recycling Economic Development, regeneration and town Centres Culture and Leisure Communications, Policy and Partnerships Stronger and Healthier Neighbourhoods Safer Communities
Is this a Key Decision	NO
Purpose of the Report	For Council to adopt the Constitution for the 2016/17 municipal year
Recommendations (In Bold)	That the Constitution be adopted.
Reasons	
<p>The Council, at its Annual Meeting, must formally adopt its Constitution for the forthcoming municipal year.</p> <p>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.</p> <p>Reviewing 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 and such changes are made during the course of the year as they arise.</p> <p>At their meeting on 20th January 2016, Cabinet granted approval to delegate responsibility for the calculation of the Council Tax Base in future years to the Executive Director (Resources and Support Services). The Scheme of Delegation has been amended accordingly.</p> <p>On 24th February 2016, Council were notified of changes made to the Schemes of Delegation for the Environmental Health function and the Licensing function in consequence of legislative changes. Also on 24th February, a revised Appendix 21 – Protocol on Planning Matters – was approved by Council but with the proviso that the Protocol be reviewed again in six months' time (i.e. August 2016).</p>	
Background	
<p>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.</p>	
Outcomes to support Corporate Priorities as set out in the Council Plan and/or the Newcastle Partnership priorities	

The objective of the Constitution is to support the intentions of the Corporate Plan in the most efficient, effective, inclusive, open and accountable manner.

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.

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.

Financial and Resource Implications

The Constitution supports good governance and budgetary compliance. There are no financial or resource implications flowing from this report.

Legal, Statutory and Policy Implications

The Local Government Act 2000 requires the Council to have, and to maintain, a Constitution. 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.

Major Risks

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.