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| Report Title | THE CONSTITUTION – CHANGES TO OFFICER SCHEME OF DELEGATIONS |
| Committee/Meeting | COUNCIL |
| Date | 23rd November 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 | To advise Council of an addition which has been made to the Officer Scheme of Delegation (Leisure and Amenity function). |
| Recommendations (In Bold) | That the revised Scheme of Delegation be noted. |
| Reasons | |
| <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>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.</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 | |
| <p>The objective of the Constitution is to support the intentions of the Corporate Plan in the most efficient, effective, inclusive, open and accountable manner.</p> <p>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.</p> <p>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.</p> | |

Financial and Resource Implications

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

Legal, Statutory and Policy Implications

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.

Background Papers

**Report to Cabinet dated 2.6.2010 and minutes
Addition to Leisure Scheme of Delegation set out below**

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| (13) | <p><u>The Vehicles Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997 (as amended)</u></p> <p>Power to issue CLE2/6 (form to report untaxed vehicle to DVLA) and authorise the removal of untaxed vehicles on public highways</p> | <p>Executive Director of Operational Services or Head of Operations</p> |
| | <p>Power to issue Fixed Penalty Notices</p> | <p>Executive Director of Operational Services or Head of Operations</p> |