

1. **REPORT TITLE**                      **ADOPTION OF THE CONSTITUTION FOR THE 2017/18 MUNICIPAL YEAR**

**Submitted by:**                      **The Monitoring Officer**

**Portfolio:**                              **Policy, People and Partnerships**

**Ward(s) affected:**                  **All**

**Purpose of the Report**

The Council, at its Annual Meeting, must formally adopt its Constitution for the forthcoming municipal year.

**Recommendations:**

- (a) That the consequential changes to the Constitution as set out in the report be noted
- (b) That Council adopt the Constitution (as amended) for the 2017/18 municipal year

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.
- 1.2 The Constitution contains Articles which set out basic rules and principles and these are developed in more detailed rules and procedures which appear in the Appendices. The law requires some of these processes, the Council has chosen others.
- 1.3 The Constitution therefore provides a framework for Council decision making through which the Council delivers its strategic objectives.
- 1.4 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.
- 1.5 Ongoing review of 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 and reported to Council as they arise.
- 1.6 The following changes have not previously been reported to Council:
  - (a) As a result of the Licensing function being moved into the Environmental Health division, a revision of the Scheme of Delegation in respect of Environmental Health has been carried out which includes a merger of the two previously separate Schemes of Delegation. These changes do not

alter the level or extent of delegations but reflect the impact of the managerial changes which result from the move of the Licensing function from the Chief Executive's Directorate to the Regeneration and Planning Directorate.

(b) Appendix 11 – Access to Information Rules – this document has been substantially updated to reflect legislative changes and a copy is attached at Appendix 3 to this report.

(c) Addition to Leisure and Amenities Scheme of Delegation – sports grants:

(14)	Approval of recommendations for sports grants from Castle Sports Group	Executive Director of Operational Services in consultation with Portfolio Holder for Leisure and Culture
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(d) Addition to Leisure and Amenities Scheme of Delegation – exhumations:

(15)	Exhumations and re-interments – determination of applications and requests and recovery of fees and charges	Cabinet or Executive Director of Operational Services in consultation with the Head of Environmental Health
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(e) **Audit and Standards Committee**

At its meeting on 13th July 2016 the Council resolved that the Audit and Risk Committee and the Standards Committee be merged. A copy of the terms of reference for the Audit and Standards Committee is set out in Appendix 1 of this report.

(f) **Constitution and Member Support Working Group**

At its meeting on 13 July 2016 the Council resolved that the remit of the former Constitution Working Group be widened to include member support and development and that the name of the group be amended to the Constitution and Member Support Working Group to reflect this. A copy of the Working Group's terms of reference is set out in Appendix 2 of this report.

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.

- creating a cleaner, safer and sustainable Borough
- creating a Borough of opportunity
- creating a healthy and active community
- transforming our Council to achieve excellence

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. **Legal and Statutory Implications**

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

4. **Financial and Resource 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.

5. **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.

6. **List of Appendices**

Appendix 1 – Audit and Standards Committee Terms of Reference

Appendix 2 – Constitution and Member Support Working Group Terms of Reference

Appendix 3 – Access to Information Rules (Appendix 11) of the Constitution