

1. **REPORT TITLE** **REVIEW OF THE CONSTITUTION**
- Submitted by:** **The Monitoring Officer**
- Portfolio:** **Corporate and Service Improvement, People and Partnerships**
- Ward(s) affected:** **All**

Purpose of the Report

- (a) To advise Council of changes which are to be made to the Environmental Health Scheme of Delegation.
- (b) That amendments to the Terms of Reference of the Employment Committee be noted..

Recommendations:

- (a) That the changes to the Environmental Health Scheme of Delegation as set out in the report be approved.
- (b) That the updated Terms of Reference of the Employment Committee be noted.

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.

Proposal

- 1.1 A reorganisation of services in Environmental Health has resulted in the taxi and private hire licensing services being moved from the Chief Executive's Directorate to the Regeneration and Development Directorate. Public Protection Committee business, particularly in respect of hackney carriage and private hire licensing, is increasing and a review of arrangements was undertaken to determine whether those matters could be dealt with in a more timely and effective manner by using specific delegated responsibilities. To this end, a report was received by Public Protection Committee at their meeting on 22nd January 2018 (a copy of which is appended to this report). It was resolved by the Public Protection Committee that "the proposed amendments to the Scheme of Delegation be supported and recommended to Council for approval". The changes are set out in the Appendix. The Council is therefore asked to approve these changes so that they can be incorporated into the Constitution.
- 1.2 Council at its meeting on 17th January 2018 approved amendments to the Terms of Reference of the Employment Committee. These amendments have now been incorporated into the Constitution.

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**

Report to Public Protection Committee 22nd January 2018.

7. **Background Papers**

Report to Council 17th January 2018 (Governance Arrangements in respect of Employment Matters)