

1. **REPORT TITLE**                      **ADOPTION OF THE CONSTITUTION**
- Submitted by:**                      **The Monitoring Officer**
- Portfolio:**                              **Corporate and Service Improvement, 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 Council adopt the Constitution for the 2018/19 municipal year
- (b) That the consequential changes to the Constitution as set out in the report be noted

1. **Background**

- 1.1 At its Annual Meeting, the Council must formally adopt its Constitution for the forthcoming municipal year. 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 regularly 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 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.
- 1.4 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.
- 1.5 In relation to the Scheme of Delegation for the Planning Service, there have been legislative changes relating to the bringing in of two new types of applications – (1) for permission in principle and (2) technical details consent. The relevant provisions are set out in the Town and Country Planning (Permission in Principle) (Amendment) Order 2017 and come into force on the 1<sup>st</sup> June 2018. The Planning Scheme of Delegation therefore needs to be amended to enable the Authority to deal with such applications (should they be received) and consultations on such applications (should they be received).

- 1.6 Appendix 1 to this report is the Planning Service Scheme of Delegation, the amendments to which are indicated by tracked changes.
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 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.
4. **Financial and Resource Implications**
- The Constitution supports good governance and budgetary compliance. There are no new financial or resource implications flowing from this report.
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 – Planning Scheme of Delegation.**