

NOTE ALL PARAGRAPHS SHOULD BE NUMBERED WITH SUB-PARAGRAPHS BEING
CI. NUMBERED 2.1, 2.2 ETC.

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL
EXECUTIVE MANAGEMENT TEAM'S REPORT TO THE
COUNCIL

Date 3 APRIL 2019

1. **REPORT TITLE** **CONSTITUTION OF THE COUNCIL**
- Submitted by:** **Chief Executive – Martin Hamilton**
- Portfolio:** **Corporate & Service Improvement, People & Partnerships**
- Ward(s) affected:** **All**

Purpose of the Report

To update members on the review of the Council's constitution, and ensure that there is a single version of the constitution in operation across the Council. To seek formal adoption of the updated Constitution for the forthcoming municipal year.

Recommendations

Council is Recommended to:

- (a) Adopt the updated version of the Constitution, incorporating changes approved to date by this Council, for 2019/20 and provide a base document for amendments/updates required to incorporate best practice.**
- (b) Request that the Constitution Review Group test the adopted constitution against best practice, and revert to Council with proposals for improvements.**

Reasons

It is essential that the Council has a single version of the constitution upon which members and officers can rely as the overarching guide to Council business. The Constitution & Member Support Working Group has been tasked with ensuring that changes to the constitution approved by Council have been incorporated into the document, and to ensure that a single version of the constitution is in place. The group has undertaken an initial rationalisation of the constitution to produce one version for adoption.

Work is now required to test the constitution against best practice, and bring back to Council proposals for improvements to Council processes as applied in other Councils.

1. **Background**

The Local Government Act 2000 required all Local Authorities to adopt a formal Constitution setting out how it operates, the procedures followed and how decisions are made. The Council adopted its Constitution in 2001 and since that time regular updates and amendments have been made to reflect changes in legislation, the Council's operational methods and decision making and staffing structures.

2. **Issues**

- 2.1 Ongoing review of the Constitution ensures that it is fit for purpose, provides accountability and supports the delivery of the Councils' Policies and Services. Previously, at each Annual Council members have been asked to consider any consequential changes made by the Monitoring Officer to the Constitution under delegated powers. In addition more significant amendments which require Full Council approval are reported to members on an as and when basis.
- 2.2 Over the past year no consequential changes have been made by the Monitoring Officer requiring ratification at this meeting. All other changes required to the Constitution have been formally reported, and approved by, full Council.
- 2.3 Your Constitution and Member Support Working Group, chaired by Councillor Holland, has recently overseen the transfer of the Constitution to a web based document, providing for better management of its contents to ensure that one single, up to date version is accessible to all Members and Officers and allowing changes to be made more easily. This also ensures that, when viewed, members will see the most up to date version.
- 2.4 Examples of the changes made include- the new Cabinet Structure and Portfolios introduced at the beginning of this Administration in May 2018; changes to the Scrutiny Committee structure to better mirror those portfolios, improving accountability; Updates to Employment Procedure Rules and, most recently, updates to Financial Regulations.
- 2.5 The Constitution is available on the Link below. A hard copy of the document will be available for inspection in the Astley Room before this Council meeting.

<https://moderngov.newcastle-staffs.gov.uk/ieListMeetings.aspx?CommitteeId=443&info=1&bcr=1>

- 2.6 Formal adoption of the Constitution is sought from this Council meeting rather than Annual Council, as previously, to enable work to start on updates in line with best practice.
- 2.7 Members are advised that the version of the constitution published as part of this agenda reflects changes agreed to date by Council, but still requires a significant body of work to be undertaken. Adopting the constitution as the baseline for this work is an important step, and provides the start point for the next tranche of work by the Constitution & Member Support Working Group.

3 **Legal and Statutory Implications**

- 3.1 A formally adopted Constitution, providing a framework for the way in which the Council is governed, is a legislative requirement.

4. **Financial and Resource Implications**

- 4.1 The Constitution supports good governance and budgetary compliance. The financial or resource implications of this report are those associated with member and officer time on reviewing the document.

5. Major Risks

- 5.1 Without an up to date Constitution, particularly the Scheme of Delegation to Officers, the Council's decisions could be challenged as could any legal or enforcement action it might pursue.

6. Equality Impact Assessment

- 6.1 None directly arising from this report

7 List of Appendices

- 7.1 An updated version of the Constitution has been published on the internet and Mod.Gov for members to view. In addition, a hard copy will be provided in the Astley Room ahead of the Council meeting should any members wish to peruse a hard copy.