

**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**EXECUTIVE MANAGEMENT TEAM'S  
REPORT TO**

**Council**  
**23 September 2020**

**Report Title:** Changes to the Constitution of the Council

**Submitted by:** Chief Executive

**Portfolios:** Corporate and Service Improvement, People and Partnerships

**Ward(s) affected:** All

**Purpose of the Report**

To approve recommendations made by the Audit and Standards Committee in respect of changes to the Constitution in two areas; the Financial Regulations/Procedures and Taxi Licensing Delegations.

**Recommendation**

**That Council:-**

- 1) approves the recommendations made by the Audit and Standards committee:-**
  - a) on 9 March 2020 in respect of changes to the Financial Regulations and Procedures; and,**
  - b) on 1 May 2020 in respect of the delegation of Taxi Licensing Delegations**
- 2) delegates to the Monitoring Officer authority to make any consequential changes to the Constitution necessary to give effect to or as a result the same, including correcting references to the Section 151 officer where necessary.**

**Reasons**

For the reasons set out in both of the Audit and Standards Committee Reports Appended hereto

**1. Background**

- 1.1** As part of the usual process of improving and refining how the Council operates, through the provisions set out in its Constitution, the two areas of improvement were identified and taken through the usual approval processes culminating in the recommendations of the Audit and Standards Committee referred to.
- 1.2** Regrettably, on account of the Covid-19 outbreak and the associated lock-down measures that ensued, it has not been possible until now to complete the usual process by taking the final step of presenting the Audit and Standards Committee's recommendations to Council for approval.

1.3 It is now possible, through this meeting, to ask Council to endorse the recommendations of its Audit and Standards Committee and adopt the two sets of changes set out in the reports attached hereto.

1.4 In addition, there is a need to make an amendment to the constitution to replace references in the Financial Procedures and Processes to “the Executive Director (Resources and Support Services)” with references to “the Section 151 Officer” instead. This is because those functions are ones which should be discharged by the Section 151 Officer. Whilst the Executive Director (Resources and Support Services) is currently the Council’s Section 151 officer that might not always be the case, so it is important that this distinction in the constitution is made where necessary and appropriate. The proposal to make this change was discussed at and endorsed by the Audit and Standards Committee in May.

2. **Issues**

2.1 As set out in the reports appended hereto.

3. **Proposal**

3.1 That Council approves the recommendations made by the Audit and Standards committee on 9 March 2020 in respect of changes to the Financial Regulations and Procedures; and on 1 May 2020 in respect of the delegation of Taxi Licensing Delegations and delegates to the Monitoring Officer authority to make any consequential changes to the Constitution necessary to give effect to or as a result the same, including references to the Section 151 Officer where necessary.

4. **Reasons for Proposed Solution**

4.1 As set out in the reports appended hereto.

5. **Options Considered**

5.1 N/A

6. **Legal and Statutory Implications**

6.1 As set out in the reports appended hereto.

7. **Equality Impact Assessment**

7.1 As set out in the reports appended hereto.

8. **Financial and Resource Implications**

8.1 As set out in the reports appended hereto.

9. **Major Risks**

9.1 As set out in the reports appended hereto.

10. **Sustainability and Climate Change Implications**

10.1 As set out in the reports appended hereto.

11. **Key Decision Information**

11.1 As set out in the reports appended hereto.

12. **Earlier Cabinet/Committee Resolutions**

12.1 As set out in the reports appended hereto.

13. **List of Appendices**

13.1 The Audit & Standards Committee reports referred to.

14. **Background Papers**

14.1 The Audit & Standards Committee reports referred to.