

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**CORPORATE LEADERSHIP TEAM'S
REPORT TO**

Council
17 May 2023

Report Title: Constitution Update

Submitted by: Monitoring Officer

Portfolios: One Council, People & Partnerships

Ward(s) affected: N/A

Purpose of the Report

Council is asked to approve the proposed changes to update the Constitution

Recommendation

That Council approve:-

- 1. the changes that relate to the Planning Committee**
 - 1.1 allowing 5 minutes for each public speaker to address the Planning Committee, and**
 - 1.2 automatically referring to committee any application involving 10 or more dwellings or where the number of dwellings is not known.**
- 2. the changes required to reflect the recently amended Officer structure**
- 3. a change in name of Scrutiny Working Groups to Scrutiny Task and Finish Groups**
- 4. authorise the Monitoring Officer, in conjunction with the Portfolio Holder One Council, People & Partnerships to amend the Constitution accordingly**

Reasons

The Planning Committee and Scrutiny changes revert to the position prior to the new Constitution's adoption at Annual Council in 2022, which lead Members consider to be preferable. The Officer structure changes are necessary to keep the Constitution up to date.

1. Background

- 1.1** Members will recall that a new Constitution was adopted by unanimous vote of Council at its Annual meeting in 2022. The new Constitution took a completely fresh, bespoke approach to its layout, format and content, significantly updating and modernising it and making it much more user-friendly and accessible.

- 1.2 Constitutions are “living documents” and must change from time to time to reflect how the Council does and would like to work, to make its operations more efficient and to ensure it achieves the correct balance between efficiency and sound governance. It is reviewed on at least an annual basis, with proposed changes being brought to Annual Council for Members to consider.
- 1.3 During the course of the last year, the need for changes in three areas has been identified. The first change relates to operational development control matters. The second change is to correct an inadvertent name change in relation to the work of Scrutiny Committees. The third change is to update the Constitution generally to reflect the change in the Officer management structure that has occurred.

2. **Issues**

Planning Changes

- 2.1 These changes relate to the length of time public speakers may address the planning committee, and the threshold for housing development that would result in an automatic referral of an application to the planning committee to decide.
- 2.2 The new constitution provides for a period of 3 minutes for each public speaker wishing to address the planning committee on an application, under the old Constitution 5 minutes was allowed. The Chair can exercise discretion to allow speakers longer than 3 minutes, and has routinely done so up to (and where required) beyond the previously permitted 5 minutes. Members have expressed a preference to formally revert back to the 5 minute provision and record that in the new Constitution.
- 2.3 In terms of the automatic referral of housing applications to planning committees, there typically turns on the number of proposed houses, with different councils adopting different approaches. Currently, the Constitution operates to automatically refer proposals for the development of 200 or more dwellings to planning committee. The Service Director Planning can elect to refer applications that do not meet that criteria to the planning committee, and has been doing so as a matter of routine given the implications of and interest in such proposals. Members have expressed a preference to revert back to the position in the old Constitution where an automatic referral to planning committee is triggered by applications involving 10 or more dwellings or where the number of dwellings is not known.

Officer Management Structure

- 2.4 Members will recall that one of the Council’s Executive Directors has retired. The Chief Executive, as the Council’s statutory Head of Paid Service, took that opportunity to amend the Council’s management team, re-designating existing officers such that there is now a Chief Executive, Deputy Chief Executive and a number of Service Directors, with the titles “Executive Director” and “Head of Service”, no longer being in use.

2.5 There are various passages in the Constitution that now need to be updated to reflect these changes, none of which alter the substance of the Constitution in any way.

Scrutiny Committees

2.6 Members will be aware that when Scrutiny Committees wish to take a “deep dive” and scrutinise a particular matter in some detail, they can set up a sub-committee to do so. Traditionally, those sub-committees have been referred to as “task and finish groups”, to reflect the fact that they are convened for a particular purpose, and once that purpose is met, the work of the group is finished and it is dissolved.

2.7 In the new Constitution, such groups are referred to simply as “working groups” and there is a preference to formally revert back to the moniker “task and finish group”.

2.8 In addition, the Monitoring Officer and Section 151 Officer have now completed a comprehensive review of the Council’s Contract and Financial Procedure Rules (FCPRs). These are an appendix to the constitution (F5 and F6) which were not comprehensively reviewed as part of the process of updating the Constitution in 2022. This work has now been completed and it is considered that the new FCPRs represent a significant and important update, to better achieve the balance between efficiency and sound governance. This is addressed as a separate report elsewhere on this agenda.

3. **Proposal**

That Council approve:-

- 1. the changes that relate to the Planning Committee;**
 - 1.1 allowing 5 minutes for each public speaker to address the Planning Committee, and**
 - 1.2 automatically referring to committee any application involving 10 or more dwellings or where the number of dwellings is not known.**
- 2. the changes required to reflect the recently amended Officer structure**
- 3. a change in name of Scrutiny Working Groups to Scrutiny Task and Finish Groups**
- 4. authorise the Monitoring Officer, in conjunction with the Portfolio Holder One Council, People & Partnerships to amend the Constitution accordingly**

4. **Reasons for Proposed Solution**

4.1 The Planning Committee and Scrutiny changes revert to the position prior to the new Constitution’s adoption at Annual Council in 2022, which lead Members consider to

be preferable. The Officer structure changes are necessary to keep the Constitution up to date.

5. **Options Considered**

5.1 Council could select any or all of the options presented, or decide to do nothing. The proposed changes reflect Member preference and operational practice.

6. **Legal and Statutory Implications**

6.1 There are no legal implications arising.

7. **Equality Impact Assessment**

7.1 There are no equality implications arising from the proposals.

8. **Financial and Resource Implications**

8.1 There are no direct financial or resource implications arising.

9. **Major Risks**

9.1 None identified.

10. **UN Sustainable Development Goals (UNSDG)**

10.1 Contributing to the smoother and more efficient operation of the Council contributes towards the following goals:-



11. **Key Decision Information**

11.1 N/A

12. **Earlier Cabinet/Committee Resolutions**

12.1 Adoption of the new Constitution, Annual Council May 2022.

13. **List of Appendices**

13.1 Proposed new FCPRs

14. **Background Papers**

14.1 N/A

