

**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**



**CORPORATE LEADERSHIP TEAM'S  
REPORT TO COUNCIL**

**08 July 2026**

**Report Title:** Changes to the Constitution  
**Submitted by:** Interim Service Director- Legal & Governance/Monitoring Officer  
**Portfolios:** Legal, Governance and Organisational Performance  
**Ward(s) affected:** All

<b><u>Purpose of the Report</u></b>	<b><u>Key Decision</u></b>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
<p>The changes set out below are ones proposed to ensure that the council can operate with efficiency. Whilst the council previously had a Constitution Working Group with which the Monitoring Officer could consult, this was an informal arrangement and not one reflected in the Constitution. Accordingly, following the agreement of council to these changes the Monitoring Officer will consult with the Group Leaders on the final wording on the changes outlined in this report and then amend the constitution to reflect the will of council.</p>			
<p><b><u>Recommendation</u></b></p> <p>That Council:</p> <ol style="list-style-type: none"><li>1. Agrees the proposed changes to the Constitution</li><li>2. Delegates the responsibility for making such changes reflecting the will of Council, to the Monitoring Officer in consultation with the Group Leaders; such changes to take effect as soon as the Monitoring Officer has consulted the Group Leader and made the changes required.</li></ol>			
<p><b><u>Reasons</u></b></p> <p>To ensure that the constitution continues to reflect the will of the council</p>			

**1. Background**

**1.1** The Constitution governs the way in which the council operates and has to be complied with; and it has to comply with the law. It is important that it is kept up to date to reflect both legislative changes and the wishes of members about how the council should operate. It is regularly reviewed.

**1.2 Proposed Changes to the Constitution.**

Part A Section A3 Citizens Rights

- 1.2.1 The current petition scheme will be amended to include the following:
- 1.2.2 If a petition contains 1,500 or more valid signatures it will be debated at full Council unless it is a petition asking for a senior council officer to give evidence at a public meeting.
- 1.2.3 If a petition contains at least 750 valid signatures, and asks for this, the relevant senior officer will give evidence at a public meeting of the council's relevant scrutiny committee to explain progress on an issue, or to explain the advice given to elected members.
- 1.2.4 If a petition has received at least 250 valid signatures it will be reported to full Council, and the lead petitioner will be allowed a maximum of three minutes to speak to the petition but it will not be the subject of a debate, and Members will not ask questions of the Lead Petitioner.
- 1.2.5 If a petition has received between 5 and 100 valid signatures it will be reported to full Council by the proper officer and then referred to the relevant chief officer who will be responsible for ensuring that the petition is responded to and taken into account in the decision-making process as appropriate.
- 1.2.6 The only valid signatures are those with an address within the councils area.

### 1.3 Part B Section B2 -The Council

- 1.3.1 The functions set out in The Local Authorities (Functions and Responsibilities) (England) Regulations 2000, Schedule 2, where they are functions of this authority, will be the responsibility of the Executive.
- 1.3.2 Appointments to Outside Bodies will be reviewed annually
- 1.3.3 The requirement for appointees to provide a bi-annual report to Council is removed

### 1.4 Section B2- Committees

- 1.4.1 Planning committee- Paragraphs 3.3 – 3.6 & 3.10 – 3.13 of the Constitution will be removed and replaced with the wording as required by the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026.

These regulations require most planning applications to be determined by an officer and strictly limit the matters which can be determined by the Committee to those applications which fall within Schedule 2 of the Regulations, and only where:

- a. at least one of the criteria in regulation 5(3) is met **or** it is an own-interest application as set out in regulation 6; **and**
- b. the nominated officer and nominated member of the Planning Committee agree to the referral

The criteria in Regulation 5(3) state that the nominated member and nominated officer may agree to refer a Schedule 2 application to a committee if in their view it raises –

- (a) one or more issues of economic, social or environmental significance to the local area, or
- (b) one or more significant planning matters having regard to the development plan and any other material considerations.

In addition, the Committee may determine “ own interest” applications (made by or on behalf of the authority or an officer or member of the authority or an application where the authority or any of its members or officers has an interest) where the nominated member and nominated officer agree to refer the application to committee for determination.

- 1.4.2** Employment Committee- the Disciplinary Appeals Sub-Committee will only deal with appeals by Chief Officers and Deputy Chief Officers; all other employment appeals will be delegated to the Chief Executive.
- 1.4.3** The decision to approve any packages on dismissal, including redundancy, which amount to over £100,000 including pension costs, will be delegated to the Audit and Standards Committee. Whilst Statutory Guidance recommends that this is a matter reserved to full Council it is considered that the Audit and Standards Committee are better placed to give such matters the detailed consideration that they deserve, with decisions reported to full Council in due course.
- 1.5** Section B4- Council Procedure Rules
  - 1.5.1** The following rules are removed:
    - a) Rule 4.3 (b)
    - b) Rule 4.3 (c)
    - c) Rule 4.3 (q)
    - d) Rule 4.3 (r)
    - e) Rule 4.11
    - f) Rule 5.15
  - 1.5.2** Rule 7.2 relating to questions on notice will be amended so that Members who wish to ask questions at Council of Cabinet members and committee Chairs must notify these to the Monitoring Officer in writing by email at least 10 days before the meeting. At the meeting members will be asked if they wish to move their question. Any supplementary question must arise out of the original question or reply.
  - 1.5.3** Rule 11.2 will be amended so that normally no less than 7 days’ notice is given of meetings.
  - 1.5.4** The Rules about public speaking will be amended as follows. Questions (with a 150-word limit) may be asked of the Leader or any member of the Cabinet. The maximum time allowed for questions from the public is 30 minutes. Questions must be submitted to the Monitoring Officer in writing and by email no less than 15 days before the meeting and no person, or organisation by itself or on its behalf; can ask more than two questions. A written response will be provided no later than 24 hours before the meeting. A supplementary question (word limit 50) which must arise out of the original question or the reply, may be asked by the original questioner at the meeting. Questions which cannot be dealt with at the meeting will be dealt with

by written answer. Unless the Mayor decides otherwise no discussion will take place on any question.

**1.6 Section B5- Committee Procedure Rules**

**1.6.1** Rules 4.1 to 4.3 are removed. Motions without Notice will not be allowed at committee meetings

**1.7 Section C 3- Cabinet Procedure Rules**

**1.7.1** Rule 4.1 will be amended to increase the Key Decision amounts on any matter to expenditure or savings of over £250,000 or more (revenue) and over £500,000 (capital)

**1.7.2** Rule 9.2 will be amended to require five clear days of a question from the public; unless an item is added later when two clear days are required of any question.

**1.8 Section F1 - Member Code of Conduct**

**1.8.1** Arrangements for dealing with the Standards Allegations under the Localism Act 2011. These arrangements will be amended to ensure that when making any decisions about Code of Conduct complaints the Monitoring Officer will take account of the Public Interest Test

**2. Issues**

**2.1** The purpose of the Council's constitution is to act as a public rulebook that explains how the council operates, makes decisions, and holds itself accountable to residents. It is a legal requirement that our constitution is a comprehensive, living document that provides a clear framework for governance.

**2.2** There is a need to refresh the constitution periodically so as to ensure that we have a plain-language guide for how the council operates as a democratic organisation so that it can help residents, businesses, and stakeholders better understand how the council's decision-making process works.

**3. Recommendation**

That Council

**3.1** Agrees the proposed changes to the Constitution

**3.2** Delegates the responsibility for making such changes reflecting the will of Council, to the Monitoring Officer in consultation with the Group Leaders; such changes to take effect as soon as the Monitoring Officer has consulted the Group Leader and made the changes required.

**4. Reasons**

4.1 The report outlines changes that are proposed to be made to the constitution and delegates the responsibility for making these changes as reflecting the will of Council, to the Monitoring Officer in consultation with Group Leaders.

## 5. Options Considered

5.1 None; updates are required to ensure we remain legally complaint.

## 6. Legal and Statutory Implications

6.1 The proposed changes comply with local government legislative requirements.

## 7. Equality Impact Assessment

7.1 Not applicable

## 8. Financial and Resource Implications

8.1 Not applicable

## 9. Major Risks & Mitigation

9.1 Not applicable

## 10. UN Sustainable Development Goals (UNSDG)

10.1 As the constitution is focused on enabling the council to perform effectively and in accordance with its legal obligations it is considered to be in accordance with the Goals.



## 11. One Council

Please confirm that consideration has been given to the following programmes of work:

- One Commercial Council
- One Digital Council
- One Sustainable Council

**12. Key Decision Information**

12.1 Not applicable

**13. Earlier Cabinet/Committee Resolutions**

13.1 Not applicable

**14. List of Appendices**

14.1 None

**15. Background Papers**

15.1 None