

North Tyneside Council

Report to Council

Date: 17 May 2018

ITEM 11

Annual Review of the Constitution

Portfolio(s): Elected Mayor

Cabinet Member(s): N Redfearn

Report from Service

Area: Law and Governance

Responsible Officer: Vivienne Geary, Head of Law and Governance (Tel: (0191)6435339)

Wards affected: All

PART 1

1.1 Executive Summary:

This report is the result of the annual review of the Constitution and associated documents undertaken by the Monitoring Officer. The report contains recommendations on proposed amendments to the main Constitution and Officer Delegation Scheme to ensure that they continue to be fit for purpose and provide a framework which ensures the efficient discharge of the Authority's business by allowing for decision making at the appropriate level.

1.2 Recommendation(s):

It is recommended that Council approve the proposed changes to the Constitution and Officer Delegation Scheme set out in Appendix 1 to this report and refer the approved changes to the Elected Mayor for her consent in accordance with Article 15 of the Constitution.

1.3 Forward Plan:

Twenty eight days notice of this report has been given and it first appeared on the Forward Plan that was published on 3 April 2018.

1.4 Council Plan and Policy Framework

This report has no direct relevance to the Our North Tyneside Plan priorities.

1.5 Information:

- 1.5.1 In accordance with Article 16 of the Constitution, the Monitoring Officer has a key role in reviewing the operation of the Constitution and in making recommendations to Council on

ways in which it could be amended to ensure that it achieves its purpose as set out in Article 1.

- 1.5.2 Council will recall that an in depth review of the main Constitution was undertaken in 2013 and further changes to the Constitution have been approved at each of the last four Annual Council meetings.
- 1.5.3 As part of the current review the Senior Management Team and Members of the Council were requested to submit any proposed amendments to the Constitution and associated documents.
- 1.5.4 The Constitution Task Group has considered the proposed changes to the Constitution and Officer Delegation Scheme that have been received for consideration as part of the annual review, and those changes that have been approved by the Task Group are attached as Appendix 1 to the report.
- 1.5.5 The Constitution and associated documents will continue to be kept under review and updated to reflect any changes in the organisational structure of the Council or any legislative changes. The Council has previously authorised the Head of Law and Governance, in consultation with the Chair of the Constitution Task Group, to make such changes when the power remains unaltered and these need not be reported to Council.

1.6 Decision options:

The following decision options are available for consideration by Council:

Option 1 - Accept all of the recommendations and proposals;
Option 2 - Make amendments to the recommendations; or
Option 3 - Reject some or all of the recommendations.

Option 1 is the recommended option.

1.7 Reasons for recommended option:

- 1.7.1 Option 1 is recommended for the following reasons:
- 1.7.2 The proposals presented to Council have been scrutinised by the Constitution Task Group, which is the Authority's consultative body for any changes to the Constitution and its associated documents and are the recommendations of the Monitoring Officer, who has a duty under Article 16 of the Constitution to monitor and review the Constitution.

1.8 Appendices:

Appendix 1 – Proposed changes to the Constitution and Officer Delegation Scheme approved by the Constitution Task Group.

1.9 Contact officers:

Viv Geary, Head of Law and Governance (Tel. 643 5339)
Dave Brown, Law and Governance (Tel: 643 5358)
Janice Gillespie, Head of Finance (Tel.6435701)

1.10 Background information:

The following background papers/information have been used in the compilation of this report and are available at the office of the author:

North Tyneside Council's Constitution
North Tyneside Council's Officer Delegation Scheme
Papers submitted to Constitution Task Group on 25 April 2018

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

There are no financial implications arising from the proposed changes to the Constitution and Officer Delegation Scheme that can not be absorbed within existing budgets. Any printing costs of the revised documents will be met from existing budgets.

2.2 Legal

The annual review of the Constitution documents, including a review of the 'local choice' elements of the Policy Framework, is required by the Constitution. The changes that have been proposed are necessary to enable the Authority to carry out its duties and responsibilities in an appropriate and timely manner. The Head of Law and Governance has been fully consulted in the drafting of this document and all proposed changes comply with current legislation.

Any specific legal implications arising from the proposed changes to the Constitution and Officer Delegation Scheme are set out in Appendix 1 to this report.

2.3 Consultation/community engagement

All Members of the Council and the Senior Management Team were invited to put forward proposed changes to the Constitution documents.

The Constitution Task Group has considered the documentation in detail. Any specific consultation/community engagement implications arising from the proposed changes to the Constitution and Officer Delegation Scheme are set out in Appendix 1 to this report.

2.4 Human rights

The contents of the report comply with the Human Rights Act 1998.

Any specific human rights implications arising from the proposed changes to the Constitution and Officer Delegation Scheme are set out in Appendix 1 to this report.

2.5 Equalities and diversity

Copies of the Constitution documents in alternative formats and languages can be made available upon request, in line with the Authority's Interpreting and Translation Policy.

Any specific equalities and diversity implications arising from the proposed changes to the Constitution and Officer Delegation Scheme are set out in Appendix 1 to this report.

2.6 Risk management

To mitigate the risks associated with using an out of date Constitution and Officer Delegation Scheme the proposed amendments set out in Appendix 1 to this report should be approved.

Any specific risk management implications arising from the proposed changes to the Constitution and Officer Delegation Scheme are set out in Appendix 1 to this report.

2.7 Crime and disorder

Any specific crime and disorder implications arising from the proposed changes to the Constitution and Officer Delegation Scheme are set out in Appendix 1 to this report.

2.8 Environment and sustainability

Any specific environment and sustainability implications arising from the proposed changes to the Constitution and Officer Delegation Scheme are set out in Appendix 1 to this report.

Officers and Members are encouraged to access the revised documents electronically to minimise the number of paper copies produced.

PART 3 - SIGN OFF

- Deputy Chief Executive ☒
- Head of Service ☒
- Mayor/Cabinet Member(s) ☒
- Chief Finance Officer ☒
- Monitoring Officer ☒
- Head of Corporate Strategy ☒