

# North Tyneside Council

## Report to Council

### Date: 21 May 2015

## ITEM 12

Title: 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 Purpose:

This report is the result of the annual review of the Constitution and associated documents undertaken by the Monitoring Officer. The report contains a number of recommendations on proposed amendments to the Constitution, and the Officer Delegation Scheme, to ensure that it continues to achieve its purpose as set out in Article 1.

#### 1.2 Recommendation(s):

It is recommended that Council approves the proposed changes to the Constitution and the Officer Delegation Scheme set out in Appendices A and B to this report and refers the approved changes, other than those relating to the operation of Overview and Scrutiny Committees, 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 23 March 2015.

#### 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 15 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 Since the previous in depth review of the Constitution approved by the Council on 26 September 2013, some further issues have been drawn to the attention of the Monitoring Officer for consideration as part of the annual review of the Constitution.
- 1.5.3 The specific objectives of this annual review have been:
- (a) to ensure the Constitution reflects all current statutory requirements and, where appropriate, current practice; and
  - (b) to process any suggested changes to the Officer Delegation Scheme.
- 1.5.4 The Senior Management Team and Members of the Council were requested to submit any proposed amendments to the Constitution and associated documents as part of the review. Any proposals put forward were submitted to the Constitution Task Group for consideration.
- 1.5.5 The Constitution Task Group met on 22 April 2015 to consider the changes proposed by the Monitoring Officer, other Heads of Service and Councillors.
- 1.5.6 Attached at Appendix A are the proposed changes to the Constitution approved by the Constitution Task Group, which are submitted for Council's approval.
- 1.5.7 Attached at Appendix B are the proposed changes to the Officer Delegation Scheme approved by the Constitution Task Group, which are submitted for Council's approval.
- 1.5.8 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 A – Proposed changes to the Constitution approved by the Constitution Task Group.

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

## **1.9 Contact officers:**

Dave Brown, Law and Governance (Tel: 643 5358)

Janice Gillespie, 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 Officer Delegation Scheme

Papers submitted to Constitution Task Group on 22 April 2015

## **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 publication costs of the revised documents will be met from existing budgets.

### **2.2 Legal**

The annual review of the Constitution, 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 all service areas to carry out the duties and responsibilities of the Authority in an appropriate and timely manner. The Head of Law and Governance has been fully consulted in the drafting of this document and all changes comply with current legislation.

Any specific legal implications arising from the proposed changes to the Constitution and Officer Delegation Scheme have been taken into account by the Constitution Task Group in developing these proposals.

### **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 met to consider the documentation in detail. Any specific consultation/community engagement implications arising from the proposed

changes to the Constitution and Officer Delegation Scheme have been taken into account by the Constitution Task Group in developing these proposals.

## **2.4 Human rights**

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

Any specific human rights implications arising from the proposed changes to the Constitution and Officer Delegation Scheme have been taken into account by the Constitution Task Group in developing these proposals.

## **2.5 Equalities and diversity**

Copies of the Constitution 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 have been taken into account by the Constitution Task Group in developing these proposals and the Equalities Impact Assessment carried out in 2010 has been updated to reflect this.

## **2.6 Risk management**

To mitigate the risks associated with using an out of date Constitution the proposed amendments set out in the appendices should be approved.

Any specific risk management implications arising from the proposed changes to the Constitution and Officer Delegation Scheme have been taken into account by the Constitution Task Group in developing these proposals.

## **2.7 Crime and disorder**

Any specific crime and disorder implications arising from the proposed changes to the Constitution and Officer Delegation Scheme have been taken into account by the Constitution Task Group in developing these proposals.

## **2.8 Environment and sustainability**

Any specific environment and sustainability implications arising from the proposed changes to the Constitution and Officer Delegation Scheme have been taken into account by the Constitution Task Group in developing these proposals.

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

### PART 3 - SIGN OFF

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