

Constitution – Proposed Changes

Appendix A

No.1

	Section and Reference	Existing Text	Proposed amendment including revised text if appropriate
1.	<p>Part 3.5 – Terms of Reference of Council, Cabinet and Committees</p> <p>D Regulatory and Other Committees</p> <p>1. Appeals and Complaints Committee</p> <p>7. Regulation and Review Committee</p>	<p>Appeals and Complaints Committee</p> <p>Membership – 15</p> <p>Quorum – 4</p> <p><u>Terms of Reference</u> The following functions are the responsibility of the Appeals and Complaints Committee:</p> <ol style="list-style-type: none"> 1. To consider and determine appeals lodged in relation to those matters referred to it by the Council as set out below: <ol style="list-style-type: none"> a) appeals by employees of the Authority in accordance with local agreements; and b) appeals against decisions by the Appointments and Disciplinary Committee in relation to the Chief Executive and other relevant Officers pursuant to the application of the Local Authorities (Standing Orders) Regulations 2001 and the Joint Negotiating Committee 	<p>To delete Appeals and Complaints Committee and transfer the terms of reference under paragraphs 1 to 4 to the Regulation and Review Committee.</p> <p>To transfer paragraph 2 under <u>Information</u> to the Regulation and Review Committee.</p> <p>To increase the membership of the Regulation and Review Committee from 15 to 18 members.</p>

		<p>National Salary Framework and Conditions of Service for Local Authority Chief Executives.</p> <ol style="list-style-type: none"> 2. To consider and determine the Authority's final response to all complaints referred to stage 3 of the Authority's Corporate Complaints procedure. 3. To monitor complaints received by the Authority in respect of the Authority's Corporate Complaints procedures and from the Local Government Ombudsman. 4. To make payments over £5,000 or provide other benefits in cases of maladministration under section 92 of the Local Government Act 2000. <p><u>Information</u></p> <ol style="list-style-type: none"> 1. The full membership of the Appeals and Complaints Committee will meet annually prior to the Annual Council meeting to consider a report on the activities of the Committee since the previous Annual Council meeting. 2. When meeting for the purposes set out in 1 to 3 above, the Committee will 	
--	--	---	--

	<p>comprise 5 members of the Committee, to include the Chair and/or the Deputy Chair if available. The quorum for these meetings will be 3.</p>	
	<p>Reason for proposed change: By rationalising the Committee structure, savings could be made by the Law and Governance service as agreed during the Financial Planning and Budget process.</p>	
<p>Implications of proposed change:</p> <ul style="list-style-type: none"> • Finance and other resource implications: These proposals, together with other proposals to rationalise the committee structure, would enable savings to be made by the Law and Governance service as agreed as part of the Financial Planning and Budget process for 2016/17. • Legal implications: There are no legal implications arising directly from these proposals. • Consultation/Engagement undertaken (internal and external): Consultation on the proposals was undertaken as part of the budget setting process. • Human Rights implications: There are no human rights implications arising directly from these proposals. • Equalities and Diversity implications: There are no equalities and diversity implications arising directly from these proposals. • Risk Management implications: There are no risk management implications arising directly from these proposals. 		

	<ul style="list-style-type: none">• Crime and Disorder implications: There are no crime and disorder implications arising directly from these proposals.• Environment and Sustainability implications: There are no environment and sustainability implications arising directly from these proposals.
	<p>Proposed by: Dave Brown Service Area: Law and Governance Contact Tel. No: 6435358</p>
	<p>Head of Service sign-off: (please insert a cross in the box) <input data-bbox="801 541 920 600" type="checkbox"/></p>

Constitution – Proposed Changes

No.2

	Section and Reference	Existing Text	Proposed amendment including revised text if appropriate
2.	<p>Part 3.5 – Terms of Reference of Council, Cabinet and Committees</p> <p>D Regulatory and Other Committees</p> <p>5. Outside Bodies Committee</p>	<p>Outside Bodies Committee</p> <p>Membership – 7</p> <p>Quorum – 3</p> <p><u>Terms of Reference</u></p> <ol style="list-style-type: none"> 1. To appoint Members (and Officers where appropriate) to the non-executive external organisations/ bodies listed in Part 3.6 Bodies Outside of the Authority, in accordance with any criteria set by the body itself. 2. To appoint, re-appoint or remove the Authority’s representatives on school governing bodies. 3. To appoint, reappoint or remove the Authority’s representatives on Pupil Referral Unit management committees. <p><u>Information</u></p> <p>For further information on what a non-executive body is please see Part 3.6 - Bodies Outside of the Authority.</p>	<p>To delete the Outside Bodies Committee and transfer the function under paragraph 1 to the Full Council (the terms of reference of Full Council already includes receiving nominations of Members to serve on outside bodies (except where appointment has been delegated by the Council or is exercisable only by the Cabinet).</p> <p>Paragraphs 2 and 3 will become the responsibility of officers under the Officer Delegation Scheme – see separate proposal under Officer Delegation Scheme – Proposed Changes.</p>

Reason for proposed change:

By rationalising the Committee structure, savings could be made by the Law and Governance service as agreed during the Financial Planning and Budget process.

Implications of proposed change:

- **Finance and other resource implications:**

These proposals, together with other proposals to rationalise the committee structure, would enable savings to be made by the Law and Governance service as agreed as part of the Financial Planning and Budget process for 2016/17.

- **Legal implications:**

There are no legal implications arising directly from these proposals.

- **Consultation/Engagement undertaken (internal and external):**

Consultation on the proposals was undertaken as part of the budget setting process.

- **Human Rights implications:**

There are no human rights implications arising directly from these proposals.

- **Equalities and Diversity implications:**

There are no equalities and diversity implications arising directly from these proposals.

- **Risk Management implications:**

There are no risk management implications arising directly from these proposals.

- **Crime and Disorder implications:**

There are no crime and disorder implications arising directly from these proposals.

- **Environment and Sustainability implications:**

There are no environment and sustainability implications arising directly from these proposals.

	Proposed by: Dave Brown Service Area: Law and Governance Contact Tel. No: 6435358
	Head of Service sign-off: (please insert a cross in the box) <input data-bbox="801 352 920 408" type="checkbox"/>

Constitution – Proposed Changes

No.3

	Section and Reference	Existing Text	Proposed amendment including revised text if appropriate
3.	<p>Part 4 Rules of Procedure</p> <p>4.4 Regulatory and other Committees</p> <p>Paragraph 11 Substitutions</p>	<p>“Substitutions A Member of the Planning Committee, Standards Committee, Regulation and Review Committee or the Outside Bodies Committee who is unable to attend any meeting of that committee may appoint a Member to act as a substitute at that meeting. Members will only be permitted to act in the capacity as a substitute provided they have undertaken basic training through the Authority’s member induction programme, on election or re-election, and refreshed annually, before they can serve on a regulatory/quasi-judicial committee. This training will cover the duties and responsibilities of the committee / subcommittee concerned.”</p>	<p>It is suggested that the Audit Committee is added to the list of those committees at which a substitute member can be appointed by a regular member who normally serves on that committee.</p> <p>Paragraph 11 to be amended to read as follows:</p> <p>“A Member of <u>a committee specified in part 3.5 of the Constitution, other than the Licensing Committee</u>, who is unable to attend any meeting of that committee may appoint a Member to act as a substitute at that meeting. Members will only be permitted to act in the capacity as a substitute provided they have undertaken basic training through the Authority’s member induction programme, on election or re-election, and refreshed annually, before they can serve on a regulatory/quasi-judicial committee. This training will cover the duties and responsibilities of the committee / subcommittee concerned.”</p>
		<p>Reason for proposed change: This change will bring the Audit Committee in line with other committees regarding substitute members, and help the Audit Committee manage issues regarding quorum.</p>	

Implications of proposed change:

- **Finance and other resource implications:**

There are no finance or other resource implications arising directly from these proposals.

- **Legal implications:**

There are no legal implications arising directly from these proposals.

- **Consultation/Engagement undertaken (internal and external):**

In 2015/16, the Co-opted Chair of Audit Committee (Mr Kevin Robinson) led a review of the Council's Audit Committee arrangements. The outcomes from the review were reported to the Senior Leadership Team on 1 March 2016, and to Audit Committee on 30 March 2016. The review engaged widely with stakeholders of the Audit Committee, including current elected members serving on the Committee; the Cabinet member for Finance and Resources; the Chief Executive, Deputy Chief Executive, Heads of Service and appropriate senior managers; the Section 151 Officer; the Chief Internal Auditor; and the External Auditor, Mazars.

- **Human Rights implications:**

There are no human rights implications arising directly from these proposals.

- **Equalities and Diversity implications:**

There are no equalities and diversity implications arising directly from these proposals.

- **Risk Management implications:**

Allowing substitute members will help the Audit Committee to manage the risk that the Committee is not quorate.

- **Crime and Disorder implications:**

There are no crime and disorder implications arising directly from these proposals.

- **Environment and Sustainability implications:**

There are no environment and sustainability implications arising directly from these proposals.

	Proposed by: Allison Mitchell Service Area: Internal Audit and Risk Management Contact Tel. No: 6435720
	Head of Service sign-off: (please insert a cross in the box) <input data-bbox="801 389 920 448" type="checkbox"/> (Mark Longstaff, Head of Commissioning and Investment)

Constitution – Proposed Changes

No.4

	Section and Reference	Existing Text	Proposed amendment including revised text if appropriate
4.	Part 8.2 Code of Conduct for Elected Members and Co-opted Members	Additional paragraph to Code of Conduct	<u>12. You must report any suspicion you have or any intelligence/information you have received on any safeguarding issue regarding children or vulnerable adults, including potential or actual sexual exploitation, to the Authority and where appropriate the Police.</u>
		<p>Reason for proposed change: The Overview and Scrutiny Sub Group that was established in 2015 to undertake an in-depth review into tackling child sexual exploitation (CSE) in North Tyneside stressed the importance of getting the message out about what CSE is and what the warning signs are to Members and all staff, particularly those who are out and about on a daily basis on the frontline, as they need to know what they are seeing, to understand that children are children and how to act.</p>	
<p>Implications of proposed change:</p> <ul style="list-style-type: none"> • Finance and other resource implications: There are no finance and other resource implications arising directly from these proposals. • Legal implications: There are no legal implications arising directly from these proposals. • Consultation/Engagement undertaken (internal and external): Consultation on the proposals has been undertaken with the Standards Committee as recommended by the Overview and Scrutiny Sub Group on tackling child sexual exploitation in North Tyneside. • Human Rights implications: There are no human rights implications arising directly from these proposals. 			

- **Equalities and Diversity implications:**

There are no equalities and diversity implications arising directly from these proposals.

- **Risk Management implications:**

There are no risk management implications arising directly from these proposals.

- **Crime and Disorder implications:**

There are no crime and disorder implications arising directly from these proposals.

- **Environment and Sustainability implications:**

There are no environment and sustainability implications arising directly from these proposals.

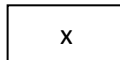
Proposed by: Dave Brown

Service Area: Law and Governance

Contact Tel. No: 6435358

Head of Service sign-off:

(please insert a cross in the box)



Constitution – Proposed Changes

No.5

	Section and Reference	Existing Text	Proposed amendment including revised text if appropriate
5.	<p>Article 2 – Members of the Authority</p> <p>7. Member Development</p>	<p>The Authority is committed to developing elected members by providing learning and development opportunities to enhance skills and knowledge supporting effective community leadership and the undertaking of Authority business. The Authority’s approved Member Development Programme is designed to provide a range of awareness and training opportunities. Councillors and the Elected Mayor will attend equality and diversity, corporate parenting and safeguarding training at least once per elected term as part of the Member induction programme (on election or re-election) or as appropriate when legislation/member responsibilities change. They will also be expected to undertake training in relation to quasi-judicial committees as well as other committees as required. The Head of Human Resources and Organisational Development will monitor participation in this programme and will draw any matters of concern to the attention of the Monitoring Officer who, where the Monitoring Officer considers appropriate, may draw it to the attention of the leaders of the political groups on the Authority and if necessary the Standards Committee.</p>	<p>It is suggested that sexual exploitation training be added to the list of mandatory training required to be undertaken by Members of the Council.</p> <p>Paragraph 7 of Article 2 to be amended to read as follows:</p> <p>The Authority is committed to developing elected members by providing learning and development opportunities to enhance skills and knowledge supporting effective community leadership and the undertaking of Authority business. The Authority’s approved Member Development Programme is designed to provide a range of awareness and training opportunities. Councillors and the Elected Mayor will <u>be required to attend training in accordance with the Member Development Programme.</u> The Head of Human Resources and Organisational Development will monitor participation in this programme and will draw any matters of concern to the attention of the Monitoring Officer who, where the Monitoring Officer considers appropriate, may draw it to the attention of the leaders of the political groups on the Authority and if necessary the Standards Committee.</p>

Reason for proposed change:

The proposed amendment to add sexual exploitation training to Members' training requirements was a recommendation of the Child Sexual Exploitation Sub Group, which was subsequently approved by Cabinet.

Implications of proposed change:

- **Finance and other resource implications:**

The cost of adding sexual exploitation training to Members' training requirements can be contained within existing budgets.

- **Legal implications:**

There are no legal implications arising directly from these proposals.

- **Consultation/Engagement undertaken (internal and external):**

The proposal was agreed by Cabinet in its response to the recommendations of the Child Sexual Exploitation Sub Group.

- **Human Rights implications:**

There are no human rights implications arising directly from these proposals.

- **Equalities and Diversity implications:**

There are no equalities and diversity implications arising directly from these proposals.

- **Risk Management implications:**

There are no risk management implications arising directly from these proposals.

- **Crime and Disorder implications:**

There are no crime and disorder implications arising directly from these proposals.

- **Environment and Sustainability implications:**

	There are no environment and sustainability implications arising directly from these proposals.
	Proposed by: Dave Brown Service Area: Law and Governance Contact Tel. No: 6435358
	Head of Service sign-off: (please insert a cross in the box) <input data-bbox="801 389 920 445" type="checkbox"/>