



North Tyneside Council

Annual Council

To All Members of the Annual Council

Wednesday, 11 May 2022

You are hereby summoned to attend the Meeting of the Annual Council of the Borough of North Tyneside to be held in **Chamber - Quadrant, The Silverlink North, Cobalt Business Park, North Tyneside, NE27 0BY at 6.00 pm on Thursday, 19 May 2022** for the transaction of the following business.

<u>Agenda Item</u>	<u>Page(s)</u>
1. To Elect the Chair of the Council for the 2022/23 Municipal Year	
2. To Elect the Deputy Chair of the Council for the 2022/23 Municipal Year	
3. Vote of thanks to retiring Chair and Chair's Consort	
4. Apologies	
5. To receive any Declarations of Interest and Notification of any Dispensations Granted	
You are invited to declare any registerable and/or non-registerable interests in matters appearing on the agenda, and the nature of that interest. You are also invited to disclose any dispensation in relation to any registerable and/or non-registerable interests that have been granted to you in respect of any matters appearing on the agenda.	
6. Minutes of the Meeting of the Council held on 17 March 2022 (previously circulated)	
7. Municipal Elections - 5 May 2022 - Return of Councillors	1 - 2
8. Address by the Elected Mayor including Cabinet Composition and Delegation Scheme	
9. Leaders of Political Groups	

Members of the public are entitled to attend this meeting and receive information about it. North Tyneside Council wants to make it easier for you to get hold of the information you need.

We are able to provide our documents in alternative formats including Braille, audiotape, large print and alternative languages. For further information please call 0191 643 5318.

**Agenda
Item**

Page(s)

To receive verbal reports as to the appointment of leaders of the individual political groups.

10. **Deputy Leaders of Political Groups**

To receive verbal reports as to the appointment of deputy leaders of the individual political groups.

11. **Annual Review of the Constitution**

3 - 134

To consider proposed amendments to the Constitution and associated documents.

12. **Annual Appointments 2022/23**

135 - 150

To consider the appointment of Committees/Sub Committees; the allocation of seats on Committees/Sub Committees to Political Groups; the appointment of Chairs and Deputy Chairs of Committees/Sub Committees; and the appointment of representatives to serve on outside bodies that exercise non-executive functions for the 2022/23 Municipal Year.

13. **Annual Report of Overview and Scrutiny 2021/22**

151 - 166

To consider a summary report of the work undertaken by the various scrutiny committees during 2021/22.

14. **Annual Report of Standards Committee 2021/22**

167 - 182

To consider a report which summarises the work undertaken by the Standards Committee during 2021/22.

15. **Chair's Announcements (if any)**

16. **Mayor's Announcements (if any)**

Yours faithfully



Chief Executive

North Tyneside Council

Report to Council

19 May 2022

Title: Return of Councillors Elected – Municipal Elections 5 May 2022

WARD	NAME
Battle Hill	Steven Phillips
Benton	Josephine Mudzingwa
Camperdown	Lisa Ferasin
Chirton	Rebecca O'Keefe
Collingwood	Olly Scargill
Cullercoats	Willie Samuel
Howdon	Tricia Neira
Killingworth	Val Jamieson
Longbenton	Joan Walker
Monkseaton North	Joe Kirwin
Monkseaton South	Martin Murphy
Northumberland	Linda Bell
Preston	Cath Davis
Riverside	Bruce Pickard
St Mary's	Pam McIntyre
Tynemouth	Sarah Day
Valley	Brian Burdis
Wallsend	Louise Marshall
Weetslade	Michelle Fox
Whitley Bay	Margaret Hall

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North Tyneside Council

Report to Council

Date: 19 May 2022

Title: Annual Review of the Constitution

Portfolio(s): Elected Mayor	Cabinet Member(s): N Redfearn
Report from Service Area:	Law and Governance
Responsible Officer:	Jacqueline Laughton Assistant Chief Executive (Tel: 0191 6435724)
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 and the previous Monitoring Officer.

The report contains recommendations on proposed amendments to the Authority's Code of Conduct for Elected Members and Co-opted Members ("the Code of Conduct") and Arrangements for Dealing with Allegations of Breaches of the Code of Conduct for Members and Co-opted Members ("the Local Arrangements), Contract Standing Orders and Officer Delegation Scheme as set out in Appendix 1 of this report.

The annual review of the Constitution and associated documents ensures that they continue to be fit for purpose and provides a framework that 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

- a) approve the proposed changes to the Constitution set out in Appendix 1 to this report to this report and refer the approved changes to the Elected Mayor for her consent in accordance with Article 16 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 14 April 2022.

1.4 Council Plan and Policy Framework

This report does not align directly to any of the priorities in the Council Plan.

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 of the Constitution.
- 1.5.2 In accordance with the established arrangements, any changes proposed to the Constitution and its associated documents are considered by the Constitution Task Group and then any changes approved by the Task Group are submitted to the Annual Council meeting for formal approval.
- 1.5.3 The proposed amendments to the Constitution including the proposed changes to the Contract Standing Orders and Officer Delegation Scheme reflect the changes made to the organisational structure of the Authority that were approved by Cabinet on 28 March 2022. The proposed amendments to the Code of Conduct and Local Arrangements reflect the Local Government Association's Model Code of Conduct for Councillors.

Contract Standing Orders

- 1.5.4 The proposed changes to the Contract Standing Orders in addition to reflecting organisational changes take account of changes in legislation, including compliance with legislation and are reflective of current practice.

Officer Delegation Scheme

- 1.5.5 The proposed changes to the Officer Delegation Scheme take account of organisational change and in particular the deletion of the roles of Director of Environment Housing and Leisure and Director of Law and Governance. The delegations that had previously sat with the Director of Environment Housing and Leisure have been re-allocated between the Directors of Environment, Housing and Property Services, Public Health, Regeneration and Economic Development and Commissioning and Asset Management. It is proposed that the delegations that were held by the Director of Law and Governance will be held by the Assistant Chief Executive. The proposed changes to the Officer Delegation Scheme reflect these changes.
- 1.5.6 Further changes the Officer Delegation Scheme are likely to take account of the proposed adjustment to the role of the Director of Resources later in the municipal year. Any changes to the scheme will be reported to Council at the appropriate time.

Code of Conduct and Local Arrangements

- 1.5.7 The proposed changes to the Code of Conduct and Local Arrangements are not major changes but rather improve, or expand on, what is already included in the Code and Arrangements. Amendments to the Code of Conduct include definitions of certain types of conduct such as 'bullying', 'harassment' and 'discrimination' and emphasises the importance of Members registering Disclosable Pecuniary Interests in a timely manner in accordance with the Localism Act 2011 and the potential consequences of failing to do so. It also clarifies the difference between requests for confidentiality for those making a complaint and anonymous complaints. The Local Arrangements introduce a two stage Assessment Criteria that will be applied by the Monitoring Officer, in consultation with the Independent Person, when deciding if a complaint should proceed to be investigated.

- 1.5.8 The Constitution Task Group has considered the proposed changes to the Contract Standing Orders, Officer Delegation Scheme the Code of Conduct and Local Arrangements that been received for its consideration as part of the annual review of the Constitution, and those changes that have been approved by the Task Group are attached as Appendix 1 to the report.
- 1.5.9 The Constitution and associated documents will continue to be kept under review and updated to reflect any changes in the organisational structure of the Authority or any legislative changes.

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:

Option 1 is recommended for the following reasons:

- 1.7.1 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 Codes and Protocols, Contract Standing Orders and Officer Delegation Scheme approved by the Constitution Task Group

1.9 Contact officers:

Jacqueline Laughton, Monitoring Officer; tel. (0191) 643 5724
John Barton, Principal Lawyer and Deputy Monitoring Officer; tel. (0191) 643 5354

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:

Papers submitted to Constitution Task Group on 25 April 2022
Reports to Standards Committee on 3 November 2021 and 7 April 2022
Report to Cabinet 28 March 2022

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 Code of Conduct, Local Arrangements, Contract Standing Orders, or the Officer Delegation Scheme that cannot be absorbed within 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 Monitoring Officer and Law and Governance have 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 Code of Conduct, Local Arrangements, Contract Standing Orders and Officer Delegation Scheme are set out in Appendix 1 to this report.

Notwithstanding that any changes to the Constitution can only be approved by full Council, of the Code of Conduct and the Local Arrangements form part of it, the Localism Act 2011 in addition is clear that the approval of the Code of Conduct is a matter for full Council.

2.3 Consultation/community engagement

2.3.1 Internal Consultation

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.

2.3.2 External Consultation/Engagement

There has been no external consultation in relation to the proposed changes to the Authority's Constitution as set out in the report and Appendix 1.

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 Codes and Protocols, Contract Standing Orders 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 Codes and Protocols, Contract Standing Orders and Officer Delegation Scheme are set out in Appendix 1 to this report.

2.6 Risk management

To mitigate the risks associated with using out of date Codes and Protocols, Contract Standing Orders 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 Code of Conduct/Local Arrangements, Contract Standing Orders 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 Code of Conduct/Local Arrangements, Contract Standing Orders 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 Code of Conduct/Local Arrangements, Contract Standing Orders 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

- Chief Executive
- Director(s) of Service
- Mayor/Cabinet Member(s)
- Chief Finance Officer
- Monitoring Officer
- Assistant Chief Executive

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Constitution and Associated Documents – Proposed Changes

	Section and Reference	Existing Text	Proposed amendment including revised text if appropriate
a	<p>Part 8 Codes and Protocols</p> <p>8.2 Code of Conduct for Elected Members and Co-opted Members</p> <p>Including Appendix 1 – Code of Conduct for Elected Members together with Annexes 1 to 4.</p>	As per pages 198 – 210 of the Constitution.	<p>Page 198 “2. Principles of Public Life”</p> <p>To replace paragraphs 1 to 7 that purport to reflect the Nolan Principles with the 7 principles of public life (the Nolan Principles). The new wording will be: -</p> <p>1. Selflessness</p> <p>Holders of public office should act solely in terms of the public interest.</p> <p>2. Integrity</p> <p>Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.</p>

			<p>3. Objectivity</p> <p>Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.</p> <p>4. Accountability</p> <p>Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.</p> <p>5. Openness</p> <p>Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.</p> <p>6. Honesty</p> <p>Holders of public office should be truthful.</p> <p>7. Leadership</p> <p>Holders of public office should exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.</p>
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			Attached with this proforma are the proposed new pages of 8.2 including the Code of Conduct, Appendix 1 and Annexes 1-4.
		<p>Reason for proposed change: In 2020 the Local Government Association published a revised Model Councillor Code of Conduct together with Guidance on the Code to both Members and Monitoring Officers. This resulted in the Monitoring Officer working with a Member Working Group reviewing the Code of Conduct and the Local Arrangements that the Authority is required to have in place for dealing with Code of Conduct complaints in accordance with the Localism Act 2011.</p> <p>Attached is the amended Code of Conduct for Members and Co-opted Members together with amended Local Arrangements that Council will be asked to approve at the Annual Meeting of Council.</p>	
	<p>Implications of proposed change:</p> <ul style="list-style-type: none"> • Finance and other resource implications: There are no financial implications as a result of amending the Code of Conduct and Local Arrangements. • Legal implications: The Authority is required by virtue of section 28 of the Localism Act 2011 to have “arrangements” in place under which allegations that an elected or co-opted Member of the Authority has failed to comply with the Authority’s Code of Conduct. • Consultation/Engagement undertaken (internal and external): A Member Working Group was established to work through the Code of Conduct and Local Arrangements and to consider and agree on the proposed changes to the Code and Local Arrangements. 		

	<ul style="list-style-type: none"> • Human Rights implications: The Local Arrangements enable a Member to put a case and to be heard as part of the investigation process and to put a case at any hearing. • Equalities and Diversity implications: The Local Arrangements recognise the need to make adjustments under the Equality Act 2010- so if for example a person with a disability cannot put their complaint in writing, the Authority will recognise that and make reasonable adjustments. • Risk Management implications: If the Authority does not have Local Arrangements in place in accordance with the Localism Act 2011 it will be operating outside the requirements of the Localism Act 2011. • Crime and Disorder implications: Members are required to disclose their pecuniary interests to the MO within 28 days of being elected or re-elected and must disclose such interests at the start of any meeting and absent themselves from the meeting. • Environment and Sustainability implications: N/A
	<p>Proposed by: Service Area: Planning Contact Tel. No:</p>
	<p>Head of Service sign-off: (please insert a cross in the box) <input data-bbox="797 1098 916 1153" type="checkbox"/></p>

North Tyneside Council

Code of Conduct for Elected Members and Co-opted Members

North Tyneside Council (“the Authority”) has adopted the following Code of Conduct which has effect from ??? 2021 and which sets out the conduct that is expected of elected and co-opted members of the Authority when they are acting in that capacity.

Definitions

For the purposes of this Code of Conduct, a “member” means an elected member or co-opted member of the Authority and the elected mayor.

A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as a person who is not a member of the Authority but who

- a) is a member of any committee or sub-committee of the Authority, or;
- b) is a member of, and represents the Authority on, any joint committee or joint sub-committee of the Authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” also includes the fire and rescue authority, police authority, joint authority, and combined authority.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist members in modelling the behaviour that is expected of them, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against them. It is also to protect members, the public, fellow members, officers, and the reputation of the Authority. It sets out general principles of conduct expected of all members and their specific obligations in relation to standards of conduct. The Authority encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of members and local government.

General principles of member conduct

Everyone in public office at all levels who serve the public or deliver public services, including members and officers of the Authority should uphold the **Seven Principles of Public Life**, also known as the 'Nolan Principles' (see Annex 1 to the Code of Conduct). Building on these principles, the following general principles have been developed specifically for the role of members.

In accordance with the public trust placed in them, when acting in their capacity as a member a member should, on all occasions:

- act with integrity and honesty
- act lawfully
- treat all persons fairly and with respect; and
- lead by example and act in a way that secures public confidence in the role of members.

When undertaking the role of member, a member should:

- Act impartially and exercise their responsibilities in the interests of the local community
- Not improperly seek to confer an advantage, or disadvantage, on any person
- Avoid conflicts of interest
- Exercise reasonable care and diligence; and
- Ensure that public resources are used prudently in accordance with the Authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to members as soon as they sign their declaration of acceptance of the office of councillor or attend their first meeting as a co-opted member of the Authority and continues to apply for as long as they remain a member of the Authority.

This means the Code of Conduct applies whenever a member (a) conducts the business of the Authority (including the business of the office of an elected member or co-opted member) or (b) act, claim to act or give the impression of acting as a representative of the Authority.

The Code of Conduct applies to all forms of communication and interaction, including: -

- face-to-face meetings
- online or telephone meetings
- written communication
- verbal communication
- non-verbal communication
- electronic and social media communication, posts, statements and comments.

Members are expected to uphold high standards of conduct and show leadership at all times when acting as a member.

The Authority's Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and members are encouraged to seek advice from the Monitoring Officer on any matter that may relate to the Code of Conduct.

Members are encouraged to read the supporting guidance produced by the Local Government Association on the Model Councillor Code of Conduct on which this Code of Conduct is largely based. The link to the guidance is here: <https://local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct>

Part 1 - General conduct

This section sets out members' obligations, which are the minimum standards of conduct required of members. Should member conduct fall short of these standards, a complaint may be made against members, which may result in action being taken.

1. Respect

As a member:

- 1.1 You must treat other members and members of the public with respect.
- 1.2 You must treat officers of the Authority, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

“Respect” means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a member, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. Whilst greater allowance may be given for robust political debate between members, bearing in mind the right to freedom of expression, members should not, however, subject individuals, groups of people or organisations to personal abuse.

In contact with the public, members should treat the public politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in members. In return, members have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening members are entitled to stop any conversation or interaction in person or online and report them to the Monitoring Officer, the relevant social media provider or the police. This also applies to fellow members, where action could then be taken under this Code of Conduct, and local authority employees, where concerns should be raised in line with the Authority's Protocol on Member/Officer Relations in Part 8.6 of the Authority's Constitution.

2. Bullying, harassment, and discrimination

As a member:

- 2.1 You must not bully any person.
- 2.2 You must not harass any person.
- 2.3 You must promote equalities
- 2.4 You must not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises “bullying” as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or telephone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Members have a central role to play in ensuring that equality issues are integral to the Authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the Authority

As a member:

- 3.1 You must not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the Authority.

Officers work for the Authority as a whole and must be politically neutral whilst at work (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. Members can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, members must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to exempt information

As a member:

4.1 You must not disclose information:

- a) given to you in confidence by anyone
- b) acquired by you which you believe, or ought reasonably to believe, is of a confidential nature, unless
 - i. you have received the consent of a person authorised to give it;
 - ii. you are required by law to do so;
 - iii. the disclosure is made to a third party for the purposes of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
 - iv. the disclosure is:
 - a. reasonable and in the public interest; and
 - b. made in good faith and in compliance with the reasonable requirements of the Authority; and
 - c. you have consulted with the Monitoring Officer prior to its release.

- 4.2 You must not use knowledge gained solely as a result of your role as a member for the advancement of yourself, your friends, your family members, your employer, or your business interests.
- 4.3 You must not prevent anyone from getting information that they are entitled to by law.

The Authority must work openly and transparently, and its proceedings and printed materials open to the public, except in certain legally defined circumstances. Members should work on this basis, but there will be times when it is required by law that discussions, documents, and other information relating to or held by the Authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a member:

- 5.1 You must not do anything to bring your role or the Authority into disrepute.

Members are trusted to make decisions on behalf of their community and their actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. Members should be aware that their actions might have an adverse impact on them, other members and/or the Authority and may lower the public's confidence in their or the Authority's ability to discharge their/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring the Authority into disrepute.

Members are able to hold the Authority and fellow members to account and are able to constructively challenge and express concern about decisions and processes undertaken by the Authority whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a member:

6.1 You must not use, or attempt to use, your position improperly to the advantage or disadvantage of yourself or anyone else.

Members of the Authority are provided with certain opportunities, responsibilities, and privileges, and make choices all the time that will impact others. Members should not take advantage of these opportunities to further their own or others' private interests or to disadvantage anyone unfairly.

7. Use of the Authority's resources and facilities

As a member:

7.1 You must not misuse the Authority's resources.

7.2 You must when using the Authority's resources or authorising their use by others: -

- a. Act in accordance with the Authority's requirements; and
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the Authority or of the office to which you have been elected or appointed.

Members are provided with resources and facilities by the Authority to assist with the carrying out of their duties and may include: -

- office support
- stationary
- equipment such as telephones and computers
- transport
- access and use of the Authority's buildings and rooms.

8. Complying with the Code of Conduct

As a member:

- 8.1 You must undertake Code of Conduct Training provided by the Authority.
- 8.2 You must cooperate with any Code of Conduct investigation and/or determination.
- 8.3 You must not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

You must comply with any sanction imposed on you following a finding that you have breached the Code of Conduct.

It is extremely important for Members to demonstrate high standards, and for their actions to be open to scrutiny and for members not to undermine public trust in the Authority or its governance. If members do not understand or are concerned about the Authority's processes in handling a complaint, they should raise those concerns with the Authority's Monitoring Officer.

9. Interests

As a member:

- 9.1 You must register and disclose your interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the Authority.

Members need to register their interests so that the public, officers and fellow members know which of their interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects members by allowing them to demonstrate openness and a willingness to be held accountable. Members are personally responsible for deciding whether or not they should disclose an interest in a meeting, but it can be helpful for members to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by members when making or taking part in decisions, so that decision making is seen by the public as open and

honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

Members should note that failure to register or disclose a Disclosable Pecuniary Interest as set out in Annex 2 of the Code of Conduct is a criminal offence under the Localism Act 2011.

Parts 2 and 3 of the Code of Conduct set out the detailed provisions on registering and disclosing interests. If in any doubt members should always seek advice from the Authority's Monitoring Officer.

10. Gifts and hospitality

As a member:

- 10.1 You must not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on your part to show favour from persons seeking to acquire, develop or do business with the Authority or from persons who may apply to the Authority for any permission, licence or other significant advantage.
- 10.2 You must register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.
- 10.3 You must register with the Monitoring Officer any significant gift or hospitality that you have been offered but have refused to accept.

In order to protect the position of members and the reputation of the Authority, members should exercise caution in accepting any gifts or hospitality which are (or which members reasonably believe to be) offered to them because they are a member. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case members could accept it but must ensure it is publicly registered. However, members do not need to register gifts and hospitality which are not related to their role as a member, such as Christmas gifts from their friends and family. It is also important to note that it is appropriate for members to accept normal expenses and hospitality associated with their duties as a member. If members are unsure, contact your Monitoring Officer for guidance.

11. Scrutiny of decisions taken

As a member:

11.1 You must not take part in the scrutiny process of a decision being reviewed by the Overview, Scrutiny and Policy Development Committee (or Sub-Committee) when you were involved in the decision that is being reviewed by the Overview, Scrutiny and Policy Development Committee (or sub-committee).

11.2 You must attend before the Overview, Scrutiny and Policy Development Committee (or sub-committee) if required to do so and to otherwise assist it.

“Scrutiny” means the formal examination of a policy or decision previously approved or taken by, or on behalf, of the Authority in order to reach a view as to its merits or effectiveness.

12. Safeguarding

As a member:

12.1 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 to the Police.

Safeguarding children, young people and vulnerable adults is everyone’s business in North Tyneside including members.

Part 2 - Registration of interests

13. Within 28 days of becoming a member, your re-election, or appointment/re-appointment to office you must register with the Authority's Monitoring Officer your registerable personal interests so that they can be recorded in the Authority's Register of Members' Interests. In the Code of Conduct your "registerable personal interests" means: -
- (a) any Disclosable Pecuniary Interest as set out in Annex 2 of the Code of Conduct; **or**
 - (b) other registerable interests held by you as set out in Annex 3 of the Code of Conduct.

You must ensure that your Register of Interests is kept up-to-date and within 28 days of becoming aware of any new Disclosable Pecuniary Interest, or of any change to such an interest, or any new other registerable interest, or any change thereto, you must notify the Monitoring officer of that change in writing.

NOTE: Failure without reasonable excuse to register a Disclosable Pecuniary Interest within the 28-day period is a criminal offence under section 34 Localism Act 2011 as well as being a breach of the Code of Conduct.

It is also a criminal offence under section 34 of the Localism Act 2011 to knowingly provide information relating to a Disclosable Pecuniary Interest that is false or misleading or is provided recklessly as to whether the information is true and not misleading as well as being a breach of the Code of Conduct.

The requirements placed upon you by the Localism Act 2011 are in addition to any other legislative requirement to disclosure specified information e.g. election expenses. It may be the case that the same information has to be disclosed more than once so that the information can appear in different locations.

14. Where you think that disclosure of the details of any of your registerable personal interests could lead to you, or a person connected with you, being subject to violence or intimidation, the Monitoring Officer may at your request make a note on the Register that you have a personal interest, details of which are withheld. This is known as a "sensitive interest".

Part 3 – Disclosure of Non-registerable interests

15. You will have a non-registerable personal interest when you attend a meeting of the Authority and you are, or ought reasonably to be aware, that a decision in relation to an item of business which is to be transacted might reasonably be regarded as affecting your wellbeing, or financial position, or the wellbeing or financial position of a person described in paragraph 16 to a greater extent than most inhabitants of the area affected by the decision.
16. The persons referred to in paragraph 15 are:
- (a) a member of your family;
 - (b) any person with whom you have a close association;
 - (c) in relation to persons described in (a) and (b), their employer, any firm in which they are a partner, or company of which they are a director or shareholder; and
 - (d) a body included under Other Registrable Interests in Annex 3 of the Code of Conduct.

NOTE:

- (a) “A member of your family” means: your partner (i.e. your spouse, civil partner, or anyone with whom you live in a similar capacity); your parent or parent-in-law; any child, stepchild or sibling of you or your partner; your grandparent, grandchild, aunt, uncle, nephew, or niece; and the partners of any of those people.
 - (b) You have a “close association” with someone if your relationship is such that a reasonable member of the public might think you would be prepared to favour or disadvantage that person when deciding a matter which affects them).
 - (c) “Authority” in this Code of Conduct means Council, Cabinet, or one of their Committees, Sub-Committees, working groups, Boards, or other decision-making bodies, and all references to Authority should be read as such, unless the context indicates otherwise.
17. When you attend a meeting of the Authority, and you are aware that you have a non-registerable interest in an item of business (as defined in paragraph 15) you must disclose that interest to the meeting before consideration of that item begins or (if later) when you become aware of the interest.

Part 4 - Non-Participation in Authority Business

18. When you attend a meeting of the Council or Cabinet, or one of their committees or sub-committees, and you are aware that the criteria set out in paragraph 19 are satisfied in relation to any matter to be considered, or being considered at that meeting, you must: -
- (a) Declare that fact to the meeting;
 - (b) Not participate (or further participate) in any discussion of the matter at the meeting;
 - (c) Not participate in any vote (or further vote) taken on the matter at the meeting; and
 - (d) Leave the room whilst the matter is being discussed.
19. The criteria for the purposes of paragraph 18 are that:
- (a) You have a registerable or non-registerable personal interest in the matter which is such that a member of the public knowing the relevant facts would reasonably think it so significant that it is likely to prejudice your judgement of the public interest; **and either**
 - (b) The matter will affect the financial position of yourself or one of the persons or bodies referred to in paragraph 16 or in any of your register entries; **or**
 - (c) The matter concerns a request for any permission, licence, consent, or registration sought by yourself or any of the persons referred to in paragraph 16 or in any of your register entries.
20. If an Authority function can be discharged by you as a member acting alone (e.g. as a Cabinet member exercising an executive function) and you are aware that you have a registerable or non-registerable personal interest in any matter to be dealt with by you in that way which meets the criteria set out in paragraph 19, you shall not deal with that matter in any way (except to enable it to be dealt with by someone else).

NOTE: Failure, without reasonable excuse, to comply with paragraphs 18 to 20 in relation to a Disclosable Pecuniary Interest is a criminal offence under section 34 Localism Act 2011 as well as being a breach of this Code of Conduct.

21. Paragraphs 18 to 20 do not apply if (i) you have a relevant dispensation under section 33 of the Localism Act 2011 or (ii) the matter in question relates to any of the following functions of the Authority:
- (a) housing, where you are a Council tenant provided the matter does not relate particularly to your tenancy or lease;
 - (b) school meals or school transport, where you are a parent or guardian of a child in full-time education or a parent governor of a school, unless the matter relates particularly to the school your child attends;
 - (c) statutory sick pay where you are in receipt of, or entitled to receipt of, such pay;
 - (d) an allowance, payment or indemnity given to members;
 - (e) any ceremonial honour given to members; and
 - (f) setting council tax or a precept under the Local Government Finance Act 1992.

Annex 1 to Code of Conduct

Nolan's Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Annex 2 to Code of Conduct

Disclosable Pecuniary Interests

(As specified by the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012)

Please Note: The following interests are Disclosable Pecuniary Interests if they are an interest of either (a) yourself, or (b) your spouse or civil partner, or (c) a person with whom you are living as husband and wife, or (d) a person with whom you are living as if you were civil partners (all of whom are referred to as “relevant persons”): -

Employment, office, trade, profession or vocation - Any employment, office, trade, profession or vocation carried on for profit or gain.

Sponsorship - Any payment or provision of any other financial benefit (other than from the Authority) made to you during the previous 12-month period for expenses incurred by you in carrying out your duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

Contracts - Any contract made between you, your spouse or civil partner or the person with whom you are living as if they were your spouse/civil partner (or a firm in which such person is a partner, or an incorporated body of which such person is a director or a body that such person has a beneficial interest in the securities of) and the Authority -

(a) under which goods or services are to be provided or works are to be executed; and

(b) which has not been fully discharged.

Land and property - Any beneficial interest in land which is within the area of the Authority.

Licences - Any licence (alone or jointly with others) to occupy land in the area of the Authority for a month or longer.

Corporate tenancies - Any tenancy where (to your knowledge): -

- (a) the landlord is the Authority; and
- (b) the tenant is a body that you, or your spouse or civil partner or the person with whom you are living as if they were your spouse/ civil partner is a partner of or a director of or has a beneficial interest in the securities of.

Securities - Any beneficial interest in securities of a body where -

- (a) that body (to your knowledge) has a place of business or land in the area of the Authority; and
- (b) either—
 1. the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 2. if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, your spouse or civil partner or the person with whom you are living as if they were spouse/civil partner have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Note: In the above descriptions, the following words have the following meanings –

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Annex 3 to Code of Conduct

Other Registerable Interests

The other interests which you must register under paragraph 13(b) of the Code of Conduct are:

1. Any unpaid directorships
2. Any body of which you are a member or in a position of general control or management and to which you are nominated or appointed by the Authority;
3. Any body which
 - i. exercises functions of a public nature
 - ii. directed to charitable purposes or
 - iii. one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management;
4. Any person from whom you have received within the previous three years a gift or hospitality with an estimated value of more than £50 which is attributable to your position as an elected or co-opted member of the Authority.

Note: These mean only your interests and not those of your spouse or civil partner.

Annex 4 to the Code of Conduct

Associated Protocols

The Authority has adopted the following Protocols which are intended to regulate the conduct of elected members or co-opted members and which the Authority has specifically declared should fall within the provisions of this Code of Conduct pursuant to paragraph 6 of the Code.

[None]

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North Tyneside Council

Standards Committee

Code of Conduct for Member and Co-opted
Members

Arrangements for Dealing with Allegations of
Breaches of the Code of Conduct for
Members and Co-opted Members

Standards Committee

Code of Conduct for Member and Co-opted Members

Arrangements for Dealing with Allegations of Breaches of the Code of Conduct for Members and Co-opted Members

1. Context

These arrangements set out how the Authority will deal with a complaint that an elected or co-opted member of the Council has failed to comply with the Authority's Code of Conduct.

Under Section 28(6) and (7) of the Localism Act 2011, the Authority must have in place "arrangements" under which allegations that a Member or Co-opted Member of the Council or a Committee or Sub-Committee of the Authority, has failed to comply with the Code of Conduct can be investigated and decisions made on such allegations. Such arrangements must provide for the Authority to appoint at least one Independent Person, whose views must be sought by the Authority before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the Authority at any other stage, or a Member or Co-opted Member against whom an allegation has been made. The Authority has appointed three Independent Persons.

2. The Code of Conduct

The Authority has adopted a Code of Conduct for Members and Co-opted Members, which is attached as Appendix 1 to these arrangements, and which is available for inspection on the Authority's website. It is incorporated into the Authority's Constitution.

3. Receipt of a complaint

A complaint against a Member or Co-opted Member will be sent by the Complainant in writing or by email to –

The Monitoring Officer
Law and Governance
Quadrant,
Silverlink North,
Cobalt Business Park,
North Tyneside,
NE27 0BY

Or – standards@northtyneside.gov.uk

The Monitoring Officer is the senior officer of the Authority who has statutory responsibility for maintaining the register of members' interests and who is responsible for administering the system in respect of complaints of member misconduct.

In order to ensure that the Authority has all the information which it needs to be able to process a complaint, it is encouraged that the complaint form at Appendix 2 is completed and submitted. The complaint form is available from the Authority's website.

Although the Localism Act 2011 requires complaints to be submitted in writing, that requirement must be read in conjunction with the Equality Act 2010 and the Authority's duty to make reasonable adjustments under that Act.

The Monitoring Officer will acknowledge receipt of the complaint to the complainant and ordinarily provide the subject member of the complaint, with a copy of the complaint within 5 working days of receiving it and will keep all parties informed of the progress of the complaint. The Monitoring Officer will also seek comments from the subject member of the complaint to assist in the initial assessment of the complaint.

4. Request for confidentiality

If a complainant wants to keep their name and address confidential, they are required to indicate this in the space provided on the complaint form, or in their written complaint if the complaint form is not used, and this will be considered by the Monitoring Officer. Only in exceptional circumstances would a complainant be granted confidentiality. As a matter of fairness, the complainant's identity would normally be disclosed to the subject member, and in many instances it would not be practical or possible to investigate a complaint without the identity of the complainant being revealed.

If confidentiality is granted, and the complaint proceeds, the Monitoring Officer will determine whether or when the subject member will be advised of the complaint and the identity of the complainant. The procedure set out below will be adjusted as appropriate to accommodate the decision of the Monitoring Officer.

Where a request for confidentiality is refused by the Monitoring Officer, the complainant will be advised of that refusal and will be given the option to withdraw the complaint within 7 working days. If the complaint is withdrawn the matter will be then closed and the subject member will not be informed of the complaint. If the complainant refuses to withdraw the complaint or does not respond within the specified timescale, then the subject member will be sent a copy of the complaint and the complaint will proceed as set out in paragraph 6 below.

5. Anonymous Complaints

It should be noted that anonymity and confidentiality are different concepts. Anonymity means that the identity of the complainant is unknown to the Authority, whereas confidentiality means that the Authority knows the identity of the complainant which is withheld for a specific reason

The Authority will not normally investigate anonymous complaints on the basis that to do so would be against the principles of transparency and fairness and make matters more difficult to investigate. However, if there are exceptional and compelling reasons an anonymous complaint may be accepted. This may be for example where the allegation can be evidenced without reference to the complainant and where it is considered that the public interest in investigating the allegation outweighs the issue of anonymity.

6. Will the complaint be investigated?

The Monitoring Officer will review every complaint received and, after consultation with one of the Independent Persons and consideration of the initial comments of the subject member decide whether the complaint will be investigated. The decision will be based on whether the allegation, if proved, would constitute a failure to observe the Code of Conduct as well as having regard to the Authority's adopted assessment criteria (attached at Appendix 3). This decision will normally be taken within 28 days of receipt of the complaint. The parties will be advised of the Monitoring Officer's decision together with the reasons for that decision – subject to any decision on confidentiality arising as referred to above.

Where the Monitoring Officer requires additional information in order to come to a decision, he/she may go back to the complainant for such information and may request information from the subject member of the complaint.

If the complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer may refer the complaint to the Police or other regulatory agencies irrespective of a request for confidentiality by the complainant.

A copy of the subject member's initial comments will normally be provided to the complainant with the assessment decision unless there are particular reasons, in the view of the Monitoring Officer, not to.

7. Informal Resolution

The Monitoring Officer may consider that a complaint can be reasonably resolved informally. In such a case, the Monitoring Officer will consult with one of the Independent Persons, the subject member, and the complainant to seek agreement to a fair resolution of the complaint which also helps to ensure high standards of conduct for the future. If the subject member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee for information but will take no further action.

8. How is the investigation conducted?

If the Monitoring Officer decides that a complaint merits formal investigation, he/she will appoint an Investigating Officer. The Investigating Officer may be another officer of the Authority, an officer of another Authority or an external investigator.

The Investigating Officer will write to the subject member and will ask them to provide their explanation of events, and to identify what documents or other materials they believe the Investigating Officer needs to see and consider.

The Investigating Officer will decide whether he/she needs to meet or speak to the complainant to understand the nature of the complaint and so that the complainant can explain their understanding of events and suggest what documents or other materials the Investigating Officer needs to see, and who the Investigating Officer needs to consider.

At the end of his/her investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to the subject member and to the complainant, to give both an opportunity to identify any matter in that draft report which they disagree with or which they consider requires more consideration. A copy of the draft report will also be sent to the Monitoring Officer.

Having received and taken account of any comments which the complainant or subject member may make on the draft report, the Investigating Officer will send his/her final report to the Monitoring Officer.

9. What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?

The Standards Committee or Sub-Committee will review the Investigating Officer's report and, if it is satisfied that the Investigating Officer's report is sufficient and it agrees that there is no evidence of a failure to comply with the Code of Conduct, it will instruct the Monitoring Officer to write to the subject member and to the complainant, notifying both that they are satisfied that no further action is required, and give both a copy of the Investigating Officer's final report.

If the Standards Committee do not agree with the conclusion that there is no evidence of a failure to comply with the Code of Conduct, it will refer the matter for a hearing before the Committee or its Sub-Committee.

In considering the report, the Standards Committee/Sub-Committee will consult with one of the Authority's Independent Persons.

If the Standards Committee/Sub-Committee is not satisfied that the investigation has been conducted properly, it may ask the Investigating Officer to reconsider his/her report. Upon the receipt of the report back from the Investigating Officer the Committee will consider whether to accept the report or refer it to a hearing.

10. What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?

a. Local Resolution

Where the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct, there may still be an opportunity for local resolution, avoiding the necessity of a hearing. An investigation report may cause a member to recognise that his/her conduct was at least capable of giving offence, and /or identify other appropriate remedial action, and the complainant may be satisfied for instance, by recognition of fault or an apology. It would only be appropriate for the Monitoring Officer to agree a local resolution at this stage after consultation with one of the Authority's Independent Persons and the Chair of the Standards Committee. In addition, this would be conditional on the complainant being satisfied with the outcome. A summary report on any local resolution of a complaint would be reported to the Standards Committee for information.

b. Referral for Hearing

If local resolution is not possible, the Monitoring Officer will then refer the matter for a hearing before the Committee/Sub-Committee.

11. The Hearing

Where the Standards Committee/Sub-Committee has referred a matter for a hearing the procedure at Appendix 4 will apply.

12. What action can the Standards Committee/Sub-Committee take where a Member has failed to comply with the Code of Conduct?

Full Council has delegated to the Standards Committee/Sub-Committee such of its powers to take action in respect of individual Members as may be necessary to promote and maintain high standards of conduct.

Accordingly, the Standards Committee/Sub-Committee may –

- (i) Issue a formal censure;
- (ii) Report its findings in respect of the subject member's conduct to full Council;
- (iii) Recommend to the subject member's group leader (or in the case of un-grouped councillors, recommend to full Council) that they be removed from any or all Committees or Sub-Committees of the Authority;
- (iv) Recommend to the Elected Mayor that the subject member be removed from positions of responsibility for a specified period;
- (v) Instruct the Monitoring Officer to arrange training for the subject member;
- (vi) Recommend to full Council that the subject member be removed from all outside appointments to which they have been appointed or nominated by the Authority;

- (vii) Recommend to the Mayor that the subject member be removed from all outside appointments to which they have been appointed by the Mayor.
- (viii) Recommend to full Council that it withdraws facilities provided to the subject member by the Authority for a specified period, such as a computer, website and/or email and internet access;
- (ix) Recommend to full Council that it excludes the subject member from the Authority's offices or other premises for a specified period, with the exception of meeting rooms as necessary for attending full Council, a Committee or Sub-Committee meeting and/or restricts contact with officers to named officers only;
- (x) If relevant recommend to the secretary or appropriate official of a political group that the member be removed as group leader or other position of responsibility.

The Standards Committee/Sub-Committee has no power to suspend or disqualify the subject member or to withdraw or suspend allowances.

13. What happens at the end of the Hearing?

At the end of the hearing, the Chair will state the decision of the Standards Committee/Sub-Committee as to whether a member has failed to comply with the Code of Conduct and as to any actions which the Standards Committee/Sub-Committee resolves to take.

As soon as reasonably practicable after that, the Monitoring Officer in consultation with the Chair of the Committee/Sub-Committee, will prepare a formal decision notice, and send a copy to the subject member and the complainant, make that decision notice available for public inspection on the Authority's website and, if so directed by the Standards Committee/Sub-Committee, report the decision to the next convenient meeting of full Council.

12. Review of decisions

Procedures for the review of decisions are set out in Appendix 5.

13. What is the Standards Committee?

The Standards Committee is a politically balanced Committee of Council. It consists of nine Members of the Authority who are drawn from each political party. Subject to those requirements, it is appointed on the nomination of party group leaders in proportion to the strengths of each party group on the Council.

The Independent Persons are invited to attend meetings of the Committee/Sub-Committee and their views are sought and taken into consideration before the Committee/Sub-Committee takes any decision on whether a member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

The Independent Persons do not, however, have voting rights on the Committee/Sub-Committee. Their role is an advisory one.

14. Who are the Independent Persons?

The Independent Persons are persons who have applied for the post following advertisement of a vacancy for the role and are appointed by the Authority.

A person does not qualify as “independent”, if they are (or at any time in the last 5 years have been) a Member, Co-opted Member or officer of the Authority, or if they are a relative or close friend of such a Member, Co-opted Member or officer. “Co-opted” member is defined so as to include current independent members of Standards Committee.

For this purpose, “relative” comprises –

- (a) a spouse or civil partner;
- (b) any person with whom the candidate is living as if they are a spouse or civil partner;
- (c) a grandparent;
- (d) any person who is a lineal descendent of a grandparent;
- (e) a parent, brother, sister or child of anyone in paragraphs (a) or (b);
- (f) any spouse or civil partner of anyone within paragraphs (c), (d) or (e); or
- (g) any person living with a person within paragraphs (c), (d) or (e) as if they were spouse or civil partner to that person.

The Authority has three Independent Persons to ensure the availability of an Independent Person for consultation at all appropriate times and to avoid any conflicts of interest arising, as an Independent Person must also be available to be consulted by a member who is the subject of a misconduct complaint.

15. Revision of these arrangements

The Standards Committee/Sub-Committee, on the advice of the Monitoring Officer, may depart from these arrangements where it is necessary to do so in order to secure the effective and fair consideration of any matter. The arrangements will also be subject to periodic review by the Authority.

**North Tyneside Council
Code of Conduct for Elected Members and Co-opted
Members**

Revised Code of Conduct to be inserted here



North Tyneside Council

Appendix 2

Code of Conduct for Members and Co-opted Members of North Tyneside Borough Council

COMPLAINT FORM

This form can be either completed by hand and posted to the Monitoring Officer, or completed on a computer. If it is completed on a computer it can either be e-mailed to the Monitoring Officer, or printed and then posted. Address details are found at the end of the form.

What this form is for

This form is for registering a complaint that an Elected Member or Co-opted Member of North Tyneside Council has breached the Code of Conduct as adopted by the Authority with effect from 1 July 2012. This form can be found on the Standards Committee page of the North Tyneside Council website (www.northtyneside.gov.uk) [Complain against a councillor](#).

The points listed below will help you decide whether this is the correct form to use when making your complaint.

- Your complaint must be about conduct that occurred while the member(s) complained about were in office. Conduct of an individual before they were elected, co-opted or appointed to the Council, or after they have resigned or otherwise ceased to be a member, cannot be considered.
- The Code of Conduct came into effect on [date to be inserted]. If your complaint concerns matters that occurred before this date you should contact the office of the Monitoring Officer before making your complaint.
- Your complaint must be about one or more named members of North Tyneside Council.
- Your complaint must be that the member(s) has, or may have, breached the Code of Conduct.
- Complaints about dissatisfaction with a decision or action of the Authority or one of its committees, a service provided by the Authority or the Authority's procedures do not fall within the jurisdiction of the Standards Committee.

Complaints about the actions of people employed by the Authority also do not fall within the jurisdiction of the Standards Committee.

If your complaint does not meet these criteria you should make use of the Council's Corporate Complaints Procedure by contacting:

Customer and Member Liaison Office
Quadrant
The Silverlink North
Cobalt Business Park
North Tyneside
NE27 0BY
Tel: 0191 643 2280
CMLO@northtyneside.gov.uk

Explanation of the Complaints Process

Complaints against Members of the Council are the responsibility of the Authority's Standards Committee. Complaints must be made in writing to the Monitoring Officer.

The first stage of the process is that normally within 28 days of receipt the Authority's Monitoring Officer will consider your complaint. It is not the task of the Monitoring Officer to consider whether or not the Member concerned has broken the Code of Conduct. Rather, he/she will decide whether the matter warrants referral for investigation or other action. Only if the matter is referred for investigation will the substance of the complaint be considered and a decision made about whether or not the Code has been breached.

The Monitoring Officer will decide:

1. whether the allegation, if proven, would constitute a failure to observe the Code of Conduct;
2. if it would constitute such a failure, whether the allegation is to be investigated. This decision will be guided by the Council's Assessment Criteria. The Assessment Criteria are available from the Monitoring Officer;
3. where the decision is not to investigate the allegation, whether to direct the Monitoring Officer to pursue an alternative course of action such as training for the Member concerned or conciliation between the complainant and the Member.

The Monitoring Officer will produce a summary of his decision, and to send it to the complainant and to the Member concerned unless to do so would in his/her opinion prejudice a subsequent investigation.

If an allegation is considered to require investigation, the matter will be referred by the Monitoring Officer for the investigation of the allegation.

Following the completion of an investigation into an allegation, unless the complaint can be resolved informally, the Authority's Standards Committee will meet to consider the allegation and the findings of the investigation.

If the allegation is upheld and a breach of the code of conduct is found the Standards Committee have a range of sanctions available to them.

Any queries regarding the Complaints process should be directed to the Monitoring Officer at the address at the end of this form.

Making Your Complaint

1. Please provide us with your name and contact details

Title:	
First name:	
Last name:	
Address:	
Daytime telephone:	
Evening telephone:	
Mobile telephone:	
Email address:	

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

However, we will tell the following people that you have made this complaint:

- the Member(s) you are complaining about
- the Council's Independent Person(s) with whom the Monitoring Officer must consult before deciding whether the matter warrants referral for investigation or other action.
- the Standards Committee

We will tell them your name and give them a summary of your complaint. We will give them full details of your complaint where necessary or appropriate to be able to deal with it. If you have serious concerns about your name and a summary or details of your complaint being released, please complete section 5 of this form.

2. Please tell us which complainant type best describes you:

- Member of the public
- An elected or co-opted Member of an authority

- Member of Parliament
- Monitoring Officer
- Other council officer or authority employee
- Other ()

3. Please provide us with the name(s) of the Member(s) of North Tyneside Council whom you believe has breached the Code of Conduct:

Title	First name	Last name

4. Please explain in this section (or on separate sheets) what the Member has done that you believe breaches the Code of Conduct. If you are complaining about more than one Member you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.

It is very important that you provide all the information you wish to have taken into account by the Monitoring Officer when he/she decides whether to take any action on your complaint. For example:

- You should be specific, wherever possible, about exactly what you are alleging the Member said or did. For instance, instead of writing that the Member insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information.

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

Only complete Section 5 if you are requesting that your identity be kept confidential.

5. In the interests of fairness and natural justice, we believe Members who are complained about should be informed of who has made the complaint and be provided with a summary of the complaint. We are unlikely to withhold your identity or the details of your complaint other than in exceptional circumstances.

The Monitoring Officer will consider the request for confidentiality as a preliminary matter before the substance of your complaint. We will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.

However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

Additional Help

6. Complaints must be submitted in writing. Electronic submissions are permissible. However, in line with the requirements of equalities legislation, we can make reasonable adjustments to assist you if you have an impairment that prevents you from making your complaint in writing.

We can provide information in other languages and in different formats, such as large print. An interpreter/translator service is also available if English is not your first language. If you have any problems in reading or writing, or need any support in completing this form, let us know. We can also help you find independent advice if needed.

If this applies to you, please contact the office of the Monitoring Officer at the address given below.

The completed form should be sent to:

The Monitoring Officer
North Tyneside Council
Quadrant
The Silverlink North
Cobalt Business Park
North Tyneside
NE27 0BY

Email: standards@northtyneside.gov.uk

Code of Conduct for Members - Assessment Criteria

The following two stage assessment criteria will be taken into account in deciding what action, if any, to take in relation to a complaint that a member has failed to comply with the requirements of the Code of Conduct for Members:

Jurisdictional Test (Can the Authority deal with this complaint?)

The first stage assesses whether the Authority can deal with the complaint and assesses whether: -

1. The complaint is made against a member of the Authority.
2. The subject member was in office at the time of the alleged conduct made in the complaint.
3. The complaint relates to matters where the member was acting in that capacity or as a representative of the Authority and not private matters.
4. The complaint, if proven, would be a breach of the Code of Conduct for Members under which the Member was operating at the time of the alleged misconduct.

If the complaint fails one or more of these tests it cannot be investigated as a breach of the Code of Conduct and the complainant will be informed that no further action will be taken in respect of the complaint.

If there is any doubt about any of the tests, then the complaint will proceed to the next stage of the assessment criteria.

Second-Stage Criteria

Once the stage one jurisdictional tests have been met, the Authority will then assess the complaint against the following criteria: -

1. Does the complaint contain sufficient information to demonstrate a potential breach of the Code of Conduct?

If not, and the information provided is insufficient to make a decision then unless, or until, further information is received, no further action will be taken on the complaint.

2. Are there alternative, more appropriate remedies that should be explored first?

If yes, the Monitoring Officer, in consultation with one of the Independent Persons, the subject member and the complainant will seek to agree a fair resolution of the complaint, which also helps to ensure high standards of conduct in the future. If the subject member agrees and complies with the suggested resolution, the Monitoring Officer will take no further action in relation to the complaint.

3. Is the complaint made by one member against another?

If yes, a greater allowance for robust political debate (but not personal abuse) may be given, bearing in mind the right to freedom of expression.

4. Is the complaint in the view of the Authority malicious, politically motivated, or 'tit for tat'?

If yes, further action will not normally be warranted.

5. Would an investigation of the complaint be in the public interest, or the complaint, even if proven, be serious enough to warrant any sanction?

If no, further action will not be warranted.

6. Has a substantially similar complaint been previously considered by the Authority or by any regulatory body, and no new material evidence submitted within the current administration?

If yes, there may be nothing gained by further action being taken.

7. Is the complaint about something which happened a long time ago?

If yes, consideration will be given to any reason why there has been a delay in making the complaint.

8. Has the behaviour that is the subject of the complaint already been dealt with, for example, through an apology at the relevant meeting?

If yes, further action is unlikely to be warranted.

9. Does the complaint actually relate to dissatisfaction with a decision taken by the Authority rather than the specific conduct of an individual?

If yes, further action will not be warranted.

10. Does the complaint relate to someone who is no longer a member or who is seriously ill?

If yes, further action will not normally be warranted.

Procedure for Standards Hearings

1. Introduction

This Appendix details the procedure to be adopted for the hearing of complaints by the Standards Committee or Standards Sub-Committee ('the Standards Committee') of North Tyneside Council where an investigation has been completed.

The person(s) making the complaint will be referred to in this procedure as the Complainant and the person against whom the complaint is made will be referred to as the Member.

The Investigating Officer means the Monitoring Officer or other person appointed by the Monitoring Officer to conduct a local investigation in relation to a matter referred to the Monitoring Officer for local investigation.

References to Monitoring Officer include any other person appointed by the Monitoring Officer to carry out the functions of the Monitoring Officer.

The Chair of the Standards Committee's primary responsibility is to ensure that a hearing is conducted in a fair yet timely manner and to minimise delay in reaching a decision on a complaint. The Chair of the Standards Committee may decide that a hearing of a complaint will proceed in the absence of a relevant party where the Chair is of the view that it is proper to proceed and to prevent unreasonable delay.

The Complainant and the Member are recommended to read this procedure alongside the Guidance published by the Local Government Association "Guidance on Local Government Association Model Councillor Code of Conduct" <https://local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct> and the Association's Guidance "Guidance on Member Model Code of Conduct Complaints Handling" <https://www.local.gov.uk/publications/guidance-member-model-code-conduct-complaints-handling>

2. Legal Advice to the Standards Committee

Where the Monitoring Officer also takes the role of the Investigating Officer, he/she must arrange for a separate legal adviser for the Standards Committee in respect of the allegation.

3. Notifying the Member and Complainant

The Monitoring Officer shall send a copy of the Investigating Officer's final report to the Member, the Complainant and the Independent Persons.

The Monitoring Officer will ask for a written response from the Member within 14 days, stating whether or not s/he:

- disagrees with any of the findings of fact in the report, including the reasons for any disagreements;
- wants to be represented, at his/her own expense, at the hearing by a solicitor, barrister or any other person;
- wants to give evidence to the Standards Committee, either verbally or in writing;
- wants to call relevant witnesses to give evidence to the Standards Committee;
- wants any part of the hearing to be held in private;
- wants any part of the report or other relevant documents to be withheld from the public

See Forms A to E at Appendix 6.

The Monitoring Officer will also inform the Member that if, at the meeting of the Standards Committee, s/he seeks to dispute any matter contained in the report, without having previously notified his/her intention to do so, the Standards Committee may either adjourn the meeting to enable the Investigating Officer to provide a response, or refuse to allow the disputed matter to be raised.

The Monitoring Officer will also seek the views of the Independent Persons on the report and on any action the Independent Persons feel should be taken in respect of it.

Upon receipt of the responses, the Monitoring Officer will discuss the responses of with the Chair of the Standards Committee and will complete the Pre-hearing Process Summary at Appendix 7.

The Member and the Investigating Officer are entitled to request that any witnesses they want should be called. However, the Chair of the Standards Committee, following advice from the legal adviser, may limit the number of witnesses, if he/she believes the number requested is unreasonable or that some witnesses will simply be repeating the evidence of earlier witnesses, or else will not provide evidence that will assist the Committee to reach its decision.

Nothing in this procedure shall limit the Chair of the Standards Committee from requesting the attendance of any additional witnesses whose evidence he/she considers would assist the Standards Committee to reach its decision.

The Chair of the Standards Committee, in consultation with the legal adviser will then:

- confirm a date, time and place for the hearing, which must be within three months from the date that the report was completed;

- confirm the main facts of the case that are agreed;
- confirm the main facts that are not agreed;
- confirm which witnesses will give evidence;
- outline the proposed procedure for the hearing, specifying which parts, if any, will be considered in private; and
- request the Monitoring Officer to provide this information, with the Agenda, to everyone in the hearing at least two weeks before the proposed date of the hearing.

4. The Standards Committee

The Standards Committee shall decide on the balance of probability, whether the grounds of the complaint are upheld. It shall do so by considering the report and, where appropriate, written or oral representations made by the Member, and any additional relevant information from the Investigating Officer or witnesses.

Each Standards Committee member shall have one vote, and all matters/issues shall be decided by a simple majority of votes cast. If there are equal numbers of votes for and against, the Chair will have a second or casting vote. There is no restriction on how the Chair chooses to exercise a casting vote.

The meeting of the Standards Committee will be open to the public and press unless confidential information or exempt information under Schedule 12A of the Local Government Act 1972 is likely to be disclosed.

5. Procedure at the Hearing

The initial order of business at the meeting shall be as follows:

- declarations of interest;
- consideration as to whether to adjourn or to proceed in the absence of the Member, if the Member is not present;
- introductions;
- any representation from the Investigating Officer and/or the Member as to reasons why the Standards Committee should exclude the press and public and determination as to whether to exclude the press and public. Where the Standards Committee decides that it will not exclude press and public, the Monitoring Officer shall at this point provide copies of the agenda and reports to any members of the press and public who are present.

The purpose of the hearing is to test the robustness of the report, by examining the reasoning contained within the report and the quality of the evidence relied upon. This calls for an inquisitorial approach by the Standards Committee based on seeking information in order to identify potential flaws in the report and to clarify

issues. The Standards Committee will control the procedure and evidence presented at the hearing, including the questioning of witnesses.

The Standards Committee may at any time seek legal advice from its legal adviser. Such advice will on all occasions be given in the presence of the Investigating Officer and the Member.

The procedure at the hearing will be as follows, subject to the Chair of the Committee being able to make changes as he or she thinks fit in order to ensure a fair and efficient meeting.

Examination of report and written representations

The Panel will consider the report together with any written response from the Member to the report. The Committee may require the Investigating Officer to answer questions put to him/her by members regarding the contents of the report.

The Committee must also take account of the views expressed by the Independent Persons in their response to the Monitoring Officer.

Oral evidence

If there is any disagreement as to the facts of the case, the Investigating Officer will be invited to make any necessary representations to support the relevant findings of fact in the report, calling supporting witnesses as agreed by the Chair.

Questions may be asked by the Committee at any point. The Member will not be permitted to directly question the Investigating Officer or the witnesses he/she calls.

If the Member wishes to challenge any oral evidence being presented, then these questions shall be directed through the Chair.

The Member will then be invited to make any necessary representations to support their version of the facts, calling supporting witnesses as agreed by the Chair.

Questions may be asked by the Committee/Sub-Committee at any point. The Investigating Officer will not be permitted to directly question the Member or the witnesses he/she calls. If they wish to challenge any oral evidence being presented, then these questions must be directed through the Chair.

Where the Member seeks to dispute any matter in the report which he/she had not given notice of intention to dispute in his/her written statement in response, the Investigating Officer shall draw this to the attention of the Standards Committee/Sub-Committee. The Standards Committee may then decide:

- not to admit such dispute but to proceed to a decision;
- to admit the dispute, but to invite the Investigating Officer to respond
- to adjourn the meeting to enable the Investigating Officer to investigate and report on the dispute

Where appropriate the Investigating Officer will make representations on behalf of the Complainant to the Standards Committee/Sub-Committee.

The Standards Committee/Sub-Committee may adjourn the hearing to require the Monitoring Officer to seek further information or undertake further investigation on any point specified by the Committee/Sub-Committee.

Decision by the Standards Committee

The Standards Committee will consider in private session which of the following findings to adopt:

- that there is no evidence of any failure to comply with the Code of Conduct;
- that the Member has failed to comply with the Code of Conduct, but that no action needs to be taken;
- that the Member has failed to comply with the Code of Conduct and that a sanction should be imposed.

The available sanctions are: -

- (i) Issue a formal censure;
- (ii) Report its findings in respect of the subject member's conduct to full Council
- (iii) Recommend to the subject member's group leader (or in the case of un-grouped members, recommend to full Council) that they be removed from any or all Committees or Sub-Committees of the Authority;
- (iv) Recommend to the Elected Mayor that the subject member be removed from positions of responsibility for a specified period;
- (v) Instruct the Monitoring Officer to arrange training for the subject member;
- (vi) Recommend to full Council that the subject member be removed from all outside appointments to which they have been appointed or nominated by the Authority;
- (vii) Recommend to the Mayor that the subject member be removed from all outside appointments to which they have been appointed by the Mayor;
- (viii) Recommend to full Council that it withdraws facilities provided to the subject member by the Authority for a specified period, such as a computer, website and/or email and internet access;
- (ix) Recommend to full Council that it excludes the subject member from the Authority's offices or other premises for a specified period, with the exception of meeting rooms as necessary for attending full Council, a Committee or Sub-Committee meeting and/or restricts contact with officers to named officers only;
- (x) If relevant recommend to the secretary or appropriate official of a political group that the member be removed as group leader or other position of responsibility.

In deciding what sanction (if any) to take, the Standards Committee/Sub-Committee will consider all relevant circumstances including any views expressed by the Independent Persons.

The Standards Committee/Sub-Committee will then resume the public session and the Chair will announce the decision and the reasons for that decision.

If the matter is a complicated one, where the complaint has a number of aspects, the Standards Committee/Sub-Committee can decide to consider the evidence and reach a finding on each aspect separately.

The Standards Committee/Sub-Committee will then consider in open session whether there are any recommendations which it wishes to make arising from consideration of the allegation.

Notice of findings

The Monitoring Officer will make a short written decision available on the day of the hearing and a full written decision in draft will be prepared as soon as possible.

Within two weeks of the end of the hearing, the Monitoring Officer will circulate a full written decision, to the Member and the Complainant.

At the same time the Monitoring Officer shall arrange for a summary of the findings to be published as may be directed by the Standards Committee/Sub-Committee.

Where the Standards Committee/Sub-Committee determines that there has not been a breach of the Code of Conduct, the notice shall:

- state that the Standards Committee/Sub-Committee found that the Member had not failed to comply with the Code of Conduct and shall give its reasons for reaching that finding; and not be published if the Member so requests;

Where the Standards Committee/Sub-Committee determines that there has been a failure to comply with the Code of Conduct, but no action is required, the notice shall:

- state that the Standards Committee found that the Member had failed to comply with the Code of Conduct but that no action needs to be taken in respect of that failure specify the details of the failure; and give reasons for the decision reached;

Where the Standards Committee/Sub-Committee determines that there has been a failure to comply with the Code of Conduct and that a sanction should be imposed, the notice shall:

- state that the Standards Committee/Sub-Committee found that the Member had failed to comply with the Code of Conduct;
- specify the details of the failure;
- give reasons for the decision reached; and
- specify the sanction imposed

Copies of the agenda, reports and minutes of a hearing, as well as any background papers, apart from sections of documents relating to parts of the hearing that were held in private, will be available for public inspection for six years after the hearing.

Confidentiality and disclosure of information

Where the Chair of the Standards Committee/Sub-Committee considers that the report and/or any of the written statements in response are likely to disclose any exempt information and in consequence that it is likely that the Standards Committee/Sub-Committee will, during consideration of these matters, not be open to the public, he/she shall instruct the legal adviser to not provide copies of these papers to the press or public or permit their inspection by the press or public in advance of the meeting.

The Hearing will be held in public except for those parts of its proceedings which involve exempt information and during the deliberations of the Standards Committee/Sub-Committee.

Review of Decisions

Initial Assessment Decisions

If a complainant is aggrieved by a decision by the Monitoring Officer to not investigate a complaint, then the Complainant may request the Monitoring Officer to reconsider their decision.

The Monitoring Officer will consult the Independent Person not previously consulted on the Initial Assessment of the complaint and the Chair of the Standards Committee, and take their views into account, before deciding whether to uphold or vary their original decision.

Findings of Standards Committee/Sub-Committee following a hearing

If a member is aggrieved by a finding of Standards Committee/Sub-Committee that they have failed to comply with the Code, or with the sanction imposed, they may request a review by an Independent Person from another local authority in accordance with the following procedure:

The member must request a review, with their detailed reasons for seeking a review, within 5 working days of the publication of the decision notice otherwise the decision of the Standards Committee/Sub-Committee will become final.

The request for a review must be in writing and must be submitted to the Monitoring Officer.

If a request for a review is received, the decision of the Standards Committee will be held in abeyance pending completion of the review process.

If a request for a review is received the decision of the Standards Committee (including all the papers considered by the Governance Committee) will be referred to an Independent Person of a neighbouring local authority. The Independent Person will review the case on the information provided and will provide a report to the Standards Committee. The report to the Standards Committee will provide any comments the Independent Person considers are appropriate and relevant taking into account the basis of the request for review from the Member.

Upon the receipt of the Independent Person's report, the Standards Committee/Sub-Committee will consider the Independent Person's comments, the reasons submitted for the review by the Member and will determine whether to confirm the decision of the Standards Committee/Sub-Committee, amend the decision or substitute it with an alternative decision – this could include concluding that no breach of the Code occurred.

No further right of appeal or review of the Standards Committee's/Sub-Committee's decision within the Authority is available. However, if the Member or the

Complainant considers that the Authority has failed to deal with the complaint properly, they may make a complaint to the Local Government Ombudsman.



North Tyneside Council

FORM A

Subject Member's response to the evidence set out in the Investigation Report

Please enter the number of any paragraph where you disagree with the findings of fact in the Investigation Report, and give your reasons and your suggested alternative.

Paragraph number from the Investigation Report	Reasons for disagreeing with the findings of fact provided in that paragraph	Suggestion as to how the paragraph should read
1		
2		
3		
4		
5		

Please attach separate sheets if necessary

Name _____ Signature _____ Date _____



North Tyneside Council

FORM B

Other evidence relevant to the allegation

Please set out below, using the numbered paragraphs, any evidence you feel is relevant to the complaint made about you.

Paragraph number	Details of the evidence
1	
2	
3	
4	
5	
6	

Please attach separate sheets if necessary

Name _____ Signature _____ Date _____



North Tyneside Council

FORM C

Representations to be taken into account if a Member is found to have failed to follow the Council's Code of Conduct

Please set out below, using the numbered paragraphs, any factors that the Standards Committee should take into account if it finds that a Member has failed to follow the Council's Code of Conduct. Please note that no such finding has yet been made and these representations will only be taken into account if there is a finding by the Committee that there has been a breach of the Code of Conduct.

Paragraph number	Factors for the Standards Committee to take into account when deciding whether to sanction any censure, restriction of resources or allowances, etc.
1	
2	
3	
4	

Please attach separate sheets if necessary

Name _____

Signature _____

Date _____



North Tyneside Council

FORM D

Arrangements for the Standards Committee Hearing

Please tick the relevant boxes.

<p>1 Are you planning to attend the Standards Committee hearing on the proposed date in the accompanying letter?</p> <p>If, 'No', please explain why.</p>	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p>	<p>Reason:</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
<p>2 Are you going to present your own case?</p>	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p>	
<p>3 If you are not presenting your own case, will a representative present it for you?</p> <p>If 'Yes', please state the name of your representative.</p>	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p>	<p>Name:</p> <hr/> <hr/> <hr/> <hr/> <hr/>
<p>4 Is your representative a practising solicitor or barrister?</p> <p>If 'No', please go to Question 5.</p>	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p>	<hr/>

<p>5 Does your representative have any connection with the case? If 'Yes' please give details.</p>	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p>	<p>Details:</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
<p>6 Are you going to call any witnesses? If 'Yes' please give details on Form E attached.</p>	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p>	
<p>7 Do you, your representative or your witnesses have any access difficulties (for example, is wheelchair access needed)? If 'Yes', please give details.</p>	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p>	<p>Details:</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
<p>8 Do you, your representative or witnesses have any special needs (for example, is an interpreter needed)? If 'Yes', please give details.</p>	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p>	<p>Details:</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
<p>9 Do you want any part of the hearing to be held in private? If 'Yes', please give reasons.</p>	<p>YES <input type="checkbox"/></p>	<p>Reasons:</p> <hr/> <hr/> <hr/> <hr/>

	NO <input type="checkbox"/>	_____ _____
10 Do you want any part of the relevant documents to be withheld from public inspection? If 'Yes', please give reasons.	YES <input type="checkbox"/> NO <input type="checkbox"/>	Reasons: _____ _____ _____ _____ _____

Name _____

Signature _____

Date _____



North Tyneside Council

FORM E

Details of proposed witnesses to be called

Name of witness or witnesses

1 _____

2 _____

3 _____

WITNESS 1

a Will the witness give evidence about the allegation?

If 'Yes', please provide an outline of the evidence the witness will give.

YES

NO

Outline of evidence:

b Will the witness give evidence about what action the Standards Committee should take if it finds that the Code of Conduct has not been followed?

If 'Yes', please provide an outline of the evidence the witness will give.

YES

NO

Outline of evidence:

Please attach separate sheets if necessary

WITNESS 2

a Will the witness give evidence about the allegation?

If 'Yes', please provide an outline of the evidence the witness will give.

YES

NO

Outline of evidence:

b Will the witness give evidence about what action the Standards Committee should take if it finds that the Code of Conduct has not been followed?

If 'Yes', please provide an outline of the evidence the witness will give.

YES

NO

Outline of evidence:

Please attach separate sheets if necessary

Date _____



Checklist for the pre-hearing process summary

After the Standards Committee has received responses from the Subject Member and the Investigating Officer, it will prepare a summary in advance of the hearing of the main aspects of the case that will be heard.

The pre-hearing process summary should include:

The name of the Authority
The name of the Subject Member
The name of the complainant (unless there are good reasons to keep his/her identity confidential)
The Case reference number
The name of the Standards Committee Member who will chair the hearing
The name of the Investigating Officer
The name of the clerk of the hearing or other administrative officer
The date the pre-hearing summary was produced
The date, time and place of the hearing
A summary of the complaint
The relevant section or sections of the Council's Code of Conduct
The findings of fact in the investigation report which are agreed and the findings of fact in the investigation report which are not agreed
Whether the Subject Member or the Investigating Officer will attend or be represented
The names of any witnesses who will be asked to give evidence
An outline of the proposed procedure for the hearing

Constitution and Associated Documents – Proposed Changes

Section and Reference	Existing Text	Proposed amendment including revised text if appropriate
<p>General and Specific Delegations currently authorised to the Director of Environment, Housing and Leisure (Delegations EHL1 – EHL245 in the Officer Delegation Scheme, Version 18)</p>	<p>Please see appendix attached</p>	<p>The wording of the delegations in the existing Officer Delegation Scheme is unchanged. However as the post of Director of Environment, Housing and Leisure no longer exists, it is proposed that the delegations are allocated across those Director posts in the structure which are now taking on responsibility for functions previously discharged by the former Director: EHL role. Where the term ‘Director: EHL’ was stated within the wording of the delegation itself, it is proposed that this is changed in line with the reallocations proposed.</p>
	<p>Reason for proposed change:</p> <p>The wording of existing delegations in Version 18 of the Officer Delegation Scheme (September 2021) is unchanged. The reallocation proposed reflects alterations which have occurred to the Chief Officer structure in 2022 and in particular, that the role of Director: Environment, Housing and Leisure no longer exists within the Authority with the duties of that post instead having been allocated across a range of other Director roles as detailed in the appendix.</p>	
<p>Implications of proposed change:</p> <ul style="list-style-type: none"> • Finance and other resource implications: None • Legal implications: None. The proposal does not add any new delegations to those already in the existing Officer Delegation 		

Scheme for Environment, Housing and Leisure, but reallocates those delegations across those Directors now assuming responsibility for functions previously discharged by the Director for Environment, Housing and Leisure.

- **Consultation/Engagement undertaken (internal and external):** The proposed reallocation of delegations has been discussed with the Directors proposed, the Chief Executive, Assistant Chief Executive and Deputy Monitoring Officer.
- **Human Rights implications:** None
- **Equalities and Diversity implications:** None
- **Risk Management implications:** None
- **Crime and Disorder implications:** None
- **Environment and Sustainability implications:** None

Proposed by: Allison Mitchell and John Barton
Service Area: Law and Governance
Contact Tel. No: 5720

Head of Service sign-off:
 (please insert a cross in the box)

X

**General and Specific Delegations currently authorised to the Director of Environment, Housing and Leisure (Officer Delegation Scheme Version 18)-
Proposals for reallocation of existing delegations in the Scheme of Delegation to Officers**

Business Continuity and Emergency Planning

Ref	Delegation	Director of Environment	Director of Housing and Property Services	Director of Public Health	Director of Regeneration and Economic Development	Director of Commissioning and Asset Management
EHL1	To discharge the Authority's responsibilities as a category 1 responder under the Civil Contingencies Act 2004.			•		
EHL2	To act as the proper officer for civil emergencies.			•		
EHL3	To approve and maintain emergency planning arrangements and procedures on behalf of the Authority under the statutory guidance of the Civil Contingencies Act 2004, such procedure to include, amongst other matters, the appointment of appropriate officers involved in the process and: <ul style="list-style-type: none"> • Convene the Emergency Response Leadership Group (ERLG). • Ensure the Authority's Emergency Response Leadership Group (ERLG) confirms plan priorities. • Implement the suite of emergency plans and arrangements. • If necessary, designate who leads the strategic response to: a) response to incident b) business continuity c) recovery issues d) ensure Elected Members are kept fully informed. • Seek assurance on behalf of the Authority that stakeholders can effectively discharge statutory responsibilities as a category 1 responder. 			•		
EHL4	To act as the proper officer for business continuity management.			•		
EHL5	As the proper officer for business continuity management to approve and maintain an effective business continuity management procedure on behalf of the Authority under the statutory guidance set out in the Civil Contingencies Act 2004, including the appointment of appropriate officers involved in the process.			•		

**General and Specific Delegations currently authorised to the Director of Environment, Housing and Leisure (Officer Delegation Scheme Version 18)-
Proposals for reallocation of existing delegations in the Scheme of Delegation to Officers**

General

Ref	Delegation	Director of Environment	Director of Housing and Property Services	Director of Public Health	Director of Regeneration and Economic Development	Director of Commissioning and Asset Management
EHL6	To enter into negotiations with persons who lease premises from the Authority, to incorporate a covenant into such contracts forbidding tenants from having in possession or supplying combat knives or other offensive weapons.					•
EHL7	To negotiate with other land and property owners, with a view to persuading them to cease having in possession or supplying combat knives and offensive weapons by retail trade.			•		
EHL8	To extend the provision of Authority services into new developments within the Borough.				•	
EHL9	To issue simple cautions in line with Ministry of Justice guidance.			•		
EHL10	In consultation with the Director of Law and Governance to exercise discretion to determine whether prosecution of alleged offences under trading standards and consumer protection legislation and related environmental protection and anti-social behaviour legislation following formal investigations should be undertaken.			•		
EHL11	To serve Street Litter Control Notices and Litter Control Notices pursuant to sections 93 and 94 of the Environmental Protection Act 1990 and sections 20 and 21 of Clean Neighbourhoods and Environment Act 2005.	•				
EHL12	To designate land and set fees to control the free distribution of printed matter under section 23 of Clean Neighbourhoods and Environment Act 2005.	•				

**General and Specific Delegations currently authorised to the Director of Environment, Housing and Leisure (Officer Delegation Scheme Version 18)-
Proposals for reallocation of existing delegations in the Scheme of Delegation to Officers**

Community Safety

Ref	Delegation	Director of Environment	Director of Housing and Property Services	Director of Public Health	Director of Regeneration and Economic Development	Director of Commissioning and Asset Management
EHL13	To exercise the statutory duty under section 36 of the Counter Terrorism and Security Act 2015 to provide support for people vulnerable to being drawn into terrorism through a local panel.			•		
EHL14	To exercise the statutory duty under section 26 of the Counter Terrorism and Security Act 2015 to have due regard to the need to prevent people from being drawn into terrorism			•		

Consumer Protection - Animal Health and Welfare

Ref	Delegation	Director of Environment	Director of Housing and Property Services	Director of Public Health	Director of Regeneration and Economic Development	Director of Commissioning and Asset Management
EHL15	To exercise all powers and duties under the provisions of the Pet Animals Act 1951.			•		
EHL16	To exercise all powers and duties under the provisions of the Animal Boarding Establishments Act 1963.			•		
EHL17	To exercise all powers and duties under the provisions of the Riding Establishment Acts 1964 and 1970.			•		
EHL18	To exercise all powers and duties under the provisions of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.			•		
EHL19	To determine the level of fees required to implement the provisions of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 following consultation with the Cabinet Member for Community Safety and Engagement, the Director of Resources and the Director of Law and Governance.			•		

**General and Specific Delegations currently authorised to the Director of Environment, Housing and Leisure (Officer Delegation Scheme Version 18)-
Proposals for reallocation of existing delegations in the Scheme of Delegation to Officers**

Ref	Delegation	Director of Environment	Director of Housing and Property Services	Director of Public Health	Director of Regeneration and Economic Development	Director of Commissioning and Asset Management
EHL20	To exercise all powers and duties under the provisions of the Slaughter of Poultry Act 1967.			•		
EHL21	To exercise all powers and duties under the provisions of the Prevention of Damage by Pests Act 1949.			•		
EHL22	To exercise all powers and duties under the provisions of the Performing Animals (Regulations) Act 1925			•		
EHL23	To exercise all powers and duties under the provisions of Part IV of the Agriculture Act 1970.			•		
EHL24	To exercise all powers and duties under the provisions of the Animal Health Act 1981 and the Animal Welfare Act 2006			•		
EHL25	To exercise all powers and duties under the provisions of the Bluetongue Regulations 2008.			•		
EHL26	To exercise all powers and duties under the provisions of the Animal Byproducts (Enforcement) (England) Regulations 2011 and Trade in Animals and Related Products Regulations 2011.			•		
EHL27	To exercise all powers and duties under the provisions of the BSE Monitoring (England) Regulations 2001.			•		
EHL28	To exercise all powers and duties under the provisions of the Cattle Identification Regulations 2007.			•		
EHL29	To exercise all powers and duties under the provisions of the Horse Passports Regulations 2009.			•		
EHL30	To exercise all powers and duties under the provisions of the Non Commercial Movement of Pet Animals (England) Regulations 2004.			•		
EHL31	To exercise all powers and duties under the provisions of the Salmonella in Turkey Flocks and Slaughter Pigs (Survey Powers)(England) Regulations 2006			•		
EHL32	To exercise all powers and duties under the provisions of the Transmissible Spongiform Encephalopathies (England) Regulations 2010.			•		

**General and Specific Delegations currently authorised to the Director of Environment, Housing and Leisure (Officer Delegation Scheme Version 18)-
Proposals for reallocation of existing delegations in the Scheme of Delegation to Officers**

Ref	Delegation	Director of Environment	Director of Housing and Property Services	Director of Public Health	Director of Regeneration and Economic Development	Director of Commissioning and Asset Management
EHL33	To execute and enforce all animal health and welfare and animal feed related orders, rules, regulations and other subordinate instruments made under section 2(2) of the European Communities Act 1972 and paragraph 1A of Schedule 2 of that Act.			•		
EHL34	To exercise all powers and duties under the provisions of the Guard Dogs Act 1975.			•		
EHL35	To exercise all powers and duties under the provisions of the Dangerous Wild Animals Act 1976 and the Zoo Licensing Act 1981.			•		
EHL36	To exercise all powers and duties under the provisions of the Avian Influenza (Preventative Measures)(England) Regulations 2006.			•		
EHL37	To exercise all powers and duties under the provisions of the Avian Influenza (Vaccination)(England) Regulations 2006.			•		

Consumer Protection - Building Control

Ref	Delegation	Director of Environment	Director of Housing and Property Services	Director of Public Health	Director of Regeneration and Economic Development	Director of Commissioning and Asset Management
EHL38	To act as the Appointing Officer for the Local Authority in relation to section 10(8) of the Party Wall Etc. Act 1996 relating to the selection of an independent surveyor to act in the resolution of disputes in party wall matters.			•		
EHL39	To exercise powers and duties under the provisions of the Public Health Acts 1936 and 1961 and the Building Act 1984 with respect to the enforcement of satisfactory drainage of existing buildings.			•		

**General and Specific Delegations currently authorised to the Director of Environment, Housing and Leisure (Officer Delegation Scheme Version 18)-
Proposals for reallocation of existing delegations in the Scheme of Delegation to Officers**

Ref	Delegation	Director of Environment	Director of Housing and Property Services	Director of Public Health	Director of Regeneration and Economic Development	Director of Commissioning and Asset Management
EHL40	To take action in cases of emergency in accordance with section 29 of the Local Government (Miscellaneous Provisions) Act 1982 for the boarding up of premises which are the subject of a Closing Order.			•		
EHL41	To authorise emergency action for the purpose of preventing unauthorised entry to a building or preventing it becoming a danger to the Public Health in accordance with the provisions of sections 29 of the Local Government (Miscellaneous Provisions) Act 1982			•		
EHL42	The service of statutory notices and all actions and proceedings in connection with the abatement of nuisances under the Public Health Act 1936 and sections 1 and 2 of the Clean Air Act 1956; Defective Premises under section 76 of the Building Act 1984; and the Environmental Protection Act 1990. All subsequent proceedings to be subject to consultation with the Director of Law and Governance			•		
EHL43	To approve or vary the period of approval of temporary permission granted under the Building Regulations and Building Acts (with the exception of any temporary permission within approved redevelopment schemes) and to make recommendations where appropriate to the Planning Committee for the grant of permanent approval in appropriate cases at present subject to temporary permission.			•		

**General and Specific Delegations currently authorised to the Director of Environment, Housing and Leisure (Officer Delegation Scheme Version 18)-
Proposals for reallocation of existing delegations in the Scheme of Delegation to Officers**

Ref	Delegation	Director of Environment	Director of Housing and Property Services	Director of Public Health	Director of Regeneration and Economic Development	Director of Commissioning and Asset Management
EHL44	To deal with applications and plans received under the Building Act 1984 and current Building Regulations including the determination of charges under the current Building (Local Authority Charges) Regulations and the North Tyneside Council Building Control Scheme of Charges subject to: a) Details of the applications, decisions and current scheme of charges being available at the offices of the Authority for information and record purposes; and b) Cases of special classes of development where the Local Authority could exercise a discretion under the Building Regulations being dealt with in consultation with the Chair and Deputy Chair of the Planning Committee.			•		
EHL45	To serve appropriate notices under the provisions of section 32 of the Building Acts 1984 for the withdrawal of approval from plans deposited with the Authority (in accordance with Building Regulations) where the work involved has not commenced within a period of three years from the deposit of the plans where the plans have either: a) been passed; or b) a notice of rejection has not been issued within the prescribed period. Any decisions made to serve a notice under this delegation must be made in accordance with the Authority's declaration on this matter.			•		

**General and Specific Delegations currently authorised to the Director of Environment, Housing and Leisure (Officer Delegation Scheme Version 18)-
Proposals for reallocation of existing delegations in the Scheme of Delegation to Officers**

Ref	Delegation	Director of Environment	Director of Housing and Property Services	Director of Public Health	Director of Regeneration and Economic Development	Director of Commissioning and Asset Management
EHL46	To exercise the Authority's private act powers, for the time being in force, in relation to: a) the charging of the costs of weatherproofing adjacent buildings to the owners of demolished properties under section 4 of the Tyne and Wear Act 1980 where such weatherproofing is necessary as a result of the exercise of one of the Authority's statutory powers to demolish a building. b) the securing of derelict unoccupied buildings against unauthorised entry, including the serving of notices under section 6 of the Tyne and Wear Act 1980 and to consider the carrying out of said works in default, subsequent recovery of expenses incurred and interest incurred in executing the works. c) the rejection of plans submitted under the Building Regulations, which do not show adequate means of access for the fire service under section 24 of the Tyne and Wear Act 1980 and the notification of applicants for planning permission of the requirements.			•		
EHL47	To deal with applications for relaxation of Building Regulations made under section 8 of the Building Act 1984 and current Building Regulations.			•		
EHL48	To exercise the powers of the Authority under section 81 of the Building Act 1984 in respect of notification of intended demolitions or to ensure the proper execution of demolition work.			•		

**General and Specific Delegations currently authorised to the Director of Environment, Housing and Leisure (Officer Delegation Scheme Version 18)-
Proposals for reallocation of existing delegations in the Scheme of Delegation to Officers**

Ref	Delegation	Director of Environment	Director of Housing and Property Services	Director of Public Health	Director of Regeneration and Economic Development	Director of Commissioning and Asset Management
EHL49	In consultation with the Chair and Deputy Chair of the Regulation and Review Committee to: a) issue preliminary determination and safety certificates pursuant to the Fire Safety and Safety of Places of Sport Act 1987 and to take all necessary action in connection therewith, with reports back to the Regulation and Review Committee. b) after consultation with the Director of Law and Governance to serve Prohibition Notices where it is considered that there is a serious risk to spectators at any sports ground, with reports back to the Regulation and Review Committee.			•		
EHL50	To exercise the powers of the Authority under section 78 of the Building Act 1984 with regard to emergency measures in respect of dangerous buildings.			•		
EHL51	To serve notice under section 77 of the Buildings Act 1984 with respect to executing works to potentially dangerous buildings/structures.			•		
EHL52	To execute and enforce breaches of the current Building Regulations in accordance with section 35 and 36 of the Building Act 1984.			•		
EHL53	To execute and enforce the powers of the Authority under section 72 of the Building Act 1984 in relation to buildings with inadequate means of escape in case of fire.			•		

**General and Specific Delegations currently authorised to the Director of Environment, Housing and Leisure (Officer Delegation Scheme Version 18)-
Proposals for reallocation of existing delegations in the Scheme of Delegation to Officers**

Consumer Protection - Environmental Health

Ref	Delegation	Director of Environment	Director of Housing and Property Services	Director of Public Health	Director of Regeneration and Economic Development	Director of Commissioning and Asset Management
EHL54	Appoint Proper officer of the Authority under the Public Health (Control of Diseases) Act 1984			•		
EHL55	To exercise all powers and duties under the provisions of the Public Health (Control of Diseases) Act 1984.			•		
EHL56	To make requests for information under section 16(1) of the Local Government (Miscellaneous Provisions) Act 1976.			•		
EHL57	To serve abatement notices where the Authority is satisfied that a statutory nuisance exists or is likely to occur or re-occur.			•		

Consumer Protection - Food Safety

Ref	Delegation	Director of Environment	Director of Housing and Property Services	Director of Public Health	Director of Regeneration and Economic Development	Director of Commissioning and Asset Management
EHL58	To inspect food premises for the purpose of the Food Safety Act 1990.			•		
EHL59	To appoint a public analyst for the purposes of the Food Safety Act 1990.			•		

**General and Specific Delegations currently authorised to the Director of Environment, Housing and Leisure (Officer Delegation Scheme Version 18)-
Proposals for reallocation of existing delegations in the Scheme of Delegation to Officers**

Ref	Delegation	Director of Environment	Director of Housing and Property Services	Director of Public Health	Director of Regeneration and Economic Development	Director of Commissioning and Asset Management
EHL60	To execute and enforce all food and feed related orders, rules and regulations and other subordinate instruments made under section 2(2) of the European Communities Act 1972 and paragraph 1A of Schedule 2 of that Act and in particular: a) to apply official controls on feed and food of non-animal origin from third countries as provided by the Official Feed and Food Controls (England) Regulations 2009; b) to apply official controls to verify compliance of feed and food law, animal health and animal welfare rules using powers in the Official Controls (Animals, Feed and Food) (England) Regulations 2006; c) to deal with illegally imported products of animal origin using powers in the Trade in Animals and Related Products Regulations 2011; d) to inspect food premises and ensure their compliance with the Food Safety and Hygiene (England) Regulations 2013; e) to maintain a register of food business premises under the Food Safety and Hygiene (England) Regulations 2013; f) to approve, when required, food establishments handling products of animal origin under the Food Safety and Hygiene (England) Regulations 2013; g) to deal with food contravening the Transmissible Spongiform Encephalopathy (England) Regulations 2010 as amended; h) to execute powers contained in the General Food Regulations 2004; i) to execute powers contained in the feed (Hygiene and Enforcements) (England) Regulations 2005; and j) to execute powers contained in the Food Information Regulations 2014.			•		
EHL61	To inspect food premises in order to verify compliance with the compositional and labelling requirements of the Food Safety Act 1990 and regulations made thereunder.			•		
EHL62	To deal with food not meeting food safety requirements and other nonconforming food under the Food Safety Act 1990 and regulations made thereunder.			•		

**General and Specific Delegations currently authorised to the Director of Environment, Housing and Leisure (Officer Delegation Scheme Version 18)-
Proposals for reallocation of existing delegations in the Scheme of Delegation to Officers**

Ref	Delegation	Director of Environment	Director of Housing and Property Services	Director of Public Health	Director of Regeneration and Economic Development	Director of Commissioning and Asset Management
EHL63	To implement, administer and deal with all ancillary matters, including the appeals process associated with the Food Standards Agency national 'Food Hygiene Rating Scheme'. Consumer Protection - Health and Safety			•		
EHL64	In consultation with the Director of Law and Governance to serve notices and institute proceedings under section 20 of the Local Government (Miscellaneous Provisions) Act 1976 (Provision of Sanitary Appliances at Places of Entertainment).			•		
EHL65	To agree the transfer or assignment of premises between the Health and Safety Executive and the Authority under the Health and Safety (Enforcing Authority) Regulations 1998.			•		
EHL66	To undertake those functions under any of the 'relevant provisions' within the meaning of Part 1 (health, safety and welfare in connection with work and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that these functions are discharged otherwise than in the Authority's capacity as an employer.			•		
EHL67	After consultation with the Director of Law and Governance discretion as to whether or not to commence proceedings under the Health and Safety at Work etc. Act 1974.			•		
EHL68	To exercise all powers and duties under the relevant requirements of the Working Time Regulations 1998.			•		
EHL69	To deal with applications for the registration of persons and premises relating to the practice of acupuncture, tattooing, skin piercing and electrolysis under the Local Government (Miscellaneous Provisions) Act 1982.			•		
EHL70	To exercise all powers and duties under the provisions of Part 1 of the Health Act 2006 and all smoke-free regulations made under the Act.			•		

**General and Specific Delegations currently authorised to the Director of Environment, Housing and Leisure (Officer Delegation Scheme Version 18)-
Proposals for reallocation of existing delegations in the Scheme of Delegation to Officers**

Ref	Delegation	Director of Environment	Director of Housing and Property Services	Director of Public Health	Director of Regeneration and Economic Development	Director of Commissioning and Asset Management
EHL71	To exercise all powers and duties under the provisions of the Sunbeds (Regulation) Act 2010.			•		

Consumer Protection – Housing

Ref	Delegation	Director of Environment	Director of Housing and Property Services	Director of Public Health	Director of Regeneration and Economic Development	Director of Commissioning and Asset Management
EHL72	To exercise the Authority's powers under section 33 of the Local Government (Miscellaneous Provisions) Act 1976 to ensure the continuation or restoration of water, gas or electricity to private residential dwellings where the failure of the landlord to pay the bills results in the threat of or the actual disconnection of supplies and to recover the costs incurred and interest accrued in taking any such action.		•			
EHL73	To approve applications for grants relating to private sector housing which comply with the provisions of the Housing Acts, Housing Grants, Construction and Regeneration Act 1996 and the Housing Assistance (England and Wales) Regulatory Reform Order 2002 within the scheme laid down by the Authority and the Department of Communities and Local Government.		•			
EHL74	To approve in whole or in part the removal of the conditions imposed by an Improvement Grant under the Housing Grants, Construction and Regeneration Act 1996 and the Housing Assistance (England and Wales) Regulatory Reform Order 2002 where there is a repayment of an amount which reflects that proportion of the condition period remaining unexpired plus compound interest.		•			

**General and Specific Delegations currently authorised to the Director of Environment, Housing and Leisure (Officer Delegation Scheme Version 18)-
Proposals for reallocation of existing delegations in the Scheme of Delegation to Officers**

Ref	Delegation	Director of Environment	Director of Housing and Property Services	Director of Public Health	Director of Regeneration and Economic Development	Director of Commissioning and Asset Management
EHL75	To serve notices under the provisions of Part 1 of the Housing Act 2004 in connection with housing disrepair; to consider the carrying out of works in default; the execution of such works in default and the recovery of expenses incurred and interest accrued in executing such works.		•			
EHL76	To carry out inspections and submit reports in connection with the provisions of the Housing Acts so far as they relate to houses in accordance with the provisions relating to repair, the closing and demolition of houses unfit for human habitation and the abatement of overcrowding.		•			
EHL77	To arrange for the restoration of water supplies to premises where it has been discontinued because of the absence or defective state of any apparatus by the carrying out of works of renewal and repair and the recovery of expenses up to £200.		•			
EHL78	To serve all necessary notices under the Housing Act 2004 to ensure that houses in multiple occupation are provided with adequate means of escape from fire and adequate other fire precautions and in consultation with the Director of Law and Governance to exercise discretion to take action to ensure that such notices are complied with either by the institution of any court proceedings or the acceptance of undertakings on behalf of the Authority under the Housing Act 2004		•			
EHL79	In respect of grants relating to private sector housing improvement to determine when a contractor other than one whose estimate accompanied the application be allowed to undertake the work and the circumstances when grant shall be paid direct to any applicant in preference to the contractor.		•			

**General and Specific Delegations currently authorised to the Director of Environment, Housing and Leisure (Officer Delegation Scheme Version 18)-
Proposals for reallocation of existing delegations in the Scheme of Delegation to Officers**

Ref	Delegation	Director of Environment	Director of Housing and Property Services	Director of Public Health	Director of Regeneration and Economic Development	Director of Commissioning and Asset Management
EHL80	To exercise all powers and duties of the Authority under the provisions of the Housing Act 2004 and associated regulations with respect to housing conditions (Part 1), licensing of houses in multiple occupancy (Part 2), selective licensing of other residential accommodation (Part 3), additional control provisions in relation to residential accommodation (Part 4), miscellaneous provisions (Part 6) and supplementary and final provisions (Part 7).		•			
EHL81	To issue licences authorising the use of land as a caravan site under the Caravan Sites and Control of Development Act 1960 including setting fees where appropriate, service of notices and to carry out works when required as stipulated in the amendments to the Act made by the Mobile Homes Act 2013. Consumer Protection – Licensing: Gambling and Licensing		•			

**General and Specific Delegations currently authorised to the Director of Environment, Housing and Leisure (Officer Delegation Scheme Version 18)-
Proposals for reallocation of existing delegations in the Scheme of Delegation to Officers**

Consumer Protection: Licensing, Gambling and Licensing

Ref	Delegation	Director of Environment	Director of Housing and Property Services	Director of Public Health	Director of Regeneration and Economic Development	Director of Commissioning and Asset Management
EHL82	To register societies wishing to promote lotteries in accordance with Part 5 of Schedule 11 of the Gambling Act 2005.			•		
EHL83	To nominate authorised persons to carry out inspections under the Gambling Act 2005 and the Licensing Act 2003.			•		
EHL84	To set fees for premises licence applications and for permits made under the Gambling Act 2005 within bands recommended by the relevant Government Department.			•		
EHL85	To determine applications for premises licences and for variations under the Gambling Act 2005 where no representations have been received or where representations have been withdrawn to enable gambling to be provided at establishments in North Tyneside.			•		
EHL86	To determine applications for club gaming permits or other permits under the Gambling Act 2005 where no representations have been received or where representations have been withdrawn to enable gambling to be provided at establishments in North Tyneside.			•		
EHL87	To determine applications for the transfer of licences under the Gambling Act 2005 where no representations have been received from the Gambling Commission and/or Responsible Authorities			•		
EHL88	To determine applications for provisional statements under the Gambling Act 2005 where no representations have been received or where representations have been withdrawn.			•		
EHL89	To consider Temporary Use Notice and Occasional Use Notices received under Gambling Act 2005.			•		
EHL90	To determine the cancellation of licensed premises gaming machine permits if no request for a sub-committee decision has been made by the licence holder			•		

**General and Specific Delegations currently authorised to the Director of Environment, Housing and Leisure (Officer Delegation Scheme Version 18)-
Proposals for reallocation of existing delegations in the Scheme of Delegation to Officers**

Ref	Delegation	Director of Environment	Director of Housing and Property Services	Director of Public Health	Director of Regeneration and Economic Development	Director of Commissioning and Asset Management
EHL91	Any other licensing functions under the Gambling Act 2005 except those not capable of such delegation.			•		
EHL92	To issue premises licences under Licensing Act 2003 where no representations have been received to enable licensable activities to be provided at establishments in North Tyneside.			•		
EHL93	To issue personal licences under Licensing Act 2003 where no representations have been received.			•		
EHL94	To decide whether a representation is irrelevant, frivolous or vexatious.			•		
EHL95	To issue, under Section 19 (2) of the Criminal Justice and Police Act 2001, a Closure Notice to premises when satisfied that the premises are being, or have been within the last 24 hours, used for the unauthorised sale of alcohol for consumption on, or in the vicinity of, the premises.			•		
EHL96	To authorise officers to act in accordance with section 25 of the Criminal Justice and Police Act 2001 and to enter premises and do all that is reasonably necessary for the purpose of securing compliance with a closure order.			•		
EHL97	To issue, under section 22 of the Criminal Justice and Police Act 2001, a certificate that a need for a closure order has ceased.			•		
EHL98	To determine transfers, variations, provisional statements and variations of designated premises supervisors under Licensing Act 2003 where no representations have been received to enable licensable activities to be provided at establishments in North Tyneside.			•		
EHL99	To acknowledge a Temporary Event Notice received under Licensing Act 2003.			•		

**General and Specific Delegations currently authorised to the Director of Environment, Housing and Leisure (Officer Delegation Scheme Version 18)-
Proposals for reallocation of existing delegations in the Scheme of Delegation to Officers**

Ref	Delegation	Director of Environment	Director of Housing and Property Services	Director of Public Health	Director of Regeneration and Economic Development	Director of Commissioning and Asset Management
EHL100	To issue a counter notice in response to the receipt of a Temporary Event Notice under section 107 of the Licensing Act 2003 where permitted limits have been exceeded and under Section 104A of the Licensing Act 2003 following an objection to a late Temporary Event Notice.			•		
EHL101	To determine an application for a Minor Variation.			•		
EHL102	Anti-Social Behaviour, Crime and Policing Act 2014: a) To issue a Closure Notice under section 76 of the Anti-Social Behaviour, Crime and Policing Act 2014. b) To issue a Cancellation Notice under section 78 of the Anti-Social Behaviour, Crime and Policing Act 2014. c) To authorise officers to enter premises for which a Closure Order is in force and/or to do anything necessary to secure the premises against entry. d) To issue a Community Protection Notice under section 43 of the AntiSocial Behaviour, Crime and Policing Act 2014. e) To issue Fixed Penalty Notices under sections 52 and 68 of the AntiSocial Behaviour, Crime and Policing Act 2014 for failure to comply with a Community Protection Notice or Public Spaces Protection Order. f) To delegate authorised officers to utilise the Anti-Social Behaviour, Crime and Policing Act 2014 with regard to issuing and enforcement of community protection orders and Fixed Penalty Notices. g) To authorise officers to take enforcement action and enter premises for which a Community Protection Notice Order is in force and/or to do anything necessary to secure the premises against entry. h) To discharge all other functions under the Anti-Social Behaviour, Crime and Policing Act 2014 except those not capable of delegation.	•				

**General and Specific Delegations currently authorised to the Director of Environment, Housing and Leisure (Officer Delegation Scheme Version 18)-
Proposals for reallocation of existing delegations in the Scheme of Delegation to Officers**

Consumer Protection – Licensing: Private Hire and Hackney carriages

Ref	Delegation	Director of Environment	Director of Housing and Property Services	Director of Public Health	Director of Regeneration and Economic Development	Director of Commissioning and Asset Management
EHL103	To undertake all routine matters concerning private hire and hackney carriage licensing, in accordance with the appropriate legislation and the approved hackney carriage and private hire policy.			•		
EHL104	To determine the grant, refusal, revocation and suspension of all licences in accordance with the approved hackney carriage and private hire policy.			•		
EHL105	To take appropriate disciplinary action against licensees in accordance with the approved hackney carriage and private hire policy.			•		
EHL106	To attach additional conditions where appropriate to the grant of licences.			•		
EHL107	To appoint stands for hackney carriages in accordance with the statutory procedure (pursuant to section 63 Local Government (Miscellaneous Provisions) Act 1976) and following appropriate consultation with the Cabinet Member for Community Safety and Engagement and Regulation and Review Committee.			•		
EHL108	Fixing the fares for hackney carriages in accordance with the statutory procedure (pursuant to section 65 Local Government (Miscellaneous Provisions) Act 1976) and following appropriate consultation with the Cabinet Member for Community Safety and Engagement and Regulation and Review Committee.			•		
EHL109	To refer any matter to Committee for consideration.			•		
EHL110	To investigate complaints and offences and provide instructions to the Director of Law and Governance to consider commencing legal proceedings.			•		

**General and Specific Delegations currently authorised to the Director of Environment, Housing and Leisure (Officer Delegation Scheme Version 18)-
Proposals for reallocation of existing delegations in the Scheme of Delegation to Officers**

Consumer Protection – Licensing: Scrap Metal

Ref	Delegation	Director of Environment	Director of Housing and Property Services	Director of Public Health	Director of Regeneration and Economic Development	Director of Commissioning and Asset Management
EHL111	All licensing functions in accordance with the Scrap Metal Dealers Act 2013 that are capable of such delegation.			•		
EHL112	To determine the grant, renewal or variation of a scrap metal licence in accordance with the Scrap Metal Dealers Act 2013.			•		
EHL113	To attach conditions to a scrap metal licence under section 4 of the Scrap Metal Dealers Act 2013.			•		
EHL114	To impose conditions prior to revocation of a scrap metal licence under section 4 (7) of the Scrap Metal Dealers Act 2013.			•		
EHL115	To revoke a scrap metal licence in accordance with the Scrap Metal Dealers Act 2013.			•		
EHL116	To issue or cancel a Closure Notice in accordance with the Scrap Metal Dealers Act 2013.			•		

Consumer Protection – Licensing: Sex Establishments

Ref	Delegation	Director of Environment	Director of Housing and Property Services	Director of Public Health	Director of Regeneration and Economic Development	Director of Commissioning and Asset Management
EHL117	To authorise officers to enter and inspect any sex establishment in respect of which a licence is in force in accordance with paragraph 25 of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.			•		
EHL118	To determine applications for the grant, renewal or transfer of Sex Establishment Licences, if no relevant objection is made.			•		
EHL119	To determine, if minded to grant, applications to vary Sex Establishment Licences.			•		

**General and Specific Delegations currently authorised to the Director of Environment, Housing and Leisure (Officer Delegation Scheme Version 18)-
Proposals for reallocation of existing delegations in the Scheme of Delegation to Officers**

Ref	Delegation	Director of Environment	Director of Housing and Property Services	Director of Public Health	Director of Regeneration and Economic Development	Director of Commissioning and Asset Management
EHL120	To determine, if a holder of licence does not wish to appear before the Licensing Sub-committee or to make written representations, the possible revocation of a Sex Establishment Licence.			•		
EHL121	To determine the cancellation of a Sex Establishment Licence.			•		
EHL122	To set fees for Sex Establishment Licences.			•		
EHL123	All licensing functions relating to Sexual Entertainments in connection with Schedule 3 Local Government (Miscellaneous Provisions) Act 1982 except those not capable of such delegation.			•		

Consumer Protection – Licensing: Street trading/collections

Ref	Delegation	Director of Environment	Director of Housing and Property Services	Director of Public Health	Director of Regeneration and Economic Development	Director of Commissioning and Asset Management
EHL124	To issue street collection permits subject to consultation with the Chair and Deputy Chair of Regulation and Review Committee should the Director of Public Health consider the application to be controversial or should the organisation requesting the collection already have had a collection within the calendar year in question.			•		
EHL125	To determine the grant, renewal or variation of street trading licences/consents.			•		
EHL126	To determine the revocation or cancellation of street trading licences/consents.			•		
EHL127	To prescribe/amend standard conditions for street trading licences/consents.			•		
EHL128	To instruct the Director of Law and Governance to prosecute for contraventions of matters in connection with Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982			•		

**General and Specific Delegations currently authorised to the Director of Environment, Housing and Leisure (Officer Delegation Scheme Version 18)-
Proposals for reallocation of existing delegations in the Scheme of Delegation to Officers**

Ref	Delegation	Director of Environment	Director of Housing and Property Services	Director of Public Health	Director of Regeneration and Economic Development	Director of Commissioning and Asset Management
EHL129	All licensing functions in connection with Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 except those not capable of such delegation.			•		
EHL130	In consultation with the Chair and Deputy Chair of the Regulation and Review Committee, to set fees for street trading licences/consents.			•		
EHL131	In consultation with the Chair and Deputy Chair of the Regulation and Review Committee to determine applications for and to issue house to house collection licences under the House to House Collections Act subject to such applications being reported to the Regulation and Review Committee			•		

Consumer Protection – Licensing General

Ref	Delegation	Director of Environment	Director of Housing and Property Services	Director of Public Health	Director of Regeneration and Economic Development	Director of Commissioning and Asset Management
EHL132	The licensing of houses for the public performance of stage plays under the Theatres Act 1968 for short periods.			•		
EHL133	In consultation with the Chair and Deputy Chair of the Licensing Committee to issue cinema and cinema club licences under the Cinemas Act 1985.			•		
EHL134	In consultation with the Chair and Deputy Chair of the Licensing Committee, to authorise performances of hypnotism at premises licensed under the provisions of the Licensing Act 2003.			•		
EHL135	To determine applications for licences under the Authority's scheme for licensing pleasure craft under section 94 of the Public Health Acts Amendment Act, 1907 subject to appeals against any refusal being referred to the Regulation and Review Committee.			•		
EHL136	To license the use of moveable dwellings and camping sites under section 269 of the Public Health Act 1936.			•		

**General and Specific Delegations currently authorised to the Director of Environment, Housing and Leisure (Officer Delegation Scheme Version 18)-
Proposals for reallocation of existing delegations in the Scheme of Delegation to Officers**

Consumer Protection – Pollution

Ref	Delegation	Director of Environment	Director of Housing and Property Services	Director of Public Health	Director of Regeneration and Economic Development	Director of Commissioning and Asset Management
EHL137	To serve notices under sections 60 and 61 of the Control of Pollution Act 1974 (Prevention of Noise) and 79 and 80 of the Environmental Protection Act 1990.			•		
EHL138	The inspection of premises and the taking of all necessary action in connection with furnaces and fuel and to deal with the control of chimney heights under the clean air legislation.			•		
EHL139	To consider and decide upon applications under section 61 of the Control of Pollution Act 1974 (consent to work on construction sites).			•		
EHL140	To carry out the various duties as contained in sections 6 to 20 of the Environmental Protection Act 1990 involving the: a) determination, grant, inclusion and variation of conditions; b) revocation, enforcement and prohibition; and c) the maintenance of a register in connection with authorisations to carry out the prescribed processes defined in section 2 of the Act.			•		
EHL141	To determine whether abatement notices should be fixed to vehicles, machinery or plant contravening the Noise and Statutory Nuisance Act 1993.			•		
EHL142	To determine applications for permits for the operation of loud speakers in streets or roads in accordance with the Noise and Statutory Nuisance Act 1993.			•		
EHL143	To determine the validity of an application for deemed consent under the Planning (Hazardous Substances) Act 1990. EHL144 To serve notices under section 85 of the Water Industry Act 1991.			•		
EHL145	To inspect, determine, consult and remediate contaminated land within North Tyneside under section 57 of the Environment Act 1995 and Part 2A of the Environmental Protection Act 1990.			•		

**General and Specific Delegations currently authorised to the Director of Environment, Housing and Leisure (Officer Delegation Scheme Version 18)-
Proposals for reallocation of existing delegations in the Scheme of Delegation to Officers**

Ref	Delegation	Director of Environment	Director of Housing and Property Services	Director of Public Health	Director of Regeneration and Economic Development	Director of Commissioning and Asset Management
EHL146	To enable powers of entry, work to be carried out in default and to seize equipment under section 81(3) of the Environmental Protection Act 1990 and section 10 of the Noise Act 1996.			•		
EHL147	To enforce the prohibition of dark smoke from any chimney, prohibition of dark smoke from industrial or trade premises under sections 1 and 2 respectively of the Clean Air Act 1993 and enforce the prohibition of smoke in smoke control areas and the acquisition and sale of unauthorised fuel and all other pollution issues referred to under the Clean Air Act 1993.			•		
EHL148	To police and enforce those industrial premises regulated under the Pollution Prevention and Control Act 1999 (PPCA) and Environmental Permitting (England and Wales) Regulations 2010 (as amended) by inspection and service of statutory notices when deemed necessary.			•		
EHL149	To control noise on construction sites by service and enforcement of section 60 notices under Control of Pollution Act 1974.			•		
EHL150	Permit the authorisation of officers to enforce legislation relating to idling offences under Road Traffic (Vehicle Emissions) (Fixed Penalty)(England) Regulations 2002.			•		
EHL151	To enable the monitoring, review and assessment of air quality under Part IV of the Environment Act 1995 and the consultation and declaration of areas as Air Quality Management Areas.			•		
EHL152	To take action under the Noise Act 1996 to abate and control noise complaints from domestic and licensed premises.			•		
EHL153	To designate alarm notification areas under sections 69-72 of the Clean Neighbourhoods and Environment Act 2005.			•		

**General and Specific Delegations currently authorised to the Director of Environment, Housing and Leisure (Officer Delegation Scheme Version 18)-
Proposals for reallocation of existing delegations in the Scheme of Delegation to Officers**

EHL154	To take action as necessary under the Clean Neighbourhoods and Environment Act 2005 in relation to audible intruder alarms including powers of entry to abate the sounding of alarms and service of fixed penalty notices.			•		
EHL155	To carry out local authority duties stipulated in the Environmental Damage Regulations 2009, including the serving of notices.			•		

Consumer Protection - Trading Standards

Ref	Delegation	Director of Environment	Director of Housing and Property Services	Director of Public Health	Director of Regeneration and Economic Development	Director of Commissioning and Asset Management
EHL156	To exercise all the powers and functions of the Authority relating to trading standards, weights and measures, consumer protection, public safety and other related legislation, including powers of enforcement, issuing suspension notices and prosecution and civil action			•		
EHL157	To enforce, and with the Director of Law and Governance to institute proceedings, in relation to the sale of combat knives and offensive weapons under the Criminal Justice Act 1988, Part XI and any subsidiary legislation made thereunder.			•		
EHL158	To undertake the duties of the Authority as Weights and Measures Authority including the appointment of the Chief Inspector of Weights and measures, approving the Annual Report of the Chief Inspector of Weights and Measures and all legislative requirements that apply to the Authority in that capacity including any functions performed under the Licensing Act 2003 and the Violent Crime Reduction Act 2006.			•		
EHL159	The Inspector of Weights and Measures has authority to issue a closure notice to premises under section 169A of the Licensing Act 2003 (or any subsequent amendments) where deemed appropriate.			•		

**General and Specific Delegations currently authorised to the Director of Environment, Housing and Leisure (Officer Delegation Scheme Version 18)-
Proposals for reallocation of existing delegations in the Scheme of Delegation to Officers**

Ref	Delegation	Director of Environment	Director of Housing and Property Services	Director of Public Health	Director of Regeneration and Economic Development	Director of Commissioning and Asset Management
EHL160	To determine applications for consent to permit loading and unloading at large shops before 9.00 am on Sunday mornings within a loading control area under Schedule 3 of the Sunday Trading Act 1994, subject to such conditions considered appropriate.			•		
EHL161	To appoint appropriate officers of the trading standards section as inspectors under the provisions of the Sunday Trading Act 1994.			•		
EHL162	To keep a list of those persons who are entitled to sell non-medicinal poisons under the Poisons Act 1972.			•		
EHL163	To renew arrangements to secure the provision of the trading standards metrology laboratory services, subject to their being no material changes to the arrangement agreed in May 2007.			•		

Culture and Leisure

Ref	Delegation	Director of Environment	Director of Housing and Property Services	Director of Public Health	Director of Regeneration and Economic Development	Director of Commissioning and Asset Management
EHL164	To determine applications relating to sites for circuses and caravan rallies.					•
EHL165	To determine applications received from persons suffering a learning difficulty or physical disability for a reduced cost of admission to leisure facilities.	•				
EHL166	To determine applications from voluntary and charitable organisations, for reduced charges for leisure facilities for fund raising events.	•				
EHL167	In consultation with the relevant Cabinet Member to determine requests to hold open-air services of a religious or similar nature, except for marriages, should such a request be of a controversial nature.				•	

**General and Specific Delegations currently authorised to the Director of Environment, Housing and Leisure (Officer Delegation Scheme Version 18)-
Proposals for reallocation of existing delegations in the Scheme of Delegation to Officers**

Ref	Delegation	Director of Environment	Director of Housing and Property Services	Director of Public Health	Director of Regeneration and Economic Development	Director of Commissioning and Asset Management
EHL168	To negotiate terms for the letting of appropriate sites under the control of Environment and Leisure services for fairs and circuses.					•
EHL169	To agree to the letting of any leisure and community facilities under the control of Environment and Leisure services.	•				
EHL170	To determine applications for the use of metal detectors on land under the control of Environment and Leisure services.					•
EHL171	To determine requests for financial assistance from talented athletes and cultural performers.	•				

Fleet Management

Ref	Delegation	Director of Environment	Director of Housing and Property Services	Director of Public Health	Director of Regeneration and Economic Development	Director of Commissioning and Asset Management
EHL172	To dispose of redundant vehicles, plant and workshop equipment in accordance with the Authority's Financial Regulations.	•				
EHL173	To hire transport from outside sources for use by service areas.	•				
EHL174	To select and purchase vehicles, plant and workshop equipment in accordance with the Authority's Contract Standing Orders.	•				
EHL175	To provide driver training and the assessment of driving standards of Authority employees who operate vehicles and plant belonging or on hire to the Authority.	•				

**General and Specific Delegations currently authorised to the Director of Environment, Housing and Leisure (Officer Delegation Scheme Version 18)-
Proposals for reallocation of existing delegations in the Scheme of Delegation to Officers**

Housing

Ref	Delegation	Director of Environment	Director of Housing and Property Services	Director of Public Health	Director of Regeneration and Economic Development	Director of Commissioning and Asset Management
EHL176	The management of all matters required to ensure the Authority carries out its statutory duties as a local housing authority as prescribed in: • Housing Act 1985 • Housing Act 1996 • Housing Act 2004 • Local Government and Housing Act 1989 and • Any other relevant statute or government guidance relating to the management and provision of social housing and related facilities.		•			
EHL177	In accordance with the Authority's Affordable Rent Policy and in consultation with the Head of Resources and the Cabinet Member(s) with responsibility for Housing and Finance, to take any decisions on the selection of property appropriate for affordable rent		•			
EHL178	Exercising the management of functions of the Authority in relation to dwellings owned by the Authority but not held under Part IV of the Housing Act 1985.		•			

**General and Specific Delegations currently authorised to the Director of Environment, Housing and Leisure (Officer Delegation Scheme Version 18)-
Proposals for reallocation of existing delegations in the Scheme of Delegation to Officers**

Ref	Delegation	Director of Environment	Director of Housing and Property Services	Director of Public Health	Director of Regeneration and Economic Development	Director of Commissioning and Asset Management
EHL179	Without prejudice to the foregoing delegations, to exercise the following functions of the Authority: a) authorising the allocation and granting of tenancies and licenses in accordance with the Authority's allocation scheme; b) approving rents in specific cases; c) serving notices, to quit, of termination or seeking possession; d) maintaining properties and estates; e) granting consent or otherwise to the assignment of a tenancy where statute allows and in line with the Authority's policy; f) granting consent to mutual exchanges, imposing conditions to that consent where appropriate or refusing such consent with reference to Schedule 3 of the Housing Act 1985; g) granting consent or otherwise to tenants' requests to carry out improvements or alterations; h) granting consent or otherwise in any other matter where the Authority's tenancy agreement including introductory tenancy agreement or licensees requires that permission is sought by the tenant or licensee; i) authorising compensation for tenants' improvements be they statutory or discretionary (Housing Act 1985 sections 99a and 100); j) settling any claims by tenants for disrepair; k) taking action under sections 1 and 115 of the Crime and Disorder Act 1998, Part V of the Housing Act 1996, Anti Social Behaviour Act 2003 and Housing Act 2004; l) taking action to secure the eviction of trespassers; m) undertaking consultation with tenants and / or social landlords where required by statute or government guidance or where otherwise appropriate e.g. section 105 of the Housing Act 1985; and n) authorise the granting of licences for the use of garages, reviewing licence conditions and subsequent termination of licences where necessary.		•			

**General and Specific Delegations currently authorised to the Director of Environment, Housing and Leisure (Officer Delegation Scheme Version 18)-
Proposals for reallocation of existing delegations in the Scheme of Delegation to Officers**

Ref	Delegation	Director of Environment	Director of Housing and Property Services	Director of Public Health	Director of Regeneration and Economic Development	Director of Commissioning and Asset Management
EHL180	Carry out the Authority's statutory responsibilities under Part V of the Housing Act 1985 (Right To Buy). • Authorising service of statutory notices, admitting/denying the right to buy, withdrawing or requiring completion. • Authorising sales of freehold or otherwise granting of long leases Freehold: In consultation with the Director of Law and Governance, enforcing covenants including those relating to repayment of discount, use of shared areas and letting of whole. Leasehold: a) Agreeing variations to the terms of individual leases. b) Granting/refusing permission to requests on various matters, by leaseholders, where the lease requires consent of the landlord. e.g. requests to sublet whole. c) In consultation with the Director of Law and Governance, authorising action on breaches of covenants.		•			
EHL181	Exercising the Authority's responsibilities towards homeless people, including the Authority's functions under Part VII Housing Act 1996 and the Homelessness Act 2002		•			
EHL182	Exercising the functions of the Authority in relation to the provision of advice in connection with housing and the prevention of homelessness.		•			
EHL183	Exercising the functions of the Authority under Part X of the Housing Act 1985 and Part IV, Chapter 3, and Part VII of the Housing Act 2004 in relation to overcrowding		•			
EHL184	Exercising the functions of the Authority under the Protection from Eviction Act 1977, the Protections from Harassment Act 1997 and all other enabling powers to regulate and control private landlords.		•			
EHL185	Exercising the functions of the Authority under the Landlord and Tenant Act 1985 (landlord's obligations etc).		•			

**General and Specific Delegations currently authorised to the Director of Environment, Housing and Leisure (Officer Delegation Scheme Version 18)-
Proposals for reallocation of existing delegations in the Scheme of Delegation to Officers**

Ref	Delegation	Director of Environment	Director of Housing and Property Services	Director of Public Health	Director of Regeneration and Economic Development	Director of Commissioning and Asset Management
EHL186	<p>In consultation with the Director of Resources, write off irrecoverable debt due from former tenants in compliance with the Authority's write off policy. The following officers have delegated powers to write off former tenant rent arrears owed to the Authority: a) Former tenant rent arrears of up to £250 should be authorised by the Team Leader Debt Recovery and Direct Debit and countersigned by the Welfare Reform and Income Manager. b) Former tenant rent arrears with a value between £250 and £1,500 should be authorised by the Team Leader Debt Recovery and Direct Debit and countersigned by the Housing Operations Manager. c) Former tenant rent arrears with a value over £1,500 but under £3,000 must be authorised by the Assistant Chief Executive or relevant Director of Service and countersigned by the Director of Resources. d) Write off of bad debts between £3,000 and £50,000 must be authorised by the Assistant Chief Executive or relevant Director of Service, countersigned by the Chief Finance Officer and approved by the Cabinet Member with responsibility for Housing. e) Write off of bad debts over £50,000 must be authorised by the Assistant Chief Executive or relevant Director of Service, countersigned by the Chief Finance Officer and approved by Cabinet. All write-offs will be evidenced by the appropriate paperwork, signed by the appropriate officer, countersigned by the manager/Cabinet Member as above. The above levels of write-off also apply to Bankruptcy/Debt Relief Order/Individual Voluntary Arrangement/Sundry Debts (for example rechargeable repairs)/Statute barred court costs where appropriate.</p>		•			

**General and Specific Delegations currently authorised to the Director of Environment, Housing and Leisure (Officer Delegation Scheme Version 18)-
Proposals for reallocation of existing delegations in the Scheme of Delegation to Officers**

Ref	Delegation	Director of Environment	Director of Housing and Property Services	Director of Public Health	Director of Regeneration and Economic Development	Director of Commissioning and Asset Management
EHL187	<p>In consultation with the Director of Resources, write off irrecoverable debt due from current tenants in compliance with the Authority's write off policy. The following officers have delegated powers to write off irrecoverable current tenant rent arrears owed to the Authority: a) Current tenant rent arrears of up to £250 should be authorised by the Neighbourhood Team Leader and countersigned by the Neighbourhood Manager. b) Current tenant rent arrears with a value between £250 and £1,500 should be authorised by the Neighbourhood Team Leader and countersigned by the Housing Operations Manager. c) Current tenant rent arrears with a value over £1,500 but under £3,000 must be authorised by the Assistant Chief Executive or relevant Director of Service and countersigned by the Director of Resources. d) Write off of bad debts between £3000 and £50,000 must be authorised by the Assistant Chief Executive or relevant Director of Service, countersigned by the Chief Finance Officer and approved by the Cabinet Member with responsibility for Housing, e) Write off for bad debt over £50,000 must be authorised by the Assistant Chief Executive or relevant Director of Service, countersigned by the Chief Finance Officer and approved by Cabinet. All write offs will be evidenced by the appropriate paperwork, signed by the appropriate officer, countersigned by the manager/cabinet member as above. The above levels of write off also apply to Bankruptcy/Debt Relief Order/Individual Voluntary Arrangement/ Sundry Debts (for example rechargeable repairs) / Statute barred Court costs when appropriate.</p>		•			

**General and Specific Delegations currently authorised to the Director of Environment, Housing and Leisure (Officer Delegation Scheme Version 18)-
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Ref	Delegation	Director of Environment	Director of Housing and Property Services	Director of Public Health	Director of Regeneration and Economic Development	Director of Commissioning and Asset Management
EHL188	In consultation with the Director of Resources, write off Credit balances associated with untraceable former tenants in compliance with the Authority's write off policy. The following officers have delegated powers to write off former tenant credits held by the Authority: a) Former tenant credits of up to £250 should be authorised by the Team Leader Debt Recovery and Direct Debit and countersigned by the Welfare Reform and Income Manager. b) Former tenant credits with a value between £250 and £1,500 should be authorised by the Team Leader Debt Recovery and Direct Debit and countersigned by the Housing Operations Manager. c) Former tenant credits with a value over £1,500 but under £3,000 must be authorised by the Assistant Chief Executive or relevant Director of Service and countersigned by the Director of Resources. d) Write off of credits between £3,000 and £10,000 must be authorised by the Assistant Chief Executive or relevant Director of Service, countersigned by the Director of Resources and approved by the Cabinet Member with responsibility for Housing. e) Write off of credits over £10,000 must be authorised by the Assistant Chief Executive or relevant Director of Service, countersigned by the Director of Resources and approved by Cabinet. All write-offs will be evidenced by the appropriate paperwork, signed by the appropriate officer, countersigned by the manager/Cabinet Member as above.		•			
EHL189	To determine disturbance payments and applications for home loss payments in accordance with the Land Compensation Act 1973.		•			
EHL190	Undertaking and determining reviews under the Introductory Tenants (Review) Regulations 1997.		•			
EHL191	To authorise payments to tenants for decoration and removal expenses or approve ex-gratia payments (not exceeding £500).		•			

**General and Specific Delegations currently authorised to the Director of Environment, Housing and Leisure (Officer Delegation Scheme Version 18)-
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Ref	Delegation	Director of Environment	Director of Housing and Property Services	Director of Public Health	Director of Regeneration and Economic Development	Director of Commissioning and Asset Management
EHL192	Agreeing terms with private landlords and registered social landlords to lease accommodation for the purposes of providing temporary housing for homeless households		•			
EHL193	To approve the re-acquisition of former Council houses which fall within the terms of the Authority's reacquisition policy, subject to the necessary finance being available.		•			
EHL194	To consider any matters relating to the Housing Act 1985 (as amended) in respect of Right to Buy including the repayment of discount and right of first refusal		•			
EHL195	To ensure compliance with all Authority policies relating to the provision and management of Council owned residential properties. Authority to make changes to all such policies where provision of service would be improved or necessity arises or to recommend such changes to Cabinet where appropriate.		•			
EHL196	To establish such arrangements as appropriate to ensure effective engagement of tenants and leaseholders in the setting, monitoring and review of housing and related services including holding meetings, organising consultation events, surveys and newsletters.		•			
EHL197	To consider and respond to requests from Northumbria Police in respect of the designation of dispersal areas under the provisions of the AntiSocial Behaviour Act 2000.		•			

**General and Specific Delegations currently authorised to the Director of Environment, Housing and Leisure (Officer Delegation Scheme Version 18)-
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Library Services

Ref	Delegation	Director of Environment	Director of Housing and Property Services	Director of Public Health	Director of Regeneration and Economic Development	Director of Commissioning and Asset Management
EHL198	To approve the closure of libraries in cases of emergency.	•				
EHL199	To determine issues relating to the management and control of libraries including the purchase, hire, sale and disposal of books and other material	•				

Planning

Ref	Delegation	Director of Environment	Director of Housing and Property Services	Director of Public Health	Director of Regeneration and Economic Development	Director of Commissioning and Asset Management
EHL200	To serve Planning Contravention Notices under section 171C of the Town and Country Planning Act 1990.				•	
EHL201	Serve Requisition for Information Notices under section 330 of the Town and Country Planning Act.				•	
EHL202	In consultation with the Chair and Deputy Chair of the Planning Committee to consider and determine applications for grant assistance under the Authority's approved conservation grant assistance scheme.				•	
EHL203	To take all necessary action with regard to the parking of caravans on unlicensed areas of the Borough.				•	
EHL204	Following consultation with the appropriate ward councillors, to approve proposals for new or altered street names and/or numbering schemes for new and existing streets.				•	

**General and Specific Delegations currently authorised to the Director of Environment, Housing and Leisure (Officer Delegation Scheme Version 18)-
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Planning Applications Exceptions

Ref	Delegation	Director of Environment	Director of Housing and Property Services	Director of Public Health	Director of Regeneration and Economic Development	Director of Commissioning and Asset Management
EHL205	<p>Determine applications, notifications, consultations, discharge of conditions, screening and scoping requests, enforcement and all other matters within the terms of the Planning Committee (please see Part 3.5 of the Constitution) and in respect of High Hedge complaints under Part 8 of the Anti-Social Behaviour Act 2003, subject to the exceptions specified below: a) Applications (other than those for the discharge and variation of conditions and extensions of time not including the discharge of reserved matters) for major development as defined for the purposes of the government PS2 statistical return i.e.: • residential development of 10 or more dwellings or, where numbers not specified, the site area is more than 0.5 hectares; • other development where the floor space is 1000 sq metres or more or the site is 1 hectare or more; and • where a major development is subject to a change of use, it will be classed as a major development and not as a change of use. b) Mineral applications (other than those for the discharge of conditions) as defined for the purposes of the government PS2 statistical returns. c) Applications which are a departure from the Development Plan and which would need to be notified to the Secretary of State under the Town and Country Planning (Consultation) (England) Direction 2009 (or any Direction replacing or re-enacting this Direction) if the Authority was minded to grant permission for them. d) Applications which are subject to an objection from a statutory consultee (as defined in Schedule 4 of the Town and Country Planning (Development Management Procedure) Order 2015 (or any Order replacing or re-enacting this Order) which has not been resolved by negotiation or the imposition of conditions. e) Applications for extensions to or change of use to gambling establishments (including amusement arcades, betting shops and casinos). f)</p>				•	

**General and Specific Delegations currently authorised to the Director of Environment, Housing and Leisure (Officer Delegation Scheme Version 18)-
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	<p>Applications (other than those for PS2 defined minor and other development or the discharge of conditions) submitted by or on behalf of the Authority for its own development which are the subject of objections which have not been resolved by negotiation or the imposition of conditions. g) Applications submitted by or on behalf of a North Tyneside Councillor or their spouse/partner. h) Applications submitted by or on behalf of any member of staff of the Planning Team or any Assistant Chief Executive/Director of Service or their spouse/partner or any member of staff directly involved in the progressing/determination of any application. i) Applications classified as major or minor developments (as defined for the purposes of the government PS2 statistical return) where a Councillor, applicant or other person with a material planning interest has, within the statutory publicity period or prior to the determination of the application, requested in writing that the application be determined by Planning Committee and has also given substantial reasons why the application should be determined by Planning Committee and not under the Officer Delegation Scheme. j) Applications for other developments (including householder developments, as defined for the purposes of the government PS2 statistical return) where a Councillor has, within the statutory publicity period or prior to the determination of the application, requested in writing that the application be determined by Planning Committee and has also given reasons as to why the application is so significant or contentious that it should be determined by Planning Committee and not under the Officer Delegation Scheme and that request has been accepted by the Chair and/or Deputy Chair of the Planning Committee. k) Applications where written representations for and/or against a development proposal have been made and speaking rights have been requested and granted in accordance with the scheme for speaking at Planning Committee. l) Applications that the delegated officer considers should be determined by Planning Committee, having regard to approved guidance on this matter. m) To enter land in Part 2 of</p>					
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**General and Specific Delegations currently authorised to the Director of Environment, Housing and Leisure (Officer Delegation Scheme Version 18)-
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	<p>the brownfield land register, and thus grant permission in principle, for major development as defined for the purposes of the government PS2 statistical return. This delegation can be undertaken by any post designated by the Director of Regeneration and Economic Development, subject to that post being held by a member of the Royal Town Planning Institute of Planning Officer status or above and being senior to the specific case officer except where the delegation being exercised is for the discharge of planning conditions other than for the discharge of reserved matters.</p>					
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Street Environment

Ref	Delegation	Director of Environment	Director of Housing and Property Services	Director of Public Health	Director of Regeneration and Economic Development	Director of Commissioning and Asset Management
EHL206	<p>To issue penalty and fixed penalty notices, penalty charge notices and fixed monetary penalties for all offences under the Environmental Protection Act 1990, Clean Neighbourhoods and Environment Act 2005, Dog Byelaws, The Dogs (Fouling of Land) Act 1996, Anti-Social Behaviour Act 2003, Control of Pollution (Amendment) Act 1989, Refuse Disposal (Amenity) Act 1978, Noise Act 1996 and Housing Act 2004 and the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 made under the Energy Act 2013 and any amendments under those Orders.</p>	•				
EHL207	<p>To determine upon the waiving of charges for the treatment of bees and wasps' nests in cases of hardship or as a matter of urgency..</p>	•				

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Ref	Delegation	Director of Environment	Director of Housing and Property Services	Director of Public Health	Director of Regeneration and Economic Development	Director of Commissioning and Asset Management
EHL208	To act as the Proper Officer under section 149(1) of the Environmental Protection Act 1990 for the purpose of discharging the Authority's functions for dealing with stray dogs.	•				
EHL209	To deal with dangerous trees under the provisions of section 23 of the Local Government (Miscellaneous Provisions) Act 1976, in cases of emergency.	•				
EHL210	To take all necessary action with regard to the service of notices and the execution of works and the recovery of costs under legislation relating to injurious weeds.	•				
EHL211	To take all necessary action with regard to unauthorised dumping under section 33 of the Environmental Protection Act 1990.	•				
EHL212	To designate "appointed officers" in accordance with the Dutch Elm Disease (Local Authorities) Order 1984.	•				
EHL213	In consultation with the Director of Resources to deal with the provision of Christmas trees and associated arrangements.	•				
EHL214	To take all necessary action, including issuing any instructions for prosecution, in connection with those sections of the Clean Neighbourhoods and Environment Act 2005 and associated regulations which relate to highways, nuisance and/or abandoned vehicles, flyposting, transport of waste materials, noise nuisance and abandoned shopping trolleys.	•				
EHL215	To be responsible for the control, management, inspection and letting of allotments including the authority to issue and sign allotment agreements.	•				
EHL216	To serve Notices to Quit in relation to the removal of dilapidated structures from allotments.	•				

**General and Specific Delegations currently authorised to the Director of Environment, Housing and Leisure (Officer Delegation Scheme Version 18)-
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Transport (Engineering Services)

Ref	Delegation	Director of Environment	Director of Housing and Property Services	Director of Public Health	Director of Regeneration and Economic Development	Director of Commissioning and Asset Management
EHL217	To issue permits under section 19 of the Transport Act 1985 and the Section 19 Permit Regulations 2009 (or any amended Section 19 Permit Regulations) in relation to minibuses.				•	
EHL218	To submit on behalf of the Authority observations on traffic regulation conditions in relation to bus service registrations made under the Transport Act 1985.				•	
EHL219	To approve the making of Traffic Regulation Orders where there are no objections and the issue of Notices under the Road Traffic Regulation Act 1984.				•	
EHL220	To approve applications for permission to place public kiosks, feeder pillars, electric pillars, clocks and any other similar structures on or over public highways.				•	
EHL221	To determine requests for the repositioning of street furniture to allow access to private premises.				•	
EHL222	To object where necessary on behalf of the Authority as Highway Authority to the granting or renewal of a vehicle operators' licence and to authorise the Head of Engineering, to appear before the Licensing Authority to support such objection if considered necessary.				•	
EHL223	To carry out minor traffic management measures not requiring Traffic Regulation Orders and costing less than £10,000 subject to the necessary finance being available in the approved budget.				•	

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Ref	Delegation	Director of Environment	Director of Housing and Property Services	Director of Public Health	Director of Regeneration and Economic Development	Director of Commissioning and Asset Management
EHL224	To manage the use and enforcement of on and off street parking, waiting and loading restrictions, bus lane enforcement and other items under the Traffic Management Act 2004, the Road Traffic (Permitted Parking Area and Special Parking Area) (Metropolitan Borough of North Tyneside) Order 2007, the Civil Enforcement of Parking Contraventions (Approved Devices) (England) Order 2007, the Civil Enforcement of Parking Contraventions (England) General Regulations 2007, the Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007, the Civil Enforcement Officers (Wearing of Uniforms) (England) Regulations 2007, the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) 2007 and the Bus Lane Contraventions (Approved Local Authorities) (England) (Amendment) (No 3) Order 2007, the 2015 Deregulation Bill and any subsequent amending legislation or further legislation regarding parking contraventions.				•	
EHL225	To serve notices under section 112 of the Road Traffic Regulation Act 1984 on registered keepers of vehicles requiring them to notify the Authority of the name and address of the driver.				•	
EHL226	To decide upon applications for the issue of parking permits for the parking of vehicles in "permit holders only" parking places established by the Authority under the Road Traffic Regulation Act.				•	
EHL227	To take all necessary action with regard to the parking of caravans on unlicensed areas of the Borough.				•	
EHL228	To sign orders with public utilities.				•	
EHL229	To grant Street Works Licences under section 50 of the New Roads and Street Works Act 1991.				•	
EHL230	To determine the priority for the surfacing of roads.				•	

**General and Specific Delegations currently authorised to the Director of Environment, Housing and Leisure (Officer Delegation Scheme Version 18)-
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Ref	Delegation	Director of Environment	Director of Housing and Property Services	Director of Public Health	Director of Regeneration and Economic Development	Director of Commissioning and Asset Management
EHL231	Alteration to existing highways and adoption of new streets as highways repairable at the public expense in accordance with the Highways Act 1980 (and amendment).				•	
EHL232	To determine applications for licences to display goods in accordance with section 20 Schedule 5, of the Local Government (Miscellaneous Provisions) Act 1982.				•	
EHL233	The following functions under the Highways Act: a) To consent to the deposit of building materials and making excavations in streets (section 171); b) To consent to hoardings being set up during building operations (section 172); c) To permit the deposit of a builder's skip on a highway under section 139 and to impose a charge for this under section 140A; d) To serve Notices regarding vehicular crossings over footways; e) To grant Licences regarding the placing of apparatus in or under highways; f) To exercise the Authority's powers to enter land for purposes of a survey; g) Control of scaffolding on highways; h) To remove unauthorised signs on the highway; i) To authorise the erection of stiles on footpaths or bridleways (section 147); j) To license planting, retention and maintenance of trees etc in part of a highway (section 142); k) To licence works in relation to building etc. which obstruct the highway (section 169); l) To restrict the placing of rails, beams etc. over highways (section 178); m) To consent to the construction of cellars etc. under streets (section 179); n) To consent to the making up of openings into cellars etc. under streets and pavement lights and ventilators (section 180); o) To authorise the serving of a notice under section 154 requiring the cutting or felling of trees which overhang or are a danger to highways; p) To serve notices under section 151 on owners or occupiers of land to execute works to prevent soil or refuse from that land from falling or being washed on to the street; q) To exempt new buildings from the Advance Payments Code under sub-sections (c), (f), (h) and				•	

**General and Specific Delegations currently authorised to the Director of Environment, Housing and Leisure (Officer Delegation Scheme Version 18)-
Proposals for reallocation of existing delegations in the Scheme of Delegation to Officers**

	<p>(k) of section 219; r) To serve notices under section 220 requiring payment of appropriate private street works charges; s) To make refunds under sections 221 and 222 of the Act on the works being wholly or in part carried out; t) In consultation with the Director of Law and Governance to deal with all matters in relation to any proposal to close or divert highways, footpaths and bridleways in accordance with sections 116, 117, 118, 119 and section 25 & 26 (creating footpaths, bridleways and restricted byways). u) To serve any notices under section 130A in response to receipt of notices to enforce duty regarding public paths. v) To serve a notice on an occupier of land under section 134 to make good the surface of a path or way to not less than its minimum width and to comply with other requirements of the notice. w) On application, granting an extension to the relevant period given to an occupier to make good the surface of a path or way under section 134. x) To Authorise works disturbing a footpath, bridleway or restricted byway and making an order (with or without conditions) authorising such work under section 135. y) To Authorise the making good of any damage or removal of any obstruction under section 135B. z) To serve a notice on an occupier of land under section 137A ensuring that the line on the ground of any relevant highway is indicated to not less than its minimum width and to prevent crops from encroaching on any relevant highway as to render it inconvenient for the exercise of the public right of way. aa) To be given authority to require the owner of a skip to remove or reposition it or cause it to be removed or repositioned under section 140 and to serve any notices in accordance with this section and to recover reasonable expenses for the removal or repositioning of the skip. bb) To authorise the serving of a notice under section 141 requiring the owner or occupier of land in which a tree or shrub is planted to remove it. cc) To license (with or without conditions) planting, retention and maintenance of trees etc. in part of a highway under section 142. dd) To authorise the serving of a notice under section 143 requiring the</p>					
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**General and Specific Delegations currently authorised to the Director of Environment, Housing and Leisure (Officer Delegation Scheme Version 18)-
Proposals for reallocation of existing delegations in the Scheme of Delegation to Officers**

	<p>removal of structures from a highway. ee) To authorise the serving of a notice under section 145 requiring the owner of a gate to enlarge the gate or remove it. ff) To authorise the serving of a notice under section 147 requiring the owner or occupier to repair or make good a stile, gate or other works and to recover from the owner or occupier any amount reasonably incurred by the Authority in exercising its powers under this section. gg) To authorise the entering into an agreement under section 147ZA. hh) To authorise the serving of a notice under section 149 requiring the removal of things deposited on a highway. ii) To authorise the serving of a notice under section 152 requiring the removal of a projection from a building. jj) To authorise the serving of a notice under section 163 in relation to the prevention of water falling on or flowing on to a highway. kk) To authorise the serving of notices under sections 164, 165 and 166 in relation to danger or annoyance to users of highways or streets. ll) To set charges for work undertaken under section 169 or section 171. mm) To grant a licence in relation to the construction of a bridge or buildings over a highway (sections 176 and 177). nn) To give consent to the placing of rails, beams etc. over highways (section 178). oo) To give consent and serve notices in relation to cellars etc. (sections 179 and 180). pp) Following consultation with the Cabinet Member for Environment and Transport, to authorise the serving of notices, undertake works and recover any amount reasonably incurred by the Authority in relation to vehicle crossings over footways and verges (section 184). qq) To authorise the carrying out of any works under Schedule 12A and the recovery of expenses incurred by the Authority in undertaking any such works. rr) To serve any other notices that may be required to be served under the Highways Act 1980 that are not referred to above.</p>					
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**General and Specific Delegations currently authorised to the Director of Environment, Housing and Leisure (Officer Delegation Scheme Version 18)-
Proposals for reallocation of existing delegations in the Scheme of Delegation to Officers**

Ref	Delegation	Director of Environment	Director of Housing and Property Services	Director of Public Health	Director of Regeneration and Economic Development	Director of Commissioning and Asset Management
EHL234	To determine applications received for permission to display temporary advertisements on selected street lighting columns within the Authority's policy of permitting such advertising for charitable and suitable noncommercial events only.				•	
EHL235	To arrange for the removal of vehicles under section 3 of Refuse Disposal (Amenity) Act 1978, section 99 of the Road Traffic Regulation Act 1984, Part II of the Removal and Disposal of Vehicles Regulations 1986 and section 11 of Clean Neighbourhoods and Environment Act 2005 that are illegally, obstructively or dangerously parked, abandoned or broken down on a road and the removal and disposal of abandoned vehicles generally.				•	
EHL236	To make application to the Department for Transport in respect of the closure or diversion of a highway that is consequential of planning permission for development in accordance with section 247 of the Town and Country Planning Act 1990.				•	
EHL237	To deal with all matters in relation to the closure of highways as a consequence of planning permission for development in accordance with section 257 of the Town and Country Planning Act 1990.				•	
EHL238	To make all necessary arrangements to convert a footway to a cycle track with a right of way on foot under sections 65 and 66 of the Highways Act 1980.				•	
EHL239	To make all necessary arrangements in respect of Orders under section 3 of the Cycle Tracks Act 1984 for the conversion of all or any part of a footpath to a Cycle Track. Waste management				•	

**General and Specific Delegations currently authorised to the Director of Environment, Housing and Leisure (Officer Delegation Scheme Version 18)-
Proposals for reallocation of existing delegations in the Scheme of Delegation to Officers**

Waste management

Ref	Delegation	Director of Environment	Director of Housing and Property Services	Director of Public Health	Director of Regeneration and Economic Development	Director of Commissioning and Asset Management
EHL240	To inspect premises for the assessment of charges for refuse collection and waste disposal, in accordance with the Control of Pollution Act (COPA) 1974, Environmental Protection Act 1990 and Controlled Waste (England and Wales) Regulations 2012.	•				
EHL241	To determine waste disposal licences and resolutions under the Waste Disposal Regulations, section 34 of the Environmental Protection Act 1990.	•				
EHL242	To extend the provision of Authority services into new developments within the Borough, as required by the Control of Pollution Act (COPA) 1974, and section 46 of the Environmental Protection Act 1990.	•				
EHL243	To make arrangements for the separate collection of recyclable waste under the Household Waste recycling Act 2003, and Waste (England and Wales) (Amendment) Regulations 2012.	•				
EHL244 EHL245	To exercise the powers and duties of the Authority under Parts II and IV of the Environmental Protection Act, 1990. To deal with all matters falling to the regulator under The Environmental Protection (Plastic Straws, Cotton Buds and Stirrers) (England) Regulations 2020	•				

Constitution and Associated Documents – Proposed Changes

Section and Reference	Existing Text	Proposed amendment including revised text if appropriate														
<p>Officer Delegation Scheme</p> <p>Section 10: Director of Commissioning and Asset Management</p> <p>CAM12, CAM13, CAM14, CAM21</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">REF</th> <th style="text-align: center;">Excluded children</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">CAM12</td> <td>To ensure that appropriate education provision is in place for any children or young people excluded from school or for any other reason without a school place.</td> </tr> <tr> <td style="text-align: center;">CAM13</td> <td>To follow prescribed duties of the local authority with regard to an exclusion from a school and review of exclusion according to the Education Act 2002 and the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012.</td> </tr> <tr> <td style="text-align: center;">CAM14</td> <td>To ensure that full time education is provided from the sixth day of exclusion for pupils permanently excluded or excluded for a fixed term of more than 5 days.</td> </tr> <tr> <td></td> <td>The Education Act 1996 Section 19 (3A) and (3B). Secondary: Education Provision of Full-Time Education for Excluded Pupils) England Regulations 2007 (SI 2007/1970).</td> </tr> <tr> <td></td> <td style="text-align: center;">Home tuition</td> </tr> <tr> <td style="text-align: center;">CAM21</td> <td>To authorise home tuition.</td> </tr> </tbody> </table>	REF	Excluded children	CAM12	To ensure that appropriate education provision is in place for any children or young people excluded from school or for any other reason without a school place.	CAM13	To follow prescribed duties of the local authority with regard to an exclusion from a school and review of exclusion according to the Education Act 2002 and the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012.	CAM14	To ensure that full time education is provided from the sixth day of exclusion for pupils permanently excluded or excluded for a fixed term of more than 5 days.		The Education Act 1996 Section 19 (3A) and (3B). Secondary: Education Provision of Full-Time Education for Excluded Pupils) England Regulations 2007 (SI 2007/1970).		Home tuition	CAM21	To authorise home tuition.	<p>No change to text.</p> <p>Delegations to be moved to HECS as agreed with Jacqui Old.</p> <p>Sub-Delegation if applicable goes to 'Senior School Improvement Officer (Vulnerable Learners)'</p>
REF	Excluded children															
CAM12	To ensure that appropriate education provision is in place for any children or young people excluded from school or for any other reason without a school place.															
CAM13	To follow prescribed duties of the local authority with regard to an exclusion from a school and review of exclusion according to the Education Act 2002 and the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012.															
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	Home tuition															
CAM21	To authorise home tuition.															
	<p>Reason for proposed change:</p> <p>The team carrying out these functions moved to HECS approximately 2019/20 as part of a restructure. However, the delegations were not moved at that time. This change is to move the delegations to the correct team/service carrying out the function(s).</p>															

<p>Implications of proposed change:</p> <ul style="list-style-type: none"> • Finance and other resource implications: N/A • Legal implications: N/A • Consultation/Engagement undertaken (internal and external): Consultation carried out with the Director for Commissioning & Asset Management and the Director for Children's & Adult Services, as well as the respective Senior Managers/Service Managers • Human Rights implications: N/A • Equalities and Diversity implications: N/A • Risk Management implications: N/A • Crime and Disorder implications: N/A • Environment and Sustainability implications: N/A 						
<p>Section and Reference</p>	<p>Existing Text</p>	<p>Proposed amendment including revised text if appropriate</p>				
<p>Officer Delegation Scheme</p> <p>Section 10: Director of Commissioning and Asset Management</p> <p>CAM16</p>	<table border="1"> <thead> <tr> <th data-bbox="595 919 719 967">REF</th> <th data-bbox="719 919 1675 967">Home to school transport</th> </tr> </thead> <tbody> <tr> <td data-bbox="595 967 719 1190">CAM16</td> <td data-bbox="719 967 1675 1190">To promote Sustainable Modes of Travel to assess general school travel needs and to publish a strategy to promote the use of sustainable modes of travel to meet the school travel needs of the area and publish a summary each academic year. (Education Act 1996, section 508A. Statutory Instrument 2008 No 3093. The School Information Act 2008).</td> </tr> </tbody> </table>	REF	Home to school transport	CAM16	To promote Sustainable Modes of Travel to assess general school travel needs and to publish a strategy to promote the use of sustainable modes of travel to meet the school travel needs of the area and publish a summary each academic year. (Education Act 1996, section 508A. Statutory Instrument 2008 No 3093. The School Information Act 2008).	<p>No change to text.</p> <p>Delegation to be moved to Regeneration and Economic Development as agreed with the Director of Regeneration and Economic Development and the Integrated Transport Manager</p> <p>Sub-Delegation if</p>
REF	Home to school transport					
CAM16	To promote Sustainable Modes of Travel to assess general school travel needs and to publish a strategy to promote the use of sustainable modes of travel to meet the school travel needs of the area and publish a summary each academic year. (Education Act 1996, section 508A. Statutory Instrument 2008 No 3093. The School Information Act 2008).					

	<p>applicable goes to the Integrated Transport Officer</p> <p>Delivery Officer would be the Capita Network Business Manager</p>	
	<p>Reason for proposed change:</p> <p>The team responsible for sustainable transport strategies and scholars' buses reports to the Director for Regeneration and Economic Development (previously reported to the Director of Environment, Housing and Leisure).</p>	
<p>Implications of proposed change:</p> <ul style="list-style-type: none"> • Finance and other resource implications: N/A • Legal implications: N/A • Consultation/Engagement undertaken (internal and external): Consultation carried out with the Director for Regeneration and Economic Development and the Integrated Transport Manager. • Human Rights implications: N/A • Equalities and Diversity implications: N/A • Risk Management implications: N/A • Crime and Disorder implications: N/A • Environment and Sustainability implications: N/A 		
<p>Section and Reference</p>	<p>Existing Text</p>	<p>Proposed amendment including revised text if appropriate</p>

<p>Officer Delegation Scheme</p> <p>Section 10: Director of Commissioning and Asset Management</p> <p>CAM22 and CAM23</p>	<table border="1"> <tr> <td></td> <td>Non-attendance at school</td> </tr> <tr> <td>CAM22</td> <td>To deal with all cases of non-attendance at school.</td> </tr> <tr> <td>CAM23</td> <td>To grant leave of absence to pupils in special cases.</td> </tr> </table> <p>Reason for proposed change:</p> <p>Functions carried out by individual schools and not by the Local Authority</p>		Non-attendance at school	CAM22	To deal with all cases of non-attendance at school.	CAM23	To grant leave of absence to pupils in special cases.	<p>To be removed and numbering on the following delegations to be adjusted accordingly.</p>
	Non-attendance at school							
CAM22	To deal with all cases of non-attendance at school.							
CAM23	To grant leave of absence to pupils in special cases.							
<p>Implications of proposed change:</p> <ul style="list-style-type: none"> • Finance and other resource implications: N/A • Legal implications: N/A • Consultation/Engagement undertaken (internal and external): N/A • Human Rights implications: N/A • Equalities and Diversity implications: N/A • Risk Management implications: N/A • Crime and Disorder implications: N/A • Environment and Sustainability implications: N/A 								
<p>Section and Reference</p>	<p>Existing Text</p>	<p>Proposed amendment including revised text if appropriate</p>						

<p>Officer Delegation Scheme</p> <p>Section 12: Director of Environment, Housing & Leisure</p> <p>EHL6, EHL164, EHL168 and EHL170</p>	<table border="1"> <thead> <tr> <th data-bbox="600 228 719 272">Ref</th> <th data-bbox="730 228 1659 272">General</th> </tr> </thead> <tbody> <tr> <td data-bbox="600 280 719 427">EHL6</td> <td data-bbox="730 280 1659 427">To enter into negotiations with persons who lease premises from the Authority, to incorporate a covenant into such contracts forbidding tenants from having in possession or supplying combat knives or other offensive weapons.</td> </tr> <tr> <th data-bbox="600 435 719 480">Ref</th> <th data-bbox="730 435 1659 480">Cultural and Leisure</th> </tr> <tr> <td data-bbox="600 488 719 564">EHL164</td> <td data-bbox="730 488 1659 564">To determine applications relating to sites for circuses and caravan rallies.</td> </tr> <tr> <td data-bbox="600 572 719 671">EHL168</td> <td data-bbox="730 572 1659 671">To negotiate terms for the letting of appropriate sites under the control of Environment and Leisure services for fairs and circuses.</td> </tr> <tr> <td data-bbox="600 679 719 746">EHL170</td> <td data-bbox="730 679 1659 746">To determine applications for the use of metal detectors on land under the control of Environment and Leisure services.</td> </tr> </tbody> </table>	Ref	General	EHL6	To enter into negotiations with persons who lease premises from the Authority, to incorporate a covenant into such contracts forbidding tenants from having in possession or supplying combat knives or other offensive weapons.	Ref	Cultural and Leisure	EHL164	To determine applications relating to sites for circuses and caravan rallies.	EHL168	To negotiate terms for the letting of appropriate sites under the control of Environment and Leisure services for fairs and circuses.	EHL170	To determine applications for the use of metal detectors on land under the control of Environment and Leisure services.	<p>No change to text.</p> <p>Delegation to be moved to Commissioning & Asset Management under the Strategic Property sub-heading.</p>
Ref	General													
EHL6	To enter into negotiations with persons who lease premises from the Authority, to incorporate a covenant into such contracts forbidding tenants from having in possession or supplying combat knives or other offensive weapons.													
Ref	Cultural and Leisure													
EHL164	To determine applications relating to sites for circuses and caravan rallies.													
EHL168	To negotiate terms for the letting of appropriate sites under the control of Environment and Leisure services for fairs and circuses.													
EHL170	To determine applications for the use of metal detectors on land under the control of Environment and Leisure services.													
<p>Reason for proposed change:</p> <p>Changes due to the deletion of the Director of Environment, Housing & Leisure post requiring all EHL delegations to be reassigned to alternative Directors.</p>														
<p>Implications of proposed change:</p> <ul style="list-style-type: none"> • Finance and other resource implications: N/A • Legal implications: N/A • Consultation/Engagement undertaken (internal and external): Consultation carried out with SMT and Allison Mitchell • Human Rights implications: N/A • Equalities and Diversity implications: N/A • Risk Management implications: N/A • Crime and Disorder implications: N/A • Environment and Sustainability implications: N/A 														

	Proposed by: Mary Nergaard Service Area: Commissioning & Asset Management Contact Tel. No: 0191 643 8091
	Head of Service sign-off: (please insert a cross in the box) <input checked="checked" type="checkbox"/>

Constitution and Associated Documents – Proposed Changes

Section and Reference	Existing Text	Proposed amendment including revised text if appropriate
Contract standing orders Whole document	<p>All references to Head of Law and Governance and Head of Service(s)</p> <p>All references to Procurement Manager now Strategic Commercial and Procurement Manager</p>	<p>Replace all references to Head of Law and Governance and Head of Service(s) with Director and Director(s)</p> <p>Replace Procurement Manager with Strategic Commercial and Procurement Manager</p>
<p>Reason for proposed change: To reflect current organisational structure</p>		
Contract standing orders: Whole document	<p>All reference to European Procurement</p> <p>All reference to Official Journal of the European Union</p>	<p>To be replaced with UK procurement legislation</p> <p>To be replaced with Find a Tender Service</p>
<p>Reason for proposed change: To comply with current legislative requirements</p>		
Contract standing orders, Section 3	New Section 3 (4) to be to added	Section 3 (4) The proposed contract should be appended to the waiver with any associated insurances and accreditations as required.

		Confirmation of financial viability of the contractor as set out in [INSERT PARAGRAPH REF] will be required.
	Reason for proposed change: To ensure due diligence is carried out on all contractors	
Contract standing orders: Section 8 (5)	(5) Where it is proposed to undertake a procurement exercise and the estimated total cost of the works/services to be procured will or is reasonably expected to exceed £500,000 in value, a report must be submitted to Cabinet. The report must include details of the works/services concerned, the financial implications over the whole length of any proposed contract and the procurement method to be utilised. The approval of the Cabinet is required to enable the procurement to be progressed	(5) Where it is proposed to undertake a procurement exercise and the estimated total cost of the works/services to be procured will or is reasonably expected to exceed £500,000 in value, a report must be submitted to Cabinet. Bi-annually a report will be presented to Cabinet detailing the procurements over £500,000. The relevant Director will be responsible for agreeing the specification and award criteria.
	Reason for proposed change: To reflect current practice.	
Contract standing orders: Section 8 (6)	(f) The instruction of, advice from or service provided by counsel or instructions to solicitors to act on the Council's behalf; (g) Procurements made through or on behalf of any consortium, association or similar body provided that tenders or quotations are invited and contracts placed in accordance with procedures which are broadly equivalent to	To be removed and lettering adjusted accordingly

	<p>these Standing Orders and also comply with any National or EU Legislation;</p> <p>(i) Purchases, works and services required by the Assistant Chief Executive/appropriate Director of Service so urgently as not to permit compliance with the requirements of competition. The urgency in this case must arise from unforeseen circumstances and not just failure to address the need for compliance in a timely manner. In any event the national and European procurement regulations will still apply;</p> <p>(j) Special education or social care contracts, if in the opinion of the Assistant Chief Executive/appropriate Director of Service and Director of Law and Governance, it is considered in the Council's interests and to meet its obligations under a relevant legislation (Guidance note attached as Appendix 3); and</p> <p>(k) The exercise of specified Statutory Grant Aid powers delegated to the Assistant Chief Executive/appropriate Director of Service.</p> <p>(o) Contracts for Out of Area GUM (Genito Urinary Medicine)</p>	
<p>Reason for proposed change: A process is undertaken in respect of those services</p>		

Contract standing orders Section 8	New Section 8 (7) to be added	(7) ICT contracts to £100,000 per annum where this is the purchase of licencing, software or a single source supplier at the discretion of the Strategic Commercial and Procurement Manager in consultation with the Chief Information Officer
Reason for proposed change: To reflect limited markets		
Contract standing orders Section 11 (3)	(3) All quotations between £10,001 and £50,000 in value must be returned in writing to the offices of the Procurement Manager or through the Council's electronic contracts management system. The Assistant Chief Executive/Director of Service is responsible for ensuring that such quotations are returned in an envelope pre marked with the word "Quotation" and the subject to which it relates or in a form prescribed by any electronic system used for the purpose. All quotations must be submitted by the time and date specified in the invitation as being the last time and date for receipt. A record of quotations received, opened and considered must be retained.	(3) All quotations between £10,001 and £50,000 in value must be returned through the Council's electronic contracts management system.
Reason for proposed change: We do not accept tenders in writing		
Contract standing orders Section 11 (4)	(4) The Procurement Manager must make arrangements for the receipt, registration and	To be removed

	<p>secure retention of all quotations valued between £10,001 and £50,000. All such quotations must be opened at one time with representatives of the Procurement Manager and the Assistant Chief Executive/Director of Service present and details recorded</p>	
	<p>Reason for proposed change: We do not accept tenders in writing</p>	
<p>Contract standing orders Section 12 (8) to (12)</p>	<p>(8) Where the Director of Law and Governance considers that a non-electronic tender exercise can be carried out, the invitation to tender instructions shall specify that no tender will be received unless it is:</p> <ul style="list-style-type: none"> (a) In a sealed tender envelope, which must bear the word "Tender", and the subject to which it relates; (b) In an envelope which bears no details of name, mark, slogan or logo of the firm on the exterior; (c) Returned to the Offices of the Director or Law and Governance; and (d) submitted by the time and date specified in the Invitation to Tender as being the last time and date for the receipt of tenders. <p>(9) The Director of Law and Governance must, on receipt of a non-electronic tender, indicate on the envelope the date and time of its receipt.</p>	<p>To be removed</p>

	<p>(10) Non-electronic tenders will be opened at one time by a representative of the Director of Law and Governance. Such tenders must only be opened at meetings pre-arranged by the Director of Law and Governance. The Procurement Manager, and the Assistant Chief Executive/relevant Director of Service must be represented at all non-electronic tender openings.</p> <p>(11) Prior to opening, the Director of Law and Governance must have details of:</p> <ul style="list-style-type: none"> (a) The type of goods or materials to be supplied or disposed of, or the work or service to be carried out; (b) The name of all potential tenderers; and (c) The date and time of receipt of each tender/quotation as recorded on the envelope. <p>(12) At the time the non-electronic tenders are opened, the Director of Law and Governance or their representative must record:</p> <ul style="list-style-type: none"> (a) The amount of each tender where appropriate; (b) The date of the opening of a tender; (c) The signatures of all persons present at the opening of each tender; (d) The reason for any disqualification of any tender; (e) The name of each organisation invited to tender but who did not submit a tender; 	
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	(f) Where possible the position by competitive order of value of tenders received; and ensure that: (g) The form of tender is initialled.	
	Reason for proposed change: We do not accept tenders in writing	
Contract standing orders Section 14 (1) and Section 15 (1)(d)	All references to European Regulations	To be replaced with Public Procurement Regulations 2015
	Reason for proposed change: To comply with current legislation	
Contract standing orders Section 16 (1)	(1) For contracts above £50,000, the evaluation team shall consider as part of its pre-qualification assessment and evaluation process whether a performance bond and/or a parent company guarantee (if applicable) shall be required from the preferred contractor.	(1) For contracts above £100,000, the evaluation team shall consider as part of its pre-qualification assessment and evaluation process whether a performance bond and/or a parent company guarantee (if applicable) shall be required from the preferred contractor.
	Reason for proposed change: To align with financial regulations, to allow value for money and to ensure SME's can bid for work	
Contract standing orders Section 16	New Section 16 (3) to be added	(3) Where a framework is established, preferred providers will be notified if due to their financial standing a bond is required, bonds will only be put in place when works are called off under the framework, the level of bond will be agreed due to the value of the

		goods/works and/or services and the financial standing of the tenderer.
	<p>Reason for proposed change: To reflect increase of frameworks in property services, this will add value as bonds will only be requested where necessary rather than on every occasion</p>	
Contract standing orders Section 17	<p>17. Post-Tender Negotiations (1) This Standing Order relates to negotiations after the receipt of a quotation or tender.</p> <p>(2) Negotiations can only be commenced after the Director of Resources and the Director of Law and Governance have given the Assistant Chief Executive/relevant Director of Service written approval of the procedure/s to be adopted to negotiate. A contract can be entered into only when the Director of Resources and the Director of Law and Governance have given written approval to the outcome of the negotiations.</p>	To be removed
	<p>Reason for proposed change: Negotiations only take place in accordance with Public Contracts Regulations and are not generally permitted.</p>	
Contract standing orders Section 21	New Section 21 (7) to be added	(7) Any extension to a contract shall be agreed in writing by the Chief Executive, Assistant Chief Executive or Directors of Service
	<p>Reason for proposed change:</p>	

	To reflect current practice.	
Contract standing orders After Section 25	New Section 26 to be added	26. Bidder Concerns Where a tenderer who raises concerns with the Procurement process the Director of Commissioning and Asset Management shall review the process undertaken. This review shall be limited to confirming that a fair, open and transparent process was undertaken. The technical judgement of the evaluation team shall not be questioned.
	Reason for proposed change: No current process – sits outside complaints procedure	
Implications of proposed change: <ul style="list-style-type: none"> • Finance and other resource implications: N/A • Legal implications: N/A • Consultation/Engagement undertaken (internal and external): N/A • Human Rights implications: N/A • Equalities and Diversity implications: N/A • Risk Management implications: N/A • Crime and Disorder implications: N/A 		

	<ul style="list-style-type: none">• Environment and Sustainability implications: N/A
	Proposed by: Sarah Heslop Service Area: Commissioning & Asset Management Contact Tel. No: 0191 643 5456
	Head of Service sign-off: (please insert a cross in the box) <input data-bbox="781 427 900 485" type="checkbox"/>

North Tyneside Council

Report to Council

19 May 2022

Title: Annual Appointments 2022/23

Portfolio(s): Elected Mayor

Cabinet Member(s): N Redfearn

Report from Service

Area: Law and Governance

Responsible Officer: Jackie Laughton, Monitoring Officer Tel: (0191) 6435724

Wards affected: All

PART 1

1.1 Executive Summary:

The Council is requested to approve the appointment of committees/sub committees, the appointment of chairs and deputy chairs of those committees/sub committees, the allocation of seats to the political groups on those committees/sub committees and the appointment of representatives to serve on outside bodies that exercise non-executive functions for the 2022/23 Municipal Year.

1.2 Recommendation(s):

It is recommended that Council:

1. approve the appointment of committees/sub committees for the 2022/23 municipal year and determine the number of seats for each committee as set out in paragraph 1.5.1.1 of the report;
2. approve the allocation of seats on committees/sub committees to political groups represented on the Council, and agree that the leaders of the political groups inform the Monitoring Officer of their respective groups' nominations of members to each committee/sub committee by 12 noon on Friday 20 May 2022;
3. approve the appointment of chairs and deputy chairs of committees/sub committees for the 2022/23 municipal year, as set out in paragraph 1.5.3.1 of the report;
4. approve the appointment of Mr Kevin Robinson and Mr Malcolm Wilkinson as the two co-opted members on the Audit Committee.

5. note the appointment of Reverend Michael Vine as the Church of England Diocesan representative and Mr Stephen Fallon as the Roman Catholic Diocesan representative on the Overview, Scrutiny and Policy Development Committee; and consider and determine whether or not it is appropriate to appoint any representative of other faiths/denominations to serve on the Committee;
6. note that the Elected Mayor will appoint at least one Councillor onto the Health and Wellbeing Board for the 2022/23. Municipal Year; and
7. approve the appointment of representatives to serve on outside bodies that do not exercise executive functions for the 2022/23 municipal year, as set out in Appendix 2 to this report.

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 14 April 2022.

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 Appointment of Committees/Sub Committees 2022/23

- 1.5.1.1 The Council is requested to appoint committees/sub committees for the 2022/23 municipal year as listed below.

Committee/Sub-Committee	No of Seats
Overview, Scrutiny and Policy Development Committee	15
Adult Social Care, Health and Wellbeing Sub-Committee	12
Children, Education and Skills Sub-Committee	12
Culture and Leisure Sub Committee	12
Economic Prosperity Sub-Committee	12
Environment Sub-Committee	12
Finance Sub-Committee	7
Housing Sub Committee	12
Appointments and Disciplinary Committee	7
Audit Committee	9 (7 elected/2 independent)
Licensing Committee	15
Planning Committee	11
Regulation and Review Committee	18
Standards Committee	9
Health and Well Being Board	See section 1.5.1.2

1.5.1.2 The Council established a Health and Wellbeing Board with effect from 1 April 2013 in accordance with the requirements of the Health and Social Care Act 2012.

As the Authority operates executive arrangements, the Elected Mayor may instead of or in addition to making a nomination of at least one Councillor onto the Board, be a member of the Board.

It is a matter for the Elected Mayor to nominate at least one Councillor onto the Board. The Authority's Constitution currently states that the membership of the Board will comprise five councillors to be nominated by the Elected Mayor.

The rules relating to the allocation of committee seats according to the political balance of the Council do not apply to the membership of the Board.

1.5.2 Allocation of Seats to Political Groups

1.5.2.1 The rules and requirements for securing political balance on Committees and Sub-Committees appointed by Local Authorities where applicable are contained in the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 as amended. It should be noted however that the rules relating to political balance do not apply to the Licensing Committee (or its sub-committees) established under the Licensing Act 2003.

1.5.2.2 The general effects of the balance rules on the Council are that it is under a duty to:

- (i) ensure that the membership of those bodies covered by the rules reflects the political composition of the Council as far as practicable;
- (ii) allocate seats on these bodies to the political groups in proportion to their numerical strength on the Council as far as practicable;
- (iii) accept a nomination made by the groups for the filling of seats allocated to them;
- (iv) review the allocation of seats to political groups at or as soon as practical after the Annual Council Meeting and at certain other specified times.

1.5.2.3 Section 15 of the Local Government and Housing Act 1989 requires the following principles to be applied in determining the allocation of committee seats to political groups:

- a) that not all the seats on the committee are allocated to the same political group;
- b)
- c) that the majority of the seats on the committee are allocated to a particular political group if that group has a majority of the authority's membership;

Having first satisfied a) and b) above then:

- c) the total of all seats on ordinary Committees shall be allocated to the groups in proportion to their respective political strengths on the Council.

Once a), b) and c) above have been satisfied then:

- d) the number of seats on other affected bodies (Sub-Committees/other bodies) shall also be allocated to the political groups in proportion of their respective political strengths on the Council.

1.5.2.4 Section 16(1) of the Local Government and Housing Act 1989 requires that, where a group has expressed its wishes as to the names of members to fill its allocated seats, Council is under a duty to give effect to those group wishes.

1.5.2.5 The Council composition is 52 Labour members (including the Elected Mayor) and 9 Conservative members

1.5.2.6 Details of the allocation of seats to political groups on committees will follow.

1.5.2.7 Nomination of Committee Members

The leaders of the political groups are requested to inform the Monitoring Officer of their respective groups' nominations of members to each of the above committees and sub committees, and also the Constitution Task Group and the Members Support Group, by 12 noon on Friday 20 Friday 2022.

1.5.3 Appointment of Chairs and Deputy Chairs of Committees/Sub Committees

1.5.3.1 The Council is requested to appoint Chairs and Deputy Chairs to its various Committees/Sub Committees for the 2022/23 municipal year as set out below.

	Committee/Sub Committee	Chair	Deputy Chair
1.	Overview, Scrutiny and Policy Development Committee		
2.	Adult Social Care, Health and Wellbeing Sub-Committee		
3.	Children, Education and Skills Sub-Committee		
4.	Culture and Leisure Sub-Committee		
5.	Economic Prosperity Sub-Committee		
6.	Environment Sub-Committee		
7.	Finance Sub-Committee		
8.	Housing Sub-Committee		
9.	Health and Wellbeing Board		
10.	Licensing Committee		
11.	Planning Committee		
12.	Regulation and Review Committee		
13.	Standards Committee		

1.5.3.2 In accordance with the Authority's practice, the Elected Mayor is Chair of the Appointments and Disciplinary Committee.

1.5.3.3 The Authority's Constitution requires that the two co-opted members of the Audit Committee shall fulfil the roles of Chair and Deputy Chair of the Committee. Mr Kevin Robinson currently serves as Chair of the Committee, with Mr Malcolm Wilkinson serving as Deputy Chair.

1.5.3.4 In accordance with the Audit Committee's terms of reference, the terms of office of Mr Robinson and Mr Wilkinson are due to expire in September 2023. The appointment of co-opted members is a matter reserved to the full Council, on the recommendation of the Chief Executive (and Section 151 Officer if the post holder is other than the Chief Executive). It is considered that Mr Robinson and Mr Wilkinson are suitably skilled and experienced persons who are knowledgeable in audit matters and have enhanced the work of the Audit Committee since their initial appointment in September 2013. The Council is therefore requested to approve the appointment of Mr Robinson and Mr Wilkinson.

1.5.4 Church representatives on Overview, Scrutiny and Policy Development Committee

1.5.4.1 The Council is requested to note the appointment of Reverend Michael Vine as the Church of England Diocesan representative and Mr. Stephen Fallon as the Roman Catholic Diocesan representative on the Overview, Scrutiny and Policy Development Committee. The Council is also requested to consider and determine whether or not it is appropriate to appoint any representative of other faiths/denominations to serve on the Committee.

1.5.5 Appointment of Representatives to serve on Outside Bodies exercising non-executive functions

1.5.5.1 The Council is requested to appoint representatives to serve on those outside bodies which do not exercise executive functions for the 2022/23 municipal year, as set out in Appendix 2 to this report.

1.6 Decision options:

The recommendations contained in this report are based on constitutional or legislative requirements. If more than one nomination is received for any position, a vote will be held with the nominee receiving the highest number of votes being appointed to the position.

1.7 Reasons for recommended option:

To ensure that the Council makes the various appointments set out in the report in accordance with the Authority's Constitution and the relevant legislation and that the necessary arrangements can be made to convene the meetings of the Authority.

1.8 Appendices:

Appendix 1: Allocation of seats on Committees/Sub Committees to political groups represented on the Council (to follow).

Appendix 2: List of Outside Bodies exercising non-executive functions.

1.9 Contact officers:

Lindsay Tomlinson – Law and Governance Tel. 643 4357
John Barton – Law and Governance Tel. 643 5354
Claire Emmerson – Resources Tel. 643 8109

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:

Local Government and Housing Act 1989

Local Government (Committees and Political Groups) Regulations 1990 and amendment Regulations

The Local Government and Public Involvement in Health Act 2007

North Tyneside Council Constitution

Results of Local Elections 5 May 2022

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

Allowances for the Committee/Sub Committee Chairs and Deputy Chairs are included in the 2022/23 budget for Law and Governance.

2.2 Legal

This report fulfils the requirement of the Authority's Constitution to appoint committees/sub committees and representatives to outside bodies that exercise non-executive functions at the Annual Council Meeting. Section 15 of the Local Government and Housing Act 1989 specifies the principles to be applied in determining the allocation of committee seats to political groups.

2.3 Consultation/community engagement

The group leaders have been consulted on the allocation of seats on each committee/sub-committee for the 2022/23 Municipal Year.

2.4 Human rights

The contents of the report are consistent with the requirements of the Human Rights Act 1998.

2.5 Equalities and diversity

There are no equalities and diversity implications arising directly from this report.

2.6 Risk management

As the recommendations are procedural and a recognised part of the business of the Annual Council meeting, no further risk assessment has been undertaken.

2.7 Crime and disorder

There are no direct crime and disorder implications arising from this report.

2.8 Environment and sustainability

There are no direct environment and sustainability implications arising from this report.

PART 3 - SIGN OFF

- Chief Executive X
- Director(s) of Service X
- Mayor/Cabinet Member(s) X
- Chief Finance Officer X
- Monitoring Officer X
- Assistant Chief Executive X

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Allocation of Committee Seats 2022/23

Appendix 1

		Labour	Conservative
Council Composition			
Committee	Total seats	seats	seats
Overview and Scrutiny	15	13	2
Finance Sub Committee	7	6	1
Economic Prosperity Sub Committee	12	10	2
Adult, Social Care, Health and Well Being Sub Committee	12	10	2
Children, Education and Skills Sub Committee	12	10	2
Culture and Leisure Sub Committee	12	10	2
Environment Sub Committee	12	10	2
Housing Sub Committee	12	10	2
Audit Committee	7	6	1
Licensing Committee	15	13	2
Planning Committee	11	9	2
Regulation and Review Committee	18	15	3
Appointments and Disciplinary Committee	7	6	1
Standards Committee	9	8	1
Totals	161	136	25
 Entitlement		136	25

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Appointments to Outside Bodies not exercising executive functions 2022/23

Body	Information	Appointments/ Nominations 2021/22	Appointments/ Nominations 2022/23
<p>Association of North East Councils Resources Task and Finish Group</p> <p>The Group has had a role for a number of years in considering the implications of Government finance policy, local government finance settlements, finance-related consultations and responses, etc.</p>	<p>2 Representatives must be elected. Annual Appointments (NOTE: Can appoint substitutes. Do not need to be specified)</p> <p>Meetings Venue County Hall, Durham Frequency as required Time Day</p>	<p>1. Councillor Anthony McMullen Substitute: Councillor D Cox</p> <p>2. Councillor Willie Samuel Substitute: Councillor N Craven</p>	<p>1. Substitute:</p> <p>2. Substitute</p>
<p>British Destinations</p> <p>Aims to work with members and national partners to foster and provide the support that enables them to maintain, develop and grow the social and economic contributions made by tourism and the visitor economy to local communities and to the UK as a whole.</p>	<p>1 Representative. Need not be elected but it is recommended that they are. Substitutes are permitted. Annual Appointment.</p> <p>Meetings Venue Union Jack Club, London Frequency Quarterly Time Day varies</p>	<p>1. Councillor S Day</p>	<p>1.</p>

Body	Information	Appointments/ Nominations 2021/22	Appointments/ Nominations 2022/23
<p>Local Government Association Assembly</p> <p>The Association provides for consultation as to the common interests of member authorities and for the discussion of matters relating to local government.</p>	<p>4 Representatives must be elected. Annual Appointments.</p> <p>Meetings Venue Annual Conference and London Frequency Twice yearly Time Day</p>	<p>1. Mrs N Redfearn, Elected Mayor 2. Councillor C Johnson 3. Councillor Janet Hunter 4. Councillor CA Burdis</p>	<p>1. 2. 3. 4.</p>
<p>Newcastle Airport Consultative Committee</p> <p>Aims to provide an effective forum to discuss all matters concerning the development and operation of the airport which have an effect on its users and the surrounding community</p>	<p>1 Representative. Need not be elected. Annual Appointment.</p> <p>Meetings Venue Newcastle Airport Frequency Quarterly Time 2.30pm (1½ hours duration) Day</p>	<p>1. Councillor M A Green</p>	<p>1.</p>
<p>North East Migration Partnership Members Forum</p> <p>To provide a forum for feedback on issues of significance that furthers the objectives of the Migration Partnership and its work and develop and foster political interest and knowledge on asylum and refugee issues.</p>	<p>1 Representative. Annual Appointment.</p> <p>Meetings Venue Various around the North East region Frequency Twice per year Time Day</p>	<p>1. Councillor S Cox</p>	<p>1.</p>

Body	Information	Appointments/ Nominations 2021/22	Appointments/ Nominations 2022/23
<p>North East Regional Employers Organisation</p> <p>Aim is to advise, support and represent member authorities in human resource management, management practice and industrial relations.</p>	<p>3 Representatives must be elected. Annual Appointments from July to July</p> <p>An employee of (a) an organisation represented on the Trade Unions' side of the Joint Council; or (b) a local or joint authority or admitted body and whose conditions of employment are within the scope of the Joint Council cannot be appointed as an employers' representative on the organisation.</p> <p>Meetings</p> <p>Venue Gateshead Frequency Twice per year Time Day</p>	<p>1. Councillor C Johnson 2. Councillor C Burdis 3. Councillor M Thirlaway</p>	<p>1. 2. 3.</p>
<p>North Tyneside Citizens Advice Bureau</p> <p>To provide advice and information to the people of North Tyneside.</p>	<p>1 Representative – the Cabinet Member for Community Engagement/Community and Voluntary Sector is appointed by virtue of office.</p> <p>Annual Appointment.</p> <p>Meetings</p> <p>Venue Within North Tyneside Frequency 4 - 5 times per year Time 5.30pm Day</p>	<p>1. Councillor C Burdis</p>	<p>1.</p>

Body	Information	Appointments/ Nominations 2021/22	Appointments/ Nominations 2022/23
<p>North Tyneside Veterans Committee</p> <p>The Committee was established in 1997 and assists voluntary and community groups with ceremonial events; the protection of war memorials and offers assistance on welfare matters to ex-service people.</p>	<p>1 Elected Representative.</p> <p>Meetings Venue Quadrant, North Tyneside Frequency Every 2 months Time 2.00pm Day Monday</p>	<p>1. Councillor A Newman</p>	<p>1.</p>
<p>Joint Overview and Scrutiny Committee for the North east & North Cumbria Integrated Care System and North and Central Integrated Care Partnerships</p> <p>The Committee was established in 2017 to enable the respective local authorities to jointly respond to any consultation in relation to the STP and any associated proposals for substantial developments and variations to health services.</p>	<p>3 Elected Representatives and 3 substitutes who must be non-executive Members</p> <p>Meetings Venue Gateshead Frequency Bi-monthly (initially) / As and when Time tbc Day tbc</p>	<p>1. Councillor T Brady 2. Councillor J Kirwin 3. Councillor T Mulvenna</p> <p>Substitutes: 1. Councillor P Richardson 2.Councillor E Parker- Leonard 3.Councillor J Mole</p>	<p>1. 2. 3.</p> <p>Substitutes 1. 2. 3.</p>
<p>Percy Hedley School Governors Board</p> <p>Charity providing services for children and adults with cerebral palsy, sensory, speech, language and communication difficulties.</p>	<p>1 Representative. Need not be elected. Annual Appointment. Substitutes are permitted.</p> <p>Meetings Venue tbc Frequency Monthly Time 6.00pm Day Monday</p>	<p>1.Councillor Pat Oliver</p>	<p>1.</p>

Body	Information	Appointments/ Nominations 2021/22	Appointments/ Nominations 2022/23
<p>Standing Advisory Council on Religious Education</p> <p>Statutory body which advises on matters concerned with religious worship and on religious education to be given.</p>	<p>4 Representatives must be elected. Annual Appointments including appointment of Chair of SACRE, previously made by the Council's former Education Committee in line with current constitution of SACRE.</p> <p>Meetings Venue Quadrant Frequency: Once or twice per term Time 4.15pm Day</p>	<p>1. Councillor P Earley (Chair) 2. Councillor G Bell 3. Councillor M Thirlaway 4. Councillor L Bell</p>	<p>1. 2. 3. 4.</p>
<p>Wallsend Charitable (Victor Mann) Trust</p> <p>To promote the welfare and comfort of and provide housing accommodation for the elderly poor inhabitants of the former Borough of Wallsend.</p>	<p>Up to 10 Nominees. Need not be elected. Three-year appointments expire May 2024. Nominees should ideally be from the area of the former Borough of Wallsend and have an interest in the welfare of the elderly residents of that area.</p> <p>Meetings Venue Quadrant, North Tyneside Frequency AGM, as and when required Time Day</p>	<p>1. Councillor John Hunter 2. Councillor Wendy Lott 3. Councillor Julie Cruddas 4. Councillor G Madden 5. Councillor L Bell 6. Councillor J Montague 7. Ms M Heal 8. Ms L Harvey 9. Nigel Huscroft 10. Mrs L Spillard</p>	<p>1. Councillor John Hunter 2. Councillor Wendy Lott 3. Councillor Julie Cruddas 4. Councillor G Madden 5. Councillor L Bell 6. Councillor J Montague 7. Ms M Heal 8. Ms L Harvey 9. Nigel Huscroft 10. Mrs L Spillard</p>

Body	Information	Appointments/ Nominations 2021/22	Appointments/ Nominations 2022/23
<p>Cullercoats Education Trust</p> <p>To promote the education, including social and physical training of persons resident in the area comprising the ecclesiastical parishes of St Paul and St George, Cullercoats.</p>	<p>2 Nominees. Need not be elected. Substitutes are <u>not</u> permitted.</p> <p>Four-year appointments.</p> <p>Current appointments expire end of April 2023</p> <p>The Council cannot change its nominees once they have been accepted by the organisation for the term of office.</p> <p>Meetings</p> <p>Venue #</p> <p>Frequency Bi-annually</p> <p>Time #</p> <p>Day #</p>	<p>1.Councillor W Samuel 2.Councillor S Graham</p>	<p>1.Councillor W Samuel 2.Councillor S Graham</p>
<p>Kettlewell Education Foundation</p> <p>Makes grants to young people to help with academic and vocational studies as well as those interested in music and the arts and have special talents in sport.</p>	<p>4 Representatives. Need not be Elected Substitutes are <u>not</u> permitted.</p> <p>Three-year appointments expire May 2023.</p> <p>Meetings</p> <p>Venue Quadrant, North Tyneside</p> <p>Frequency Twice yearly</p> <p>Time Afternoon</p> <p>Day Varies</p>	<p>1. Councillor P Oliver 2. Councillor P Earley 3. Councillor Janet Hunter 4. Councillor S Day</p>	<p>1. Councillor P Oliver 2. Councillor 3. Councillor Janet Hunter 4. Councillor S Day</p>

North Tyneside Council

Report to Annual Council

19 May 2022

Title: Overview and Scrutiny Annual Report 2021/22

Portfolio(s): Elected Mayor

Cabinet Member(s): Norma Redfearn

Report from Service Area: Law and Governance

Responsible Officer: John Barton
Principal Lawyer

Tel: (0191) 643 5354

Wards affected: All

PART 1

1.1 Executive Summary:

The Authority's Constitution requires the Overview and Scrutiny Annual Report to be received at the Annual Council Meeting each year. Accordingly, the Annual Overview and Scrutiny Report for 2021/22, which provides a summary of work of the Authority's overview and scrutiny function over the previous year, is attached as Appendix A.

1.2 Recommendation(s):

Council is requested to note and receive the Overview and Scrutiny Annual Report 2021/22.

1.3 Forward Plan:

This report first appeared on the Forward Plan that was published in April 2022.

1.4 Council Plan and Policy Framework

This report does not relate directly to any of the themes/programmes/projects in the Our North Tyneside Plan.

1.5 Overview and Scrutiny Annual Report 2021/22

1.5.1 At the end of each municipal year a report is produced which summarises the activities and performance of scrutiny over the last year and sets out the approach to the development of the work programme for the year ahead.

1.5.2 Attached at Appendix A is the Overview and Scrutiny Annual Report 2021/22. The report particularly highlights the involvement of scrutiny in policy development, and sets out

some of the achievements of the Overview, Scrutiny and Policy Development Committee and its sub-committees through the various pieces of work undertaken during the year.

1.5.3 The report was considered and agreed by the Overview, Scrutiny and Policy Development Committee on 14 March 2022.

1.5.4 Members are recommended to note and receive the report as attached.

1.6 Decision options:

The following decision options are available for consideration by Council:

Option 1

To note and receive the Overview and Scrutiny Annual Report for 2021/22.

Option 2

To refer the Overview and Scrutiny Annual Report for 2021/22 back to the Overview, Scrutiny and Policy Development Committee for further consideration.

Option 1 is the recommended option.

1.7 Reasons for recommended option:

Option 1 is recommended for the following reason:

The Annual Report of the Overview, Scrutiny and Policy Development Committee for 2021/22 provides a record of the work of the Committee over the past year.

1.8 Appendices:

Appendix A - Overview and Scrutiny Annual Report for 2021/22.

1.9 Contact officers:

Joanne Holmes – Democratic Services Officer – Tel: (0191) 643 5315

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 Constitution
- Reports and Minutes of Overview, Scrutiny and Policy Development Committee and its sub committees 2021/22.

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

There are no financial implications arising from this report.

2.2 Legal

The report is submitted in accordance with the Authority's constitutional requirement for the Annual Overview and Scrutiny report to be received at the Annual Council meeting.

2.3 Consultation/community engagement

2.3.1 Internal Consultation

The Overview, Scrutiny and Policy Development Committee, at its meeting on 14 March 2022, considered and approved the Annual Report and referred it to this Annual Council meeting.

2.3.2 External Consultation/Engagement

There has been no external consultation in relation to the Annual Report as it relates to the internal governance of the Authority.

2.4 Human rights

There are no human rights issues arising from this report.

2.5 Equalities and diversity

There are no equalities and diversity issues arising from this report.

2.6 Risk management

There are no risk management issues arising from this report.

2.7 Crime and disorder

There are no crime and disorder issues arising from this report.

2.8 Environment and sustainability

There are no environment and sustainability issues arising from this report.

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Overview and Scrutiny Annual Report 2021-22



Date: March 2022

Author: Overview, Scrutiny and Policy Development Committee



Introduction

Welcome to the Overview and Scrutiny Annual Report 2021-22.

This report provides an overview of the work of the Overview, Scrutiny and Policy Development Committee, and sub-committees during 2021-22.

Although the year was impacted by the ongoing Covid pandemic, scrutiny has seen a welcome return to in-person committee meetings throughout the year, while continuing to benefit from the ability of members to meet remotely for informal and study group meetings. This flexibility and has been a useful to tool which has proved beneficial in allowed external organisations and contacts to easily attend and contribute to study group meetings and evidence sessions.

Scrutiny has continued to play an important role in scrutinising the Covid situation in the borough across the year, the response of the Council and external agencies to changing circumstances, and the plans for the recovery and future development of services.

The role of Overview and Scrutiny

The role of overview and scrutiny is to provide a 'critical friend' challenge to the Cabinet (and other decision makers), whilst also assisting in the development of key policies and plans.

Overview, Scrutiny and Policy Development involves councillors of all political parties, as leaders of their communities, examining the delivery of services and influencing decision makers to ensure that they meet the needs, and improve the lives, of people in North Tyneside. It does this by:

- a) reviewing and challenging the impact of decisions and actions taken by the Elected Mayor, Cabinet and partner organisations;
- b) carrying out investigations into services and policy areas of interest and concern to communities in North Tyneside;
- c) involving communities in its work and reflecting their views and concerns; and
- d) supporting and assisting the Elected Mayor, Cabinet and partner organisations in the formulation of their future plans, strategies and their decision making by making evidence-based recommendations to them on how services can be improved.

Over recent years there has been an emphasis on promoting and developing the policy development role of overview and scrutiny. As the scrutiny committees adapted their work through the pandemic, there has been a focus on scrutinising the ongoing covid situation, the recovery of services delivered by the Council and partners in the Borough, and also lessons learned and new ways of working. This has also included some scrutiny of policy development, with a number of scrutiny reviews underway contributing to the main themes and objectives set out in the new Council Plan:

- A thriving North Tyneside
- A secure North Tyneside
- A family friendly North Tyneside
- A caring North Tyneside
- A green North Tyneside
- Working together

Update from the Overview, Scrutiny and Policy Development Committee

The Overview, Scrutiny and Policy Development Committee has undertaken a full programme of work across the municipal year.

Engagement with the Executive is important, and the Committee has continued its custom to seek the attendance of Cabinet Members to its meetings where items within their portfolio are discussed. The relationship with the executive and scrutiny works well in this respect and Cabinet Members are regular attendees. This includes the Elected Mayor who attended the October 2021 meeting to address the Committee and set out her priorities for the year.

During 2021/22 the Committee received information on the recovery programme objectives from a local, regional and national perspective and the impact on the Authority. It has considered the 2022/2026 Financial Planning and Budget Process, including the associated Engagement Strategy, and continued to scrutinise the Efficiency Savings Programme 2021/22, receiving regular progress updates. It continues to monitor performance update reports with respect to the partnership with Capita.

The Committee has scrutinised proposals for the new performance measures following the refresh of the Our North Tyneside Plan in line with the Council's policy framework. The Committee made a number of comments to feed into the development of the plan and engagement strategy, including

- Ensuring that a comprehensive engagement process is in place and that no individuals or groups were missed, and in particular to ensure the views of young people and economically disadvantaged groups were sought.
- To consider including reducing mortality rates as a priority in the plan within the Secure North Tyneside theme.
- To ensure increased integration across the Council and Partners in relation to the Environment.
- To consider how the Our North Tyneside Plan would be eventually marketed, with a priority on action towards environment net-zero

Overview, Scrutiny & Policy Development Committee: Budget Scrutiny

The Overview, Scrutiny and Policy Development Committee again established a Budget Sub-group to conduct its important role of being a critical friend to Cabinet and providing challenge to the budget.

The membership of the Budget Sub-group was opened to non-executive members from both parties and ten members joined the Sub-group. Two meetings were held with

information presented by officers from across all directorates, with the Cabinet Member for Finance and Resources also in attendance for the initial full day session. The Sub-group produced a report and conclusions which were subsequently reported to the Overview, Scrutiny and Policy Development Committee and Cabinet as part of the budget-setting process.

Overview, Scrutiny & Policy Development Committee: Completion of the review into the Engie Partnership

Overview, Scrutiny & Policy Development Committee established a sub-group in 2020/21 to undertake a review of the partnership with Engie and the delivery of the contract which covers services ICT, Finance, Human Resources, Revenue & Benefits and Customer Services. The reviews findings were considered by Overview, Policy and Development Committee in June 2021, and referred to Cabinet. In August 2021 Cabinet provided a response to the recommendations and all recommendations were agreed.

Update from the Scrutiny Sub-committees

Finance Sub-committee

The Finance Sub-committee has continued to examine the Council's Financial Management Reports on a regular basis, including monitoring the forecast outturn positions for the General Fund, the Housing Revenue Account and the Investment Plan. It has continued to receive update information of the effects of Welfare Reform and on the Business and Technical Partnership Risks.

The Sub-committee has also requested and received information on the operation of the Poverty Intervention Fund and the High Needs Block of the Dedicated Schools Grant.

Following discussions with the Chair of the Sub-committee and the Head of Resources the following financial training sessions were held for the benefit of scrutiny members:

- Local Governance Finance & Financial Governance within North Tyneside.
- Treasury, Capital and Borrowing.

These sessions were open to all members and were held via Teams, with around 40 members attending one or more sessions.

Adult Social Care, Health and Wellbeing Sub-committee

Over the year, the Sub-committee has considered reports and presentations on a range of topics, including:

- Regular covid updates covering public health and adult social care;
- The recovery of Cancer services following disruption due to Covid;
- Suicide prevention in North Tyneside;
- Specialist drug and alcohol services in North Tyneside;
- The Safeguarding Adults Board Annual Report 2020-21, and proposed changes to Board structures going forward.
- The role of the NHS in addressing Health Inequalities.

Members of the sub-committee are also represented on the Joint Overview and scrutiny committee for the North-East & North Cumbria Integrated Care System and North and Central Integrated Care Partnerships, which was established to scrutinise the development of the North-East and North Cumbria Integrated Care System. Members have provided regular updates to the Sub-committee following meetings of this Committee.

Home Care Study Group

The Sub-committee has established a Study Group to undertake a review of Home Care provision in the borough. and to review the recently established joint Home Care pilot with Northumbria NHS Healthcare Trust. The Study Group has six members and has met on a regular basis since November. The Group has gathered evidence from a range of Council officers and external organisations and contacts, including home care providers, Healthwatch, the North Tyneside Carer's Centre, Unison, front line care staff and carers of those in receipt of home care. The review is almost complete and the group will be producing a report with their recommendations to Cabinet in the next few weeks.

Northumbria Healthcare Foundation Trust: Annual Quality Account

The Sub-committee welcomed the opportunity to submit the annual statement to Northumbria Healthcare Foundation Trust for inclusion in the published Quality Account for 2020-21. This covered views on the Trust's performance over the year as set out in the Quality Account and the priorities identified by the Trust for 2021-22.

Economic Prosperity Sub-committee

During 2021-22 the Economic Prosperity Sub-Committee have focused on the following areas:

- The State of the Economy in North Tyneside and regional recovery plans for employment and transport;
- Good work pledge – the Sub-Committee have considered the outcome of the pilot Good Work Pledge developed by the North of Tyne Combined Authority, to enable employers to understand the key elements of “good work”, what they can do to achieve this for their employees, and what support is available to help them get there.
- Members have considered a range of information in relation to how the Council is supporting town centres, including work with local communities to preserve and develop town centres, learning from the experience of the pandemic, providing support where needed, and looking at innovative business and housing use for town centres, as well as retail. As part of this exercise Members asked to be presented with a range of information, including:
 - a) town centre maps showing the location and nature of vacant properties;
 - b) data relating to the numbers of licensing applications and planning applications for change of use;
 - c) a comparison of vacancy rates in high streets and shopping centres such as the Killingworth Centre; and
 - d) any information or research into the performance of town centres in North Tyneside
- Flexible Working – Exploring how the Council can support and benefit from new ways of working and the implications of change e.g. on business rate receipts and the development of co-working spaces in town centres.
- Office Property Market – The sub-committee spoke to specialists working in the office property market to better understand the issues facing the sector as a result of the pandemic.
- Successful Businesses - investigating success stories of businesses who have been attracted to the area and how they envisage the future in terms of an inclusive economy, a green industrial revolution, skills and training and the office property market.

Green Skills Sub-group

The Economic Prosperity Sub-Committee agreed to examine the Council’s approach to adapting to a green industrial revolution and ensuring people have the right skills for the future green jobs. Working in conjunction with members of the Children, Education and

Skills and Environment Sub-Committees, a sub-group was appointed to focus on how the local workforce might be equipped with the required skills, qualifications and accreditations to upgrade building insulation and ventilation and switch energy source from gas to green electricity.

The sub-group has met with a wide range of officers, stakeholders and partners to:

- a. Consider the steps required to ensure residential, public, commercial and industrial buildings in the borough have the lowest possible carbon emissions to support the Council's 2030 net zero ambition;
- b. Analyse the skills, qualifications and accreditations that will need to be gained by the local workforce so that:
 - i. they are equipped to deliver energy efficient buildings;
 - ii. the need for imported skills is avoided; and
 - iii. the borough benefits from the low carbon economic growth; and
- c) Identify sources of funding that could be accessed for skills and training from a variety of sources to support the local economy.

The Sub-group will review and reflect on this evidence with a view to making recommendations to the Elected Mayor and Cabinet on how the Council and its partners might stimulate the local training market so that the required skills, qualifications and accreditations can be taught to our residents by North Tyneside based providers.

Housing Sub-committee

The Housing Sub-committee has reviewed a number of issues over the year, including:

- An update on Community Protection, looking at the impact of the Covid-19 pandemic on housing related anti-social behaviour;
- The impact of the end of the ban on evictions, brought in during the pandemic, and the support available to residents;
- Considering the benefits realised in relation to the Construction Project;
- Looking at quality control measures for empty homes prior to lettings;
- Monitoring progress on the delivery of affordable homes;

In January the sub-committee met with the Police and Crime Commissioner and received an update on the delivery of the Police and Crime Plan. The discussion focussed on women's safety, safety on public transport, low level crime and anti-social behaviour.

Environment Sub-committee

The Environment Sub Committee has considered a range of issues over the year including:

- the provision of facilities for electric vehicle charging in North Tyneside.
- Considering the Authority's procurement processes to see how they contribute to the Authority's environmental aspirations and how the procurement service can support each department to minimise its environmental impact through its purchasing processes;
- An examination of the work of the Authority in supporting businesses in the aspiration for a Plastic Free North Tyneside;
- An examination of the steps taken by the Authority to reduce food waste;
- The Young Mayor and the Youth Cabinet Member were invited to attend a meeting of the Sub-committee to advise on the environmental issues of concern to young people;

Culture and Leisure Sub-committee

The Culture and Leisure Sub-Committee have considered a range of items over the year. This has included:

- Information on the consultation on the Cultural Strategy ahead of the launch of the consultation;
- Active North Tyneside - receiving details of the Authority's Active North Tyneside programme;
- In March 2022 the Sub-committee held their meeting at Segedunum Roman Fort and Museum and considered a number of reports including a report on the Hadrian Wall 10-year investment plan, the Hadrian 1900 Festival, and plans for Jubilee beacons for the Queen's Platinum Jubilee. The meeting was preceded by an opportunity for members to have a guided tour of the site.

Children, Education and Skills Sub-committee

The Children, Education and Skills Sub-committee has considered a range of matters over the year.

In relation to the Covid-19 pandemic, the Sub-committee has:

- Considered the response of the Council's Children's Services, Early Help and Social Care Services to introduce different ways of working, whilst maintaining the highest standards of safeguarding practice and support to children and families.
- Examined the impact of the Covid-19 pandemic on children and education, including infection rates and the number of outbreaks from September 2021, and an update on the vaccination programme in schools.
- Reviewed the work of the Local Authority officers in their support of schools during 2020-21, and the impact seen in pupils' attainment and wellbeing as a result of the pandemic.
- Considered information on the support for children with Special Educational Needs and Disabilities (SEND) during the pandemic. This included funding to schools for SEND support, and an update on data on children's attendance and exclusion data.

The Sub-committee has also received information on:

- the health of young people in the borough and health inequalities;
- learning from a Serious Case Review published in April 2021;
- the use and spend of the Poverty Intervention Fund which is aimed at alleviating the impact of poverty on families and individuals across the Borough;
- work undertaken in 2021 around exploitation including: Missing, Slavery, Exploitation (both criminal and sexual) and Trafficked (MSET), the current key priorities, work that had been completed to date by North Tyneside and partners in response to exploitation and an overview of the current cohort of children and young people at risk of exploitation and the interventions being completed with them;
- information on the Relationships Education, Relationships and Sex Education (RSE) and Health Education Policy, online safety concerns, the Ofsted review main findings, and work being done as a result of the findings of a recent safeguarding audit sent to schools on peer-on-peer abuse.
- the Signs of Safety model of best practice which North Tyneside Children's Services had adopted in 2017 in relation to child protection practice.

The Sub-committee also received an update on the action plan approved by Cabinet in response to the report of the Children's Readiness for School Sub-Group which had been completed during 2020-21.

Chairs and Deputy Chairs

The Chairs and Deputy Chairs of all the Committees/Sub-committee have met on two occasions this year to consider the work of the scrutiny committee/sub-committees.

The Chairs and Deputies have also been involved in some tailored training focussed on their role as scrutiny chairs and looking at scrutiny essentials and how to develop scrutiny going forward.



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North Tyneside Council

Report to Annual Council

19 May 2022

Title Standards Committee Annual Report: 2021-22

Portfolio(s): Elected Mayor	Cabinet Member(s): Mrs N Redfearn
Report from Service Area:	Law and Governance
Responsible Officer:	Jacqueline Laughton Monitoring Officer Tel: (0191) 643 5724
Wards affected:	All

PART 1

1.1 Executive Summary

To submit the Standards Committee's Annual Report for 2021-22.

1.2 Recommendation(s)

Council is requested to note and receive the Standards Committee's Annual Report for 2021-22.

1.3 Forward Plan

This report first appeared on the Forward Plan that was published in April 2022.

1.4 Council Plan and Policy Framework

This report does not relate directly to any of the themes/programmes/projects in the Our North Tyneside Plan.

1.5 Standards Committee Annual Report 2021-22

1.5.1 The Standards Committee is responsible for:

- the promotion of ethical standards within the Authority,
- helping to secure adherence to the Members' Code of Conduct,
- monitoring the operation of the Code within North Tyneside,
- promoting and reviewing the Whistleblowing Policy for Members,
- reviewing complaints made against Members in respect of alleged breaches of the Members' Code of Conduct and conducting hearings following investigation; and
- determining complaints made against Councillors in respect of alleged breaches of the Code of Conduct.

The Standards Committee Annual Report 2021-22 is attached at Appendix 1.

The report provides further background information regarding the Standards Committee and sets out the work undertaken by the Committee and its Sub-Committee over the municipal year.

The Committee will consider its work programme for the new municipal year 2022-23 at its first meeting of the new municipal year in June 2022.

1.7 Decision options

The following decision options are available for consideration by Council:

Option 1

To note and receive the Annual Reports of the Standards Committee for 2021/22.

Option 2

To refer the Annual Report of the Standards Committee for 2021/22 back to the Standards Committee for further consideration.

Option 1 is the recommended option.

1.8 Reasons for recommended option

Option 1 is recommended for the following reason:

The Annual Report of the Standards Committee for 2021/22 provides a record of the work of the Standards Committee over the past year.

1.9 Appendices

Appendix 1 - Standards Committee Annual Report 2021/22.

1.10 Contact officers

John Barton – Deputy Monitoring Officer, Law and Governance – Tel: (0191) 643 5354
Joanne Holmes – Democratic Services Officer – Tel: (0191) 643 5315

1.11 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:

The Localism Act 2011.

The Code of Conduct for Members and Co-opted Members.

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

There are no financial implications arising from this report.

2.2 Legal

The Localism Act 2011 places a statutory duty on the Authority to promote and maintain high standards of conduct by its elected and co-opted Members and adopt a Code dealing with the conduct that is expected of Members and Co-opted Members when they are acting in that capacity. It also requires the Authority to appoint at least one Independent Person whose views are sought and taken into account before it makes a decision on how a complaint should proceed.

2.3 Consultation/community engagement

2.3.1 Internal Consultation

The Standards Committee at its meeting on 7 April 2022 considered and approved the Annual Report and referred it to this Council meeting.

2.3.2 External Consultation/Engagement

There has been no external consultation in relation to the Annual Report as it relates to the internal governance of the Authority.

2.4 Human rights

There are no human rights issues arising from this report.

2.5 Equalities and diversity

There are no equalities and diversity issues arising from this report.

2.6 Risk management

There are no risk management issues arising from this report.

2.7 Crime and disorder

There are no crime and disorder issues arising from this report.

2.8 Environment and sustainability

There are no environment and sustainability issues arising from this report.

PART 3 - SIGN OFF

- Chief Executive X
- Director(s) of Service X
- Mayor/Cabinet Member(s) X
- Chief Finance Officer X
- Monitoring Officer X
- Assistant Chief Executive X

Standards Committee



Annual Report 2021-22

Chair's Foreword

As Chair of the Standards Committee, I am pleased to present the Committee's Annual Report, which outlines the work undertaken by the Committee in 2021-22.

The Standards Committee remains committed to working with and supporting Members of the Council to ensure that they respect the Code of Conduct and uphold the standards expected of those in public life.

Over the last year, the Standards Committee has worked closely with officers to complete a review the Code of Conduct and the Local Arrangements for Dealing with Complaints under the Code of Conduct. The revised documents have been recommended to Council on the basis that they will ensure that good governance and ethical standards continue to reflect best practice.

I would like to thank all of the Committee Members, the Independent Persons and Officers who I have worked with over this last year in relation to my role of Chair of the Standards Committee and look forward to productive year ahead.

Councillor F Lott
Chair of the Standards Committee

1. Standards Committee

1. Introduction

At the end of each municipal year the Standards Committee submits for the consideration of Council an annual report summarising the work the Committee has carried out during the previous year.

This report comprises the Annual Review covering the period April 2021 to March 2022, together with background information regarding the standards regime established within North Tyneside Council. All references to 2021-22 in the report refer to this time period.

2. Background Information

The Code of Conduct for Elected Members and Co-opted Members ('the Code' or 'The Code of Conduct')

The Localism Act 2011 requires the Authority to have a Code of Conduct. In 2012 North Tyneside Council ("the Authority") adopted a code which sets out the conduct that is expected of elected and co-opted members of the Authority when they are acting in that capacity. The Code was developed regionally between Cumbria, Durham, Gateshead, Newcastle, North Tyneside, North Yorkshire, Northumberland, South Tyneside and Sunderland councils.

The Code applies whenever a member (a) conducts the business of the Authority (including the business of their office as an elected member or co-opted member) or (b) acts, claims to act or gives the impression they are acting as a representative of the Authority.

'Co-opted member' means any person who is a member of any committee or sub-committee of the Authority with a right to vote but who is not one of its elected members.

The Code is intended to be consistent with Nolan's Seven Principles of Public Life, and should be read in the light of those principles, namely that Authority Members will act with selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

The Monitoring Officer

The Monitoring Officer holds a statutory role and is responsible for promoting and maintaining high standards of conduct and for reporting any actual or potential breaches of the law and maladministration to the full Council and/or to the Cabinet (as set out in s.5(1) of the Local Government and Housing Act 1989).

The Monitoring Officer and their team administer the local arrangements for addressing complaints made under the Code of Conduct.

The Monitoring Officer's role includes the assessment and review of every complaint received under the Code of Conduct. Following consultation with the Authority's Independent Persons and consideration of the initial comments of the subject member the Monitoring Officer decides whether the complaint will be investigated. The decision will be

based on whether the allegation, if proved, would constitute a failure to observe the Code of Conduct and the application of the Authority's adopted assessment criteria.

The Monitoring Officer may also consider that a complaint can be reasonably resolved informally and will discuss this option with the complainant and subject member where appropriate.

Independent Persons

The Authority has appointed three Independent Person(s) who are invited to attend all meetings of the Standards Committee. The appointment of Independent Persons is determined by a meeting of Full Council.

The Independent Person(s) must be consulted by the Authority before it makes a decision on a matter that has been referred to it for investigation. They can also be consulted by the Authority in respect of a code of conduct complaint at any other stage and can also be consulted by a member or co-opted member of the Authority against whom a complaint has been made.

The Independent Persons do not form part of a quorum but may be invited to attend where considered appropriate by the Sub-Committee.

The Standards Committee

The Standards Committee is responsible for the promotion of ethical standards within the Authority, helping to secure adherence to the Code, monitoring the operation of the Code, promoting and reviewing the Whistleblowing Policy for Members, and conducting hearings following investigation and determining complaints made under the Code.

The Standards Committee's terms of reference are set out in Part 3, Paragraph 3.5(E) of North Tyneside Council's Constitution (the Constitution).

The Committee and its Sub-Committee conduct proceedings in accordance with:

- Article 9 of the Constitution; and
- the Authority's Local Arrangements for dealing with complaints under the Code of Conduct for Members

The Standards Sub-Committee

The Standards Sub-Committee receives and considers reports from Investigating Officers in relation to allegations of breaches of the Code.

Where a Final Report from an Investigating Officer recommends a finding that there is no breach of the Code, the Sub-Committee determines whether to accept the report; refer the report back to the Investigating Officer if it is considered incomplete; or refer the report to a hearing in accordance with the Authority's Local Arrangements for dealing with complaints under the Code of Conduct for Members.

Where a Final Report from an Investigating Officer recommends a finding that there has been a breach of the Code the Sub-Committee undertakes a hearing in accordance with the Authority's Local Arrangements for dealing with complaints under the Code.

The Standards Sub-Committee is responsible for granting dispensations to the Elected Mayor, Members and Co-opted Members from requirements relating to interests set out in the Code.

The Sub-Committee also has responsibility for undertaking such further functions of the Standards Committee as may be delegated to the Sub-Committee in respect of the handling of complaints against the elected Mayor, elected Members or Co-opted Members.

3. Training for Standards Committee Members

Initial and refresher training for Members serving on the Standards Committee of the Authority is important to ensure the probity and credibility of the Authority's decision making processes. Members are required to undertake basic training through the Authority's member induction programme, on election or re-election, before they can serve on the Standards Committee. This training includes the duties and responsibilities of the Standards Committee.

Other than in exceptional circumstances, as determined in each case by the Monitoring Officer in consultation with the Mayor and Group Leaders, any Member who has not undertaken the training will not continue to serve on the Committee.

Training is also provided for the Independent Persons appointed by the Authority in order to ensure they are able to carry out their role.

4. Standards Committee Membership 2021/22

In 2021/22 the Standards Committee comprised the following Members: Councillor Frank Lott (Chair), Councillor Wendy Lott (Deputy Chair), Councillor Lewis Bartoli, Councillor Brian Burdis, Councillor Debbie Cox, Councillor Eddie Darke, Councillor Janet Hunter, Councillor Pat Oliver, and Councillor Matthew Thirlaway.

5. The Authority's Independent Persons

The Authority has three Independent Persons who were appointed in July 2018 for a period of four years. The Independent Persons are Mr George Clark, Ms Stella Gardner and Dr Stuart Green.

6. Committee and Sub-Committee Meetings in 2021/22

At the start of each year the Standards Committee usually agree its Work Programme/Action Plan for the year, which is then monitored at meetings throughout the year.

The Sub-committee agreed a Work Programme/Action Plan for 2021-22, at its meeting in June 2021. An update on the Work Programme/Action Plans is attached at Appendix 1 to this report and is commented upon further in paragraph 10 below.

The Standards Committee met on 3 occasions in 2021-22. The dates of these meetings were:

- 10 June 2021
- 3 November 2021
- 7 April 2022

The Standards Sub-Committee met on the following three occasions during 2021-22:

- 17 September 2021 – to undertake an initial assessment of three Code of Conduct complaints
- 27 October 2021 – to undertake a review of a Code of Conduct complaint
- 17 February 2022 – to consider applications for dispensations under the Code of Conduct.

7. Complaints under the Code of Conduct for Members and Co-opted Members

During 2021-22, 14 complaints of potential breaches of the Code of Conduct were received.

Table 1 below details how each complaint was dealt with on assessment and provides details of the previous years to 2012-2013.

Table1

Local Assessment Decisions	No action	Informal resolution	Referred for Investigation	Total
2021/22	9	0	2	11*
2020/21	3	1	0	4
2019/2020	13	4	0	17
2018/2019	10	3	2	15
2017/2018	6	2	1	9
2016/2017	4	1	0	5
2015/2016	15	0	0	15
2014/2015	13	1	10	24
2013/2014	0	0	1	1
2012/2013	11	5	1	17

*3 complaints are currently outstanding and awaiting assessment.

8. Reviews of Initial Assessment Decisions

If a complainant is dissatisfied with an initial assessment decision they may seek a review. Reviews are undertaken by the Monitoring Officer in consultation with the Independent Persons and the Chair of the Standards Committee.

In 2021/22 there were 3 requests for a review of the initial assessment. Following the review, the original decision was upheld in each case.

In 2020/21/ there were 0 requests for a review of the initial assessment decision.

In 2019/20 there were 0 requests for a review of the initial assessment decision.

In 2018/19 there were 4 requests for a review of the initial assessment decision. Following the review, the original decision was upheld in each case.

In 2017/18 there were no requests for the review of the initial assessment decision.

In 2016/17 there was 1 request made for the review of the initial assessment decision. Following the review, the original decision was upheld.

In 2015/16, 1 request was made for a review of the initial assessment. Following the review, the original decision was upheld.

In 2014/15, 6 requests were made for a review of the initial assessment. Following the reviews, the original decisions were upheld.

In 2012/13 and 2013/14 there were no requests for the review of the initial assessment decision.

9. Decisions on complaints following investigation

During 2021-22 there were 2 complaints referred for investigation and an external investigator has been appointed to investigate the complaints.

10. Review of Standards Committee Work Programme and Action Plan for 2020-21

The Standards Committee's Work Programme/Action Plan for 2021-22 is attached at Annex 1. Matters of particular note are summarised below.

The Standards Committee met on 3 occasions during the year. The matters undertaken include:

A. Review of Code of Conduct and Local Arrangements

The main piece of work undertaken by the Standards Committee during 2021-22 was to establish a working group to review both the Code of Conduct and the Local Arrangements for Dealing with Complaints received under the Code of Conduct. These were both reviewed

in the light of guidance and a new model Code of Conduct published by the Local Government Association.

The Code of Conduct Working Group drafted an amended Code of Conduct based on the LGA model Code, and also suggested amendments to the Local Arrangements, including a clearer 2-stage process to be used in assessing whether complaints should be referred for investigation. The proposed changes were referred to the Standards Committee for agreement and will now be considered by the Constitution Task Group before being referred to the Annual Council meeting for adoption.

B. Dialogue with Members and Officers

The Standards Committee has responsibility for the Authority's statutory duty for promoting and maintaining high standards of conduct by elected Members and co-opted Members of the Council.

Over recent years the Committee has had a programme of invited guests aimed at developing a dialogue between the Committee, and members and appropriate Officers relating to ethical governance and ethical standards. In June, Cllr Lott provided his views to the Committee on governance and standards relating to his time as Chair of Planning Committee.

C. Member Visits to Neighbouring Authorities

At the beginning of the municipal year, the Chair indicated an intention to attend Standards Committee meetings at neighbouring authorities. Due to Covid restrictions these visits have not yet taken place, but Members have had an opportunity to view an informal Standards Committee meeting held in a neighbouring authority that was held remotely and live-streamed.

11. Conclusion

The Committee's aim is to continue to develop and maintain the Authority's ethical governance framework for the benefit of the Authority and ultimately local people. The Committee is looking forward to the next year.

The Standards Committee Work/Action Plan up to 31 March 2022

The Standards Committee is responsible for the Authority's statutory duty to promote and maintain high standards of conduct by the Elected Mayor, Councillors and Co-opted Members. The Committee has worked to discharge this duty by undertaking the following actions:

Action	Why	By When	Progress
<ol style="list-style-type: none"> 1. Establish a working group (as agreed at the April 2021 meeting) to review the Code of Conduct against the LGA model Code of Conduct and guidance, and consider any changes to be made. 2. The working group to report the outcome to Standards Committee by November 2021. 	<p>To ensure that the Code of Conduct is in line with best practice.</p>	<p>Ongoing</p>	<p>The Working Group considered the Code of Conduct against the LGA model Code of Conduct and guidance and recommended substantial changes to the Code in line with the model Code.</p> <p>The recommendations of the Working Group were reported to the Standards Committee on 3 November 2021. It was agreed that the revised Code should be referred to the Constitution Task Group, with a recommendation from the Committee that the revised code be accepted and referred to full Council for approval.</p>

<p>3. To expand the remit of the Code of Conduct Working Group to review the Council's Local Arrangements for Dealing with Complaints Against Councillors, in the light of recent guidance from the LGA.</p>	<p>To ensure that the Authority's Local Arrangements meet the requirements and expectations of the Members and the relevant legislation, and is in line with best practice.</p>	<p>Ongoing</p>	<p>The Working Group has undertaken a review of the Local Arrangements against the LGA guidance and has recommended some revisions to the Local Arrangements. The revised document was considered by the Standards Committee in April and referred to the Constitution Task Group.</p>
<p>4. To continue to develop an ongoing programme of meetings with invited guests, including the Elected Mayor, the Chief Executive, Senior Leadership Team, Group Leaders, the Chair and Deputy Chair of Council and the Chairs of the Overview and Scrutiny Committee and the Planning Committee and other Regulatory Committees.</p>	<p>To develop a dialogue between the Committee, and members and appropriate Officers relating to ethical governance and ethical standards.</p>	<p>Ongoing</p>	<p>The Chair provided his views to the Committee in June in relation to his time as Chair of Planning Committee.</p>
<p>5. Regional meetings of the Chairs and Deputy Chairs of Standards Committees and Independent Persons be arranged in consultation</p>	<p>To provide an opportunity to share knowledge and best practice.</p>	<p>Ongoing</p>	<p>Due to disruptions caused by the Coronavirus pandemic this has not been progressed during 2021-22.</p>

with other regional authorities			
6. The seek opportunities for members to attend Standards Committee meetings at neighbouring authorities.	To provide an opportunity to understand ethical governance and standards issues in other Authorities and aid best practice.	Ongoing	Neighbouring authorities contacted about future meeting dates. Members had an opportunity to view on-line meetings of a neighbouring authority in January 2022.
7. To review training available to all Council Members on ethical governance, ethical standards issues including arrangements with respect to the Code of Conduct; granting of dispensations, the use of Social Media and declaring interests	To ensure all members receive information on ethical governance, ethical standards to minimise risk of unwitting breaches of the Code of Conduct.	Ongoing	Recent training has included an additional element on social media. Following positive feedback there is an intention to continue to include information on social media in future training sessions.
8. To seek the further promotion with all Members of the Authority's e-learning training on the use social media.	To assist the Authority to fulfil is statutory duty to promote and maintain high standards of conduct.	Ongoing	As above
9. Continue production of Annual Standards Committee Report	Presentation of Annual Report of the work of the Committee during the previous 12 months.	By end of each municipal year.	Completed.

<p>10. To provide training to the Independent Persons on their role, this to include invitations to relevant training for Members.</p>	<p>To ensure that the Authority's Independent Persons understand their role in relation to ethical governance and the Code of Conduct for Members as well as the disciplinary procedures for Statutory Officers.</p>	<p>Ongoing</p>	<p>Ongoing</p>