



Council

North Tyneside Council

To All Members of the Council

Wednesday, 20 November 2019

You are hereby summoned to attend the Meeting of the 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, 28 November 2019** for the transaction of the following business.

**Agenda
Item**

Page(s)

1. **Public Questions**

There were no valid questions received from members of the public for this meeting.

2. **Apologies**

3. **To receive any Declarations of Interest**

You are invited to declare any registerable and/or non-registerable interests in matters appearing on the agenda, and the nature of that interest.

Please complete the Declarations of Interests card available at the meeting and return it to the Democratic Services Officer before leaving the meeting.

You are also invited to disclose any dispensation from the requirement to declare any registerable and/or non-registerable interests that have been granted to you in respect of any matters appearing on the agenda.

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 5358.

Contact Officers

David Brown (0191) 643 5358

Paul Wheeler (0191) 643 5318

<u>Agenda Item</u>	<u>Page(s)</u>
4. Minutes of the meeting held on 26 September 2019 (previously circulated)	3 - 8
5. Motions No valid Motions have been received for consideration at this meeting.	
6. Report of the Independent Remuneration Panel A report to consider the recommendation of the Independent Remuneration Panel in relation to the Members' Allowances Scheme for 2020/21.	9 - 18
7. In- year review of the Constitution To consider a report and recommendations on proposed amendments to the Constitution.	19 - 38
8. Common Seal To agree the Common Seal being affixed to all deeds and documents required for carrying into effect the various decisions of the Council made since its last meeting.	
9. Chair's Announcements To receive any announcements by the Chair of Council.	
10. Elected Mayor's Announcements To receive any announcements by the Elected Mayor.	
11. Questions by Members of the Council There were no valid questions received for a response at this meeting.	

Yours faithfully



Chief Executive

Local Government Act 1972

Borough of North Tyneside

Thursday, 26 September 2019

At the meeting of the Council of the Borough of North Tyneside duly convened and held on Thursday, 26 September 2019 at 6.00 pm in Chamber - Quadrant, The Silverlink North, Cobalt Business Park, North Tyneside, NE27 0BY at which a quorum of Members were present, that is to say: -

Present

Councillor W Lott (Chair)
N Redfearn (Elected Mayor)

Councillor J Allan	Councillor A Austin
Councillor G Bell	Councillor L Bell
Councillor T Brady	Councillor B Burdis
Councillor C Burdis	Councillor J Cassidy
Councillor K Clark	Councillor S Cox
Councillor N Craven	Councillor E Darke
Councillor L Darke	Councillor C Davis
Councillor D Drummond	Councillor P Earley
Councillor R Glindon	Councillor M Green
Councillor J Harrison	Councillor Janet Hunter
Councillor John Hunter	Councillor N Huscroft
Councillor C Johnson	Councillor K Lee
Councillor F Lott	Councillor G Madden
Councillor T Mulvenna	Councillor P McIntyre
Councillor A McMullen	Councillor M Hall
Councillor J Mole	Councillor A Newman
Councillor J O'Shea	Councillor P Oliver
Councillor A Percy	Councillor S Phillips
Councillor B Pickard	Councillor M Rankin
Councillor M Reynolds	Councillor W Samuel
Councillor J Stirling	Councillor M Thirlaway
Councillor J Walker	Councillor J Wallace
Councillor K Barrie	Councillor L Bartoli
Councillor J Cruddas	Councillor L Miller
Councillor E Parker-Leonard	Councillor P Richardson
Councillor M Wilson	

Apologies: Councillor S Brockbank, Councillor D Cox, Councillor S Day, Councillor S Graham, Councillor J Kirwin, Councillor M Madden and Councillor F Weetman

C29/19 To receive any Declarations of Interest

There were no declarations of interest or dispensations reported..

C30/19 Minutes of the meeting held on 25 July 2019

Resolved that the minutes of the Council meeting held on 25 July 2019 be taken as read, confirmed and signed by the Chair.

C31/19 Annual Audit Letter - 2018-19

Council received the 2018/19 Annual Audit Letter from the Authority's appointed auditors Ernst Young. The full Letter, covering the period 1 April 2018 to 31 March 2019, was attached as Appendix A to the report.

Councillor R Glindon welcomed Mr Stuart Kenny, Ernst Young to the meeting, who presented the Annual Audit Letter.

The Letter covered:

- The overall conclusion in respect of the Authority's Financial Statements which included the annual governance statement;
- The assessment of arrangements to achieve value for money in the Authority's use of resources;
- Future challenges facing the Authority; and
- Fees payable to Ernst Young for 2018/19.

Ernst Young had issued an unqualified opinion on the Authority's accounts for 2018/19 and an unqualified Value for Money conclusion.

The Cabinet Member for Finance and Resources thanked Ernst Young for their work.

It was moved by Councillor R Glindon and seconded by Councillor A McMullen that:

Council notes the contents of the Annual Audit Letter.

The motion, on being put to the meeting, was approved by 53 votes to 0 votes.

C32/19 Review of Polling Places and Polling Districts

Council received the results of the review of polling places and polling districts.

The review met the requirement to be undertaken between October 2018 and January 2020. The report set out the Returning Officer's final proposals for polling districts and polling places as a result of the review and in the light of the responses received during the review process.

Council was required to formally consider the results of the Statutory Review of Polling Places and Polling Districts and to publish its findings by 31 January 2020.

In moving the report, Councillor B Pickard stated that further consideration needed to be given to polling places and polling districts in Camperdown Ward and proposed that this be undertaken through consultation with the Ward Members.

It was moved by Councillor B Pickard and seconded by Councillor C Burdis that:

- (1) the outcome of the Statutory Review of Polling Places and Polling Districts be noted;
- (2) the Returning Officer's proposals, as modified by the proposed change following the receipt of representations in relation to Riverside Ward, as set out in Appendix 1, be approved subject to (3) below;
- (3) the Returning Officer, in consultation with the Camperdown Ward Councillors, be authorised to determine any changes to polling places and polling districts within Camperdown Ward as part of the review; and
- (4) the Returning Officer be authorised to publish the Review of Polling Places and Polling Districts as agreed by Council and following the outcome of further consultation in respect of Camperdown Ward as referred to in (3) above, at Quadrant, The Silverlink North, Cobalt Business Park, NE27 0BY, in at least one place within the constituencies and on its website.

The motion, on being put to the meeting, was approved by 53 votes to 0 votes.

C33/19 Common Seal

Resolved that the Common Seal be affixed to all deeds and documents required for carrying into effect the various decisions of the Council made since its last meeting.

C34/19 Chair's Announcements

The Chair informed Council that she would be hosting a Charity Ball at the Village Hotel on 15 February 2020 for the North East Air Ambulance Service and Operation Veteran charities and tickets would be available in the near future.

C35/19 Elected Mayor's Announcements

The Mayor thanked all those people who had taken part in various charity events over the Summer, including those who had joined her in the recent Stride out to the Lighthouse Walk on 31 August 2019 that had raised more than £800 for the Tynemouth Volunteer Life Brigade.

The Mayor also thanked those who had supported the Charity Dinner at Spanish City on Friday 20 September 2019.

The Mayor congratulated Councillor Gary Bell and Laura Potter, Armed Forces Officer on being awarded an Employer Recognition Scheme Gold Award by the Ministry of Defence in recognition of the outstanding support provided to the Armed Forces community.

The Mayor informed Council that in the last 5 years, 6,415 jobs had been created in North Tyneside, with an additional 1,500 jobs coming when Sage relocated its operations to the Cobalt Business Park.

The Mayor referred to the many events that had taken place in the Borough over the Summer, including many cycling events which had ended with the Tour of Britain coming through the Borough.

The Summer had also seen the introduction of the new programme of Picnics in the Park,

where films had been shown on a large screen in the parks, and over 3,000 families had enjoyed watching family films whilst having a picnic.

The Mayor finally paid tribute to the staff who worked within Adult and Children's Social Care, stating that staff working in this arena, often in very difficult circumstances, were often overlooked for the tremendous work they did.

C36/19 Questions by Members of the Council

1. Question to the Elected Mayor by Councillor K Barrie

Can the Mayor tell me what the current quality of water levels are within Cullercoats Harbour?

Councillor C Johnson responded on behalf of the Elected Mayor as follows;

Northumbrian Water are responsible for the quality of bathing water within the Cullercoats Harbour area.

Water quality results are announced every Autumn by the Environment Agency and for 2018 this was poor.

To look at what poor water quality means in term of compliance by the Environment Agency, it is based on the previous 4 years of sample data taken by the Agency between May and September every year to assess the bathing water against strict regulations.

While almost all the samples at Cullercoats Bay indicate a healthy condition, a small number of spikes have led to the overall categorisation.

I am surprised that Councillor Barrie has needed to ask this question in a meeting of full Council given that this information, relating to his own ward, is not only publicised on the Environment Agency's website but was also discussed at length at his Ward briefing today, which he did not attend and it's also referenced on beach signage at Cullercoats.

Councillor K Barrie asked the following supplementary question:

Can the Mayor confirm that swimmers were not advised to use the harbour due to possible risk in respect to the poor quality of the water, yet the paddle boarders were not restricted?

Councillor C Johnson responded as follows;

The new rating will be announced very soon this year as to what poor water quality means and if you've see the signage in your Ward it tells you exactly what swimmers are advised and not advised to do.

But we know the coastline is a great part of North Tyneside and is a large part of our tourist offer and even though it's Northumbrian Water's responsibility, we have worked really hard with our partners and between us more than 500 hours and tens of thousands of pounds have been invested in finding a solution to the water quality in Cullercoats Bay.

A range of actions have already been undertaken to understand and resolve complex issues on privately-owned sites and public sites in the Ward, as well as in the Northumbrian Water

network, including:

- DNA analysis to identify sources of pollution
- 100 properties checked and 10 misconnected pipes repaired
- 3,000m of pipe inspected with cameras
- 150m of pipe coated with a special lining to prevent leaks
- Suspected 'pollution pathways' inspected using a special dye
- 80 highways gullies checked for misconnections and pipework failures
- Six soakaways / gullies sealed to prevent foul water entering the ground
- Issues at private properties resolved
- More than 200 water samples taken

Weekly water testing has been undertaken since May this year and the results will be announced very soon in November when we hope to see an improvement as a result of the actions taken - the actions taken not just by the Council and its partners but also by Ward Councillors in Cullercoats Councillors Karen Lee and Willie Samuel who have constantly been pushing me on this issue all year and have been getting in touch to ensure we get the water quality back to Cullercoats to what it should be because we want our water and coast and every beach in North Tyneside to have a blue flag and hopefully this will be the case in November this year.

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North Tyneside Council Report to Council Date: 28 November 2019

Title: Report of the Independent Remuneration Panel

Portfolio(s): Elected Mayor	Cabinet Member(s): Mrs N Redfearn	
Report from Service Area:	Law and Governance	
Responsible Officer:	Bryn Roberts, Head of Law and Governance	Tel: (0191) 643 5339
Wards affected:	All	

PART 1

1.1 Executive Summary:

This report requests the Council to consider the recommendation of the Independent Remuneration Panel in relation to the Members' Allowances Scheme for 2020/21.

The Authority is required to have in place a scheme for Members' Allowances and is required to have regard to the recommendations of the Independent Remuneration Panel when determining its Members' Allowance Scheme.

1.2 Recommendation(s):

It is recommended that Council:

- (1) consider the recommendations of the Independent Remuneration Panel; and
- (2) agree a Scheme of Members' Allowances for 2020/21, including the adoption of a parental leave policy for Members.

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 11 October 2019.

1.4 Council Plan and Policy Framework

This report has no direct relevance to the Authority's Our North Tyneside Plan priorities or to the Policy Framework.

1.5 Information

Each local authority is required to establish and maintain an Independent Remuneration Panel. The purpose of the Panel is to make recommendations to full Council about the allowances to be paid to Elected Members.

The members of the Panel are Mr John Anderson CBE, Mr Les Watson, formerly of the Audit Commission and Dr Rachid Zemouri, Managing Director of ICAS Limited.

The Council is required to renew its Members' Allowance Scheme for each financial year.

Under the Local Authorities (Members Allowances) (England) Regulations 2003 (as amended) the Authority is required to have regard to the recommendations of the Independent Remuneration Panel when considering any changes to its Members' Allowances Scheme.

The level of Members' Allowances has been reviewed and consideration has been given to the current position regarding Basic and Special Responsibility Allowances. The Panel's recommendation is to make no changes to the level of allowances.

In previous years it has been agreed that Members' allowances will be index linked to the annual pay award for employees working under the National Joint Council for Local Government Services National Agreement on Pay and Conditions of Service.

The Panel considered the continuation of the index linked approach and its recommendation is to continue on this basis for the 2020/21 financial year.

The Panel will continue to monitor the Members' Allowances Scheme to ensure that the allowances reflect the level of duty/responsibility in the future.

The Panel also recommends that the Council approve the introduction of a parental leave policy for Members, including the payment of allowances for those Members taking parental leave and the payment of a Special Responsibility Allowance (SRA) if appropriate where a replacement Member is appointed to an SRA position held by the Member taking parental leave.

1.6 Decision options:

The following decision options are available for consideration by Council:

Option 1

Approve the recommendations of the Independent Remuneration Panel;

Option 2

Refer the matter back to the Independent Remuneration Panel for further consideration of specific issues identified by Council; or

Option 3

Defer consideration of the matter to obtain appropriate advice on the implications of any alternative proposals.

1.7 Reasons for recommended option:

Option 1 is recommended for the following reasons:

The Authority is required to have in place a Members' Allowances Scheme before 1 April each year having had regard to the recommendations of the Independent Remuneration Panel.

1.8 Appendices:

Appendix: Report of the Independent Remuneration Panel November 2019.

1.9 Contact officers:

Paul Wheeler, Democratic Services Officer, Law and Governance, (0191) 643 5318
Claire Emmerson, Senior Manager Financial Planning and Strategy, 0191 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:

- North Tyneside Council Constitution
- North Tyneside Members' Allowances Scheme
- Local Authorities (Members Allowances) (England) Regulations 2003 (as amended).

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

The payment of Members' allowances under the proposed Members Allowance Scheme for 2020/21 and any additional Special Responsibility Allowances payable in respect of cover arrangements under the proposed parental leave policy, will be met from existing budgets in Law and Governance. It is not anticipated that the cost implications of introducing the policy will be significant; however, any variations will be reported as part of the usual financial management arrangements.

2.2 Legal

The Council is required to approve a Members' Allowances Scheme before the beginning of each financial year, following advice from the Independent Remuneration Panel, in accordance with the Local Authorities (Members Allowances) (England) Regulations 2003 (as amended).

2.3 Consultation/community engagement

2.3.1 Internal Consultation

The Elected Mayor, Deputy Mayor and Head of Law and Governance have been consulted as part of the Independent Remuneration Panel's preparation of the report. The Constitution Task Group have been consulted on the proposed parental leave policy, as the introduction of such a policy will require a change to the Authority's Constitution (see agenda item 7).

2.3.2 External Consultation/Engagement

There has been no external consultation or engagement on the report of the Independent Remuneration Panel.

2.4 Human rights

There is currently no legal right to parental leave for elected Members. Members taking maternity, shared parental or adoption leave retain their ability under Section 85 of the Local Government Act 1972 to attend a meeting of the Council within a consecutive six-month period unless the reason for failure to attend is due to some reason approved by full Council prior to the expiration of that six-month period.

2.5 Equalities and diversity

The approval by the Council of a parental leave policy for Members will improve provision for new parents which will contribute towards increasing the diversity of experience, age and background of elected Members alongside retaining experienced, and particularly female Members. It will also make public office more accessible to individuals who might otherwise feel excluded from becoming a Member of the Council.

2.6 Risk management

The risks associated with this report will be managed in accordance with the North Tyneside Council risk management process.

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
- Head(s) of Service
- Mayor/Cabinet Member(s)
- Chief Finance Officer
- Monitoring Officer
- Head of Corporate Strategy and Customer Service

Report of the North Tyneside Independent Remuneration Panel

2019

Executive Summary

The views of the Independent Remuneration Panel are required to be taken into account by the Council when considering any changes to the Members' Allowances Scheme. The Panel has been requested to consider and make recommendations in relation to the Members' Allowances Scheme for the 2020/21 financial year.

The Panel **recommends** that (1) the Members' Allowances Scheme for 2020/21 remain unchanged subject to (2) below; and
(2) a Parental Leave Policy for Members be introduced, as set out in Appendix 1 to this report.

1.0 INTRODUCTION

1.1 The Remuneration Panel was initially appointed in 2003 under the provisions of the Local Authorities (Members Allowances) (England) Regulations 2003. These regulations replaced the Local Authorities (Members Allowances) (England) Regulations 2001.

1.2 The Terms of Reference are as follows: -

- a) To consider issues and representations relating to Members' allowances and expenses.
- b) To make recommendations and provide advice to the Council

1.3 The current Panel comprises of Mr John Anderson CBE, Mr Les Watson, formerly of the Audit Commission and Dr Rachid Zemouri, Managing Director of ICAS Limited

2.0 BACKGROUND

2.1 The Panel is requested to give consideration to the current Members' Allowances Scheme and to make recommendations on the level of allowance for 2020/21.

3.0 MEMBERS' ALLOWANCE SCHEME

3.1 The Panel gave consideration to the Members' Allowances Scheme to determine if it was still set at an appropriate level.

3.2 In previous years it has been agreed that Members' allowances will be index linked to the annual pay award for employees working under the National Joint Council for Local Government Services National Agreement on Pay and Conditions of Service.

3.3 The Panel considered the continuation of the index linked approach and its recommendation is to continue on this basis for the 2020/21 financial year.

3.4 The Panel was made aware of the proposal for the Authority to adopt a parental leave policy for its members.

There is no uniform policy to support councillors who require maternity, paternity, adoption or parental leave. According to the Fawcett Society (2018 report) a 'lack of maternity/paternity provision or support' is a real barrier for women aged 18-44 to fulfil their role as a councillor and they called for the introduction of maternity rights at all councils, to make them more accessible for women.

To respond to this situation the Local Government Association (LGA) Labour Group is encouraging all Councils to draw up a policy to support councillors when they need to take time off after the birth or adoption of a child and a growing number of local authorities have either introduced such a policy (including Newcastle and Sunderland locally) or are in the process of doing so.

The policy allows councillors to step back from their duties of a councillor for up to 12 months after having a baby or adopting a child and still receive allowances and return to a position of equivalent standing on the Council, for example as a committee chair or cabinet member.

The Panel reviewed the detail of the proposed policy which is appended to this report.

The Panel will continue to monitor the Members' Allowances Scheme to ensure that the allowances reflect the level of duty/responsibility in the future.

3.5 The Panel **recommends** that:

(1) the Members' Allowances Scheme for 2020/21 remain unchanged, subject to (2) below; and

(2) a Parental Leave Policy for Members be introduced, as set out in Appendix 1 to this report.

4.0 BACKGROUND INFORMATION AND REFERENCES

- The Local Authorities (Members' Allowances) (England) Regulations 2003
- Previous reports of the Remuneration Panel
- Member's Allowances Schemes of Tyne and Wear Authorities, Mayoral Authorities and Statistical Neighbours
- Local Government Act 1972
- North Tyneside Council Constitution
- North Tyneside Members Allowances Scheme

Proposed Parental Leave Policy for Members

Introduction

This Policy sets out Members' entitlement to maternity, paternity, shared parental and adoption leave, and relevant allowances as agreed by North Tyneside Council on (date to be confirmed) for implementation from 1 April 2020.

The objective of the Policy is to ensure that insofar as possible Members are able to take appropriate leave at the time of birth or adoption, that both parents are able to take leave, and that reasonable and adequate arrangements are in place to provide cover for portfolio-holders in receipt of Special Responsibility Allowances (SRA) during any period of leave taken.

Improved provision for new parents will contribute towards increasing the diversity of experience, age and background of local authority councillors. It will also assist with retaining experienced councillors – particularly women – and making public office more accessible to individuals who might otherwise feel excluded from it.

There is at present no legal right to parental leave of any kind for people in elected public office.

1. Leave Periods

- 1.1 Members giving birth are entitled to up to 6 months maternity leave from the due date, with the option to extend up to 52 weeks with the agreement of the Head of Paid Service if required.
- 1.2 In addition, where the birth is premature, the Member is entitled to take leave during the period between the date of the birth and the due date in addition to the 6 months' period. In such cases any leave taken to cover prematurity of 28 days or less shall be deducted from any extension beyond the initial 6 months.
- 1.3 In exceptional circumstances, and only in cases of prematurity of 29 days or more, additional leave may be taken with the agreement of the Head of Paid Service, and such exceptional leave shall not be deducted from the total 52-week entitlement.
- 1.4 Members shall be entitled to take a minimum of 2 weeks paternity leave if they are the biological father or the nominated carer of their partner/spouse following the birth of their child(ren).
- 1.5 A Member who has made shared parental leave arrangements through their employment is requested to advise the Council of these at the earliest possible opportunity. Every effort will be made to replicate such arrangements in terms of leave from the Council.
- 1.6 Where both parents are Members, leave may be shared up to a maximum of 24 weeks for the first six months and 26 weeks for any leave agreed thereafter, up to a maximum of 50 weeks. Special and exceptional arrangements may be made in cases of prematurity.
- 1.7 A Member who adopts a child through an approved adoption agency shall be entitled to take up to six months adoption leave from the date of placement, with the option to extend up to 52 weeks with the agreement of the Head of Paid Service if required.
- 1.8 Any Member who takes maternity, shared parental or adoption leave retains their legal duty under the Local Government Act 1972 to attend a meeting of the Council within a

six-month period unless the Council meeting agrees to an extended leave of absence prior to the expiration of that six-month period.

- 1.9 Any Member intending to take maternity, paternity, shared parental or adoption leave will be responsible for ensuring that they comply with the relevant notice requirements of the Council, both in terms of the point at which the leave starts and the point at which they return.
- 1.10 Any Member taking leave should ensure that they respond to reasonable requests for information as promptly as possible, and that they keep officers and colleagues informed and updated in relation to intended dates of return and requests for extension of leave.

2. Basic Allowance

- 2.1 All Members shall continue to receive their Basic Allowance in full whilst on maternity, paternity or adoption leave.

3. Special Responsibility Allowances

- 3.1 Members entitled to a Special Responsibility Allowance shall continue to receive their allowance in full in the case of maternity, paternity, shared parental or adoption leave.
- 3.2 Where a replacement is appointed to cover the period of absence that person shall receive an SRA on a pro rata basis for the period of the temporary appointment.
- 3.3 The payment of Special Responsibility Allowances, whether to the primary SRA holder or a replacement, during a period of maternity, paternity, shared parental or adoption leave shall continue for a period of six months, or until the date of the next Annual Meeting of the Council, or until the date when the Member taking leave is up for election (whichever is soonest). At such a point, the position will be reviewed, and will be subject to a possible extension for a further six-month period.
- 3.4 Should a Member appointed to replace the Member on maternity, paternity, shared parental or adoption leave already hold a remunerated position, the ordinary rules relating to payment of more than one Special Responsibility Allowance shall apply.
- 3.5 Unless the Member taking leave is removed from their post at an Annual Meeting of the Council whilst on leave, or unless the Party to which they belong loses control of the Council during their leave period, they shall return at the end of their leave period to the same post, or to an alternative post with equivalent status and remuneration which they held before the leave began.

4. Resigning from Office and Elections

- 4.1 If a Member decides not to return at the end of their maternity, paternity, shared parental or adoption leave they must notify the Council at the earliest opportunity. All allowances will cease from the effective resignation date.
- 4.2 If an election is held during the Member's maternity, paternity, shared parental or adoption leave, and they are not re-elected, or decide not to stand for re-election, their basic allowance and SRA if appropriate will cease from the Monday after the election date when they would technically leave office.

North Tyneside Council Report to Council Date: 28 November 2019

Title: In-Year Review of the Constitution

Portfolio(s): Elected Mayor	Cabinet Member(s): Mrs N Redfearn
Report from Service Area: Law and Governance	
Responsible Officer:	Bryn Roberts, Head of Law and Governance (Tel: (0191) 6435339)
Wards affected:	All Wards

PART 1

1.1 Executive Summary:

In previous years the annual review of the Constitution has taken place ahead of the Annual Council Meeting in May. This year it is proposed that the review is undertaken in two parts to enable certain proposed changes to be brought forward to the November Council meeting with the remaining items (such as the annual update of the Officer Delegation Scheme) following in early 2020 for consideration at the Annual Council meeting on 21 May 2020.

This report contains recommendations on proposed amendments to the Constitution in relation to the following items:

- Budget and Policy Framework – relating to the budget setting process
- Approval of the Authority’s Accounts – relating to the role of Audit Committee
- Common Seal – regarding arrangements for authorising and affixing the seal
- Parental Leave Policy for Elected Members – to consider the adoption of a discretionary policy setting out entitlement to maternity, paternity, shared parental and adoption leave and relevant allowances
- Contract Standing Orders – relating to Framework Agreements.

1.2 Recommendation(s):

It is recommended that Council:

- (1) approve the proposed changes to the Constitution set out in Appendix 1 to this report and refer the approved changes to the Elected Mayor for her consent in accordance with Article 15 of the Constitution; and
- (2) note the revised dates of meetings of Cabinet and Overview, Scrutiny and Policy Development Committee as part of the budget setting process, as set out in section 1.5.2 of 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 20 September 2019.

1.4 Council Plan and Policy Framework

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

1.5 Information:

The items for consideration in this first part of the review are as follows:

1.5.1 Budget and Policy Framework

The Budget and Policy Framework section of the Constitution deals with both the budget setting process and the process for the adoption of the Authority's major policies and plans. In effect, the setting of the budget and the adoption of the major plans and strategies is the shared responsibility of the Executive and full Council.

Current Arrangements

Insofar as the budget setting process is concerned, up to this point in time the Authority has required the Executive's initial budget proposals to be presented to full Council before the 8th February each year. There is, however, no legal requirement for these proposals to be presented by this date.

Currently, the Budget and Policy Framework requires the budget setting process of the Authority to be dealt with at two meetings of full Council with provision made for a third Council meeting should full Council object to the Executive's draft budget proposals. In fact, the first and second meetings of full Council are one meeting. The first meeting, at which the Executive's initial budget proposals are received by Council, is adjourned without a vote on the budget proposals being taken.

At the first meeting the Members are afforded an opportunity to ask questions about the Executive's draft budget proposals. This has resulted in technical questions being asked which in the past has required the Chief Finance Officer to answer such questions in the chamber.

In the period between the first Council meeting and the reconvened Council meeting, usually within 2 weeks, Members are permitted to submit objections to the Executive's draft budget proposals up to 2 working days before the second Council meeting.

At the reconvened Council meeting any objections to the Executive's draft budget are presented to Council. Members vote on a simple majority basis to either object to the Executive's budget proposals and request the Executive to reconsider its budget proposals in light of the objection or, if no objections are approved, to approve the Executive's draft budget proposals.

At a further meeting of full Council, Council will consider any revisions made to the Executive's budget proposals in light of the objection(s) made by full Council or if there are no revisions, the disagreement the Executive has with the Council's objection. The Executive's draft budget will prevail unless two thirds of Members present vote to impose the full Council's budget.

Proposed Arrangements

It is apparent when comparing the budget setting process of the Authority with the process adopted by other authorities operating with an Executive that a) those authorities set a budget at one meeting of full Council, and b) none of those Executives present their draft budget to full Council before 8 February.

There is no reason why the Authority cannot set its budget at one continuous meeting of full Council, the budget setting meeting, as is the case with other authorities. At that Council meeting, the Executive's draft budget proposals, including its consideration of any comments or recommendations from the Overview, Scrutiny and Policy Development Committee can be fully considered and debated by full Council. Council can decide at the meeting by a simple majority vote to either a) object to the Executive's draft budget proposal or b) approve the Executive's draft budget proposals.

There will only be a need to call a second meeting of full Council if, at the Council meeting, Members object to the Executive's draft budget proposals. Council will, at any second meeting, consider any revisions made to the Executive's budget proposals, or if there are no revisions, the disagreement the Executive has with the Council's objection. The Executive's draft budget will prevail unless two thirds of Members present vote to impose the full Council's budget.

There is also no legal reason why the Executive's initial budget proposals cannot be presented to full Council after 8 February. All that is required is sufficient time be given for Council to consider those draft budget proposals, and if necessary, for a second Council meeting to be arranged if an objection to the Executive's draft budget proposals is approved by full Council. Any budgetary timetable will have to factor in the fact that the Authority must set a budget each year no later than 11 March.

Attached to this report at Annex 2 of Appendix 1 is the proposed Budget and Policy Framework. The proposed Framework is lawful and enables both the Executive and full Council to have a role in the budget setting process as required by law. It provides an opportunity for full Council to object to the Executive's draft budget proposals and ultimately, if there is a two thirds majority, for full Council to impose its budget.

The role of the Overview, Scrutiny and Policy Development Committee will be enhanced if the amended budget setting process is accepted. The proper scrutiny of the Executive's draft budget is part of the remit of the Committee and the Committee exercises this role on behalf of full Council. Technical questions about the Executive's draft budget proposals can be asked by that Committee and the Mayor or appropriate Cabinet Member is obliged to respond to any report or recommendations made by the Committee in relation to the budget proposals.

In terms of the major plans and strategies that are included in the Budget and Policy Framework, the proposed Framework as with the budget setting process affords full Council an opportunity to object to the Executive's draft plan or strategy and for the Executive to reconsider the plan/strategy. Ultimately, the draft plan/strategy can be amended by full Council if two thirds of Members vote to do so.

It is proposed that the proposed Budget and Policy Framework at Annex 2 of Appendix 1 replaces the existing section 4.7 of the Constitution.

It is also intended that the dates of the following budget related meetings in the Council's programme of meetings be altered if approval is given to the budget setting Council meeting being held at one meeting on 20 February 2019:

Meeting	Original date	Revised date
Cabinet (to consider final budget proposals)	20 January 2020*	3 February 2020
Overview and Scrutiny (to consider final proposals)	21 January 2020	4 February 2020
Cabinet (to approve final proposals having considered Overview and Scrutiny comments)	27 January 2020	10 February 2020

*please note the Cabinet meeting scheduled to take place on 20 January 2020 to consider ordinary business will still go ahead.

1.5.2 Approval of the Authority's Accounts

The Accounts and Audit Regulations 2015 require the Authority to produce an audited Annual Financial Report (formerly referred to as the Statement of Accounts) at the end of each financial year.

The Authority is required to produce draft accounts by 31 May and to publish the Annual Financial Report by 31 July.

The Annual Financial Report must be considered and approved by a resolution of the relevant committee or full Council.

The Annual Financial Report is externally audited. The Audit Results Report produced by the Authority's external auditors summarises the findings from the annual audit, identifying key issues that those charged with the governance of the Council should consider before the auditors issue their opinion, conclusion and certificate.

In accordance with current practice, the Annual Financial Report is submitted to full Council for approval before 31 July. The Audit Results Report is submitted to full Council at the same time as the Annual Financial Report.

The Annual Financial Report and Audit Results Report are also submitted to the Audit Committee, usually a day or so prior to the day of the full Council meeting at which they are considered.

The terms of reference of the Audit Committee include the following:

- To review key information relating to the Authority's Statement of Accounts;
- To review the accounting policies used to compile the Authority's Statement of Accounts; and
- To review the external auditor's opinion and reports on the Statement of Accounts, and monitor management action in response to any issues raised in relation to the accounts by external audit.

The Accounts and Audit Regulations 2015 introduced changes for all local authorities in their deadlines for producing, reporting and approving the statement of accounts to be introduced for the 2017/18 financial year. The timetable for finalising the accounts has been brought forward two months, the previous requirement being to approve the statement of accounts by 30 September.

In order to take account of the faster closedown requirements introduced by the Regulations, to avoid duplication of reports being submitted to both the Audit Committee and full Council, to allow the accounts to be approved as close to the 31 July deadline as possible and overcome issues raised by some Members associated with the late availability of information for those meetings, it is proposed that the Audit Committee be given sole responsibility for approving the Annual Financial Report and receiving the Audit Results Report and that its terms of reference be amended accordingly.

The Accounts and Audit Regulations 2015 also require that where, following completion of an audit, a local authority receives an audit letter from the external auditor (The Annual Audit Letter summarises the key issues arising from the work that the auditor has carried out at the Council during the year) the full Council or relevant committee must meet to consider that letter as soon as reasonably practicable.

In accordance with current practice the Annual Audit Letter is submitted to full Council; however again, it is proposed that the Audit Committee is given sole responsibility for considering the Annual Audit Letter, and its terms of reference be amended accordingly.

The proposed amendments to the terms of reference of the Audit Committee are set out in Appendix 1 (item 2).

1.5.3 Common Seal

The Authority is required to complete contracts under seal in order to exercise its functions fully and effectively.

The Constitution currently requires sealing to be attested by the Chair of the Council and the Head of Law and Governance, or another person authorised by them. In practice, this means that the Chair of the Council comes into the office once per week for this purpose. In the event that sealing is required on a more urgent basis, arrangements have to be made for the Chair of the Council to come back into the office, or for the courier service to take the documents to the Chair's home.

The requirement for the Chair of the Council to attest the affixing of the seal is not founded in law and no other mayoral authorities follow this practice. Our current practice causes avoidable delays in the sealing process and is an unnecessary use of the Authority's resources. It is proposed that the Constitution is amended so that sealing is undertaken solely by the principal legal officer and their other authorised persons. The proposed changes to the wording of the Constitution are set out in Appendix 1.

Furthermore, the Constitution requires the sealing of documents to be authorised in each Ordinary Meeting of the Council. This practice is historic and is not required by law. A number of mayoral authorities no longer, or have never, followed this practice. It is proposed that we remove this requirement from our Constitution, as detailed in Appendix 1 (items 3a and 3b).

1.5.4 Parental Leave Policy for Elected Members

There is no uniform policy to support councillors who require maternity, paternity, adoption or parental leave. According to the Fawcett Society (2018 report) a lack of maternity/paternity provision or support is a real barrier for women aged 18-44 to fulfil their role as a councillor and they called for the introduction of maternity rights at all councils, to make them more accessible for women.

To respond to this situation the Local Government Association (LGA) Labour Group is encouraging all Councils to draw up a policy to support maternity and parental leave and a growing number of local authorities have either introduced such a policy (including Newcastle and Sunderland locally) or are in the process of doing so.

The policy allows councillors to step back from their duties of a councillor for up to 12 months after having a baby or adopting a child and still receive allowances and return to a position of equivalent standing on the Council, for example as a committee chair or cabinet member.

A proposed policy for North Tyneside Council, which is based on the LGA model, is appended at Annex 3. As the policy represents a change to the Members' Allowances Scheme, the Independent Remuneration Panel has been requested to make a recommendation about the introduction of a policy to full Council (see agenda item 6).

1.5.5 Contract Standing Orders

There is currently no explicit delegation to Heads of Service to authorise the use of framework agreements, i.e. agreements or arrangements between one or more contracting authorities and one or more contractors.

The proposed wording in Appendix 1, item 5 is intended to correct this omission.

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:

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: Table of Draft Proposed Changes to the Constitution
Annex 1: Existing Part 4.7 Budget and Policy Framework

1.9 Contact officers:

Bryn Roberts, Head of Law and Governance (Tel. 643 5339)
Dave Brown, Law and Governance (Tel: 643 5358)
Janice Gillespie, Head of Resources (Tel.643 5701)

1.10 Background information:

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

- North Tyneside Council's Constitution
- North Tyneside Council's Officer Delegation Scheme
- Papers submitted to Constitution Task Group on 9 September 2019
- Reports and Minutes of those authorities which have an Elected Mayor and Cabinet system including Bristol City Council, Doncaster Metropolitan Borough Council, Leicester City Council, Liverpool City Council, Mansfield District Council, Middlesbrough Borough Council, Salford City Council and Watford Borough Council.

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

There are no financial implications arising from the proposed changes to the Constitution other than the payment of any additional Special Responsibility Allowances in respect of cover arrangements under the proposed parental leave policy, which will be met from existing budgets in Law and Governance. It is not anticipated that the cost implications of introducing the policy will be significant; however, any variations will be reported as part of the usual financial management arrangements. Any printing costs of the revised Constitution document will be met from existing budgets.

2.2 Legal

Article 16 of the Constitution requires that the Constitution will be reviewed at least annually. It also requires the Monitoring Officer to make recommendations for ways in which the Constitution could be amended in order to better achieve the purposes of the Constitution as set out in Article 1, including comparing practices in this Authority with those in other comparable authorities or national examples of best practice.

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 and all proposed changes comply with current legislation.

2.3 Consultation/community engagement

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.

2.4 Human rights

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

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.

2.6 Risk management

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

2.7 Crime and disorder

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

2.8 Environment and sustainability

There are no environment and sustainability implications directly arising from 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
- Head(s) of Service
- Mayor/Cabinet Member(s)
- Chief Finance Officer
- Monitoring Officer
- Head of Corporate Strategy and Customer Service

Constitution and Associated Documents – Proposed Changes

	Section and Reference	Existing Text	Proposed amendment including revised text if appropriate
	1. Part 4, Rules of Procedure, 4.7 Budget and Policy Framework	See Annex 1 – The existing Part 4.7 Budget and Policy Framework appearing in the Constitution.	The existing Part 4.7 Budget and Policy Framework would be replaced with the proposed Budget and Policy Framework process set out in Annex 2
	2. Part 3 – Terms of Reference of Council and Committees 2. Audit Committee	Not applicable	<p>Addition to current terms of reference:</p> <p>To approve the annual statement of accounts, including any subsequent amendments;</p> <p>To consider the External Auditor’s report on the audit of the annual statement of accounts (the audit completion report);</p> <p>To receive the External Auditor’s annual audit letter.</p>
Page 27	2a. Part 2, Article 15 - Finance, Contracts and Legal Matters 5. Common Seal of the Authority	The Common Seal of the Authority will be kept in a safe place in the custody of the principal legal officer. A decision of the Authority, or any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the principal legal officer should be sealed. The affixing of the Common Seal will be attested by the principal legal officer or some other person authorised by him/her and the Chair of Council.	The Common Seal of the Authority will be kept in a safe place in the custody of the principal legal officer. A decision of the Authority, or any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the principal legal officer should be sealed. The affixing of the Common Seal will be attested by the principal legal officer or some other person authorised by him/her.
	3b. Part 3, Section A, Part 2, Paragraph 7	2. Ordinary Council Meetings will: 7. Authorise the sealing of documents (i.e. approving the Common Seal).	Paragraph 7 is to be removed.

	Section and Reference	Existing Text	Proposed amendment including revised text if appropriate
4.	Part 9 – Members’ Allowance Scheme	Not applicable	<p>Addition to Members’ Allowances Scheme:</p> <p>Parental Leave Policy</p> <p>The Council adopted the parental leave policy set out in Appendix # on [<i>date of Council approval</i>] for implementation from #</p> <p>(see Annex 3 for wording of proposed policy)</p>
5.	Contract Standing Orders Section 10 - Framework Agreements	Not applicable	<p>Addition to Contract Standing Orders:</p> <p>Where a framework agreement has been identified by Strategic Procurement, Heads of Service can authorise the use of these frameworks in consultation with the Procurement Manager.</p>

Annex 1

4.7 Budget and Policy Framework – current text

1. Introduction

The Budget and the Policy Framework is the collective name given to the budget and a number of the major plans and strategies that either the Government or Full Council itself have decided must be considered by Full Council before they are finally approved.

This part of the Constitution sets out how Full Council will decide on which plans and strategies are in its Policy Framework. It also sets out how it will make decisions on the content of the budget and those plans and strategies contained in the Framework where such plans and strategies are brought forward by the Cabinet.

When Full Council has approved the budget and/or any of these plans or strategies, then it is the responsibility of the Cabinet to implement them insofar as it is required by law to do so. The Cabinet can finalise any other plans, strategies or policies itself, although it is open to the Cabinet to refer any of these to Full Council for a final decision if the Council accepts that responsibility.

The following paragraphs are intended to give effect to the provisions of the Statutory Standing Orders (as set out in Local Authorities (Standing Orders) (England) Order 2001 or any Orders or amendments that supersede them as they affect the Budget and the Policy Framework.

2. Content of the Budget and Policy Framework

The Budget and Policy Framework will comprise:

- a) the Authority's budget;
- b) those plans and strategies which the Government determines by regulation must be included; and
- c) those additional plans and strategies that the Full Council agree should be included.

A list of which plans and strategies are included in the Policy Framework can be found in Article 4 Full Council.

The Full Council will review the composition of the Policy Framework annually (usually at the Annual Council meeting) and the relevant provisions of Article 4 of this Constitution will be amended to take account of the outcome of any review. The Full Council will also publish a five-year timetable for consideration of those plans and strategies included in the Framework.

3. The Budget

The process described below aims to ensure that appropriate and effective consultation takes place with all Members and other stakeholders on the content of the Budget.

a) Initial proposals

At least 3 months before the calculations on which the Council Tax requirement and associated level of Council Tax need to be finalised the Cabinet will produce initial proposals. These initial proposals will be accompanied by:

- (i) a summary of information that has been taken into account in producing the initial proposals (including specific reference to consideration of any reviews/studies previously carried out by the Overview, Scrutiny and Policy Development Committee);
- (ii) detailed information on how it is intended to consult with Members and others;
- (iii) a clearly stated timetable for the consultation and the preparation of final proposals for consideration by the Overview, Scrutiny and Policy Development Committee and the Full Council. This timetable will include provision for the Cabinet's Budget proposals (including the Council Tax calculation of estimates and amounts) to be submitted to the Full Council for its consideration by no later than 8 February; and
- (iv) proposals on the extent of virement permitted within the Budget as part of an annual review of the Authority's Financial Regulations.

The initial proposals and accompanying information will then be referred to the Overview, Scrutiny and Policy Development Committee. The Overview, Scrutiny and Policy Development Committee will at this stage examine the Cabinet's consultation proposals and timetable and make recommendations on these, where it is considered appropriate, to the Elected Mayor.

b) Submission of proposals

The Elected Mayor is under a duty to consider any recommendations made by the Overview, Scrutiny and Policy Development Committee and, where it is considered appropriate, amend the consultation process and/or timetable accordingly. The Elected Mayor is also under a duty to ensure that the proposals for the Budget include reference to all recommendations of the Overview, Scrutiny and Policy Development Committee together with the Elected Mayor's responses to them.

The Elected Mayor will be authorised to finalise proposals in respect of the Budget once the agreed consultation has been completed.

Details of these finalised proposals will be referred to the Overview, Scrutiny and Policy Development Committee together with the relevant background information on which the proposals have been based. It is the responsibility of the Elected Mayor and relevant officers to ensure that the Overview, Scrutiny and Policy Development Committee has sufficient background information to enable it to evaluate the proposals against that background information.

Under normal circumstances the proposals will then be referred for consideration to the Cabinet, together with any recommendations and/or observations from the Overview, Scrutiny and Policy Development Committee. In exceptional circumstances, the Elected Mayor may undertake this role.

c) Full Council's receipt of Budget proposals – 1st Meeting

The proposals amended by the Cabinet or otherwise, will be submitted to the Full Council, together with details of any recommendations of the Overview, Scrutiny and Policy Development Committee and the Elected Mayor or Cabinet's response to these.

The submission of the Elected Mayor and Cabinet's proposals to Full Council enables the process for the consideration of those proposals to commence and the detailed consideration of those proposals to take place.

Between the submission of the proposals to the first meeting and the further consideration that will take place at the second meeting, Members are able to submit objections (amendments) to the proposals of the Elected Mayor and Cabinet. Any objections received will be considered at the second meeting.

The reports containing the Elected Mayor and Cabinet's proposals in relation to any Council Tax Requirement and estimates of amounts for all aspects of the Elected Mayor and Cabinet's proposed spending and resource plans for the General Fund Revenue Budget (including the Dedicated Schools Grant), the Capital Plan (including prudential indicators and a proposed Minimum Revenue Provision Policy) and the Treasury Management Statement and Annual Investment Strategy will be submitted to the first meeting. At that meeting, Members will have the opportunity to ask questions about the Elected Mayor and Cabinet's proposals.

d) Full Council's consideration of Budget proposals – 2nd Meeting

Any Member(s) proposing objections to the Cabinet's proposals must submit these in writing to the Chief Executive or his or her nominee, by no later than 4.00 pm two working days prior to the second budget meeting of the Full Council at which the proposals are to be considered.

The Chief Executive or their nominee will make arrangements to have all proposed objections circulated to all Members by noon on the day before the Full Council meeting at which such proposals are to be considered.

The Full Council will make one of the following decisions on the basis of a simple majority:

- (i) to approve the Cabinet's proposals; or
- (ii) to inform the Elected Mayor of any objections it has to the whole or any part of the proposals and instruct the Elected Mayor to reconsider the proposals in the light of these objections.

e) After 2nd Full Council meeting

- (i) Where the Full Council approves the Cabinet's proposals, a notice of this decision will be prepared by the Head of Law and Governance and published within three working days. The notice of the decision will be dated and will state that the decision will be effective from the date of the Full Council meeting. A copy of the notice will also be given to the Elected Mayor.
- (ii) Where the Full Council objects and instructs the Elected Mayor to reconsider the whole or any part of the proposals, the nature of any objections must be specified and a notice of the decision will be prepared by the Head of Law and Governance and published within three working days. A copy of the notice will also be given to the Elected Mayor.

f) Reconsideration by Cabinet

Where the Elected Mayor receives notice of objection and instruction to reconsider the proposals, then within 10 working days the Elected Mayor must consult with the Cabinet and may:

- (i) in whole or in part revise the proposals to take account of any objection and instructions proposed by the Full Council identifying reasons for such revisions; and/or
- (ii) determine any disagreement to any objections and instructions proposed by the Full Council and identify the reasons for such disagreement.

g) Further Full Council meeting

Before the expiry of the 10 working days, the Elected Mayor will be required to give notice of all revisions/disagreements to the Chief Executive who will convene a further meeting of the Full Council to consider these. That further meeting to be held within 7 working days of receipt of the notice.

At this further meeting, the Full Council will consider the revisions/objections and will make a final determination on the Council Tax level. Where any proposal of Full Council in respect of the Council Tax level calculations does not accord with the Cabinet's proposals (including any revised proposals submitted by the Elected Mayor) then the Cabinet's proposals will prevail unless at the meeting of Full Council a two thirds majority of the Members present vote to impose the Full Council's own proposals.

Annex 2

4.7 Budget and Policy Framework – proposed revised text

1. Introduction

The Budget and the Policy Framework is the collective name given to the budget and a number of the major plans and strategies that either the Government or Full Council itself have decided must be considered by Full Council before they are finally approved.

This part of the Constitution sets out how Full Council will decide on which plans and strategies are in its Policy Framework. It also sets out how it will make decisions on the content of the budget and those plans and strategies contained in the Framework where such plans and strategies are brought forward by the Cabinet.

When Full Council has approved the budget and/or any of these plans or strategies, then it is the responsibility of the Cabinet to implement them insofar as it is required by law to do so. The Cabinet can finalise any other plans, strategies or policies itself, although it is open to the Cabinet to refer any of these to Full Council for a final decision if the Council accepts that responsibility.

The following paragraphs are intended to give effect to the provisions of the Statutory Standing Orders (as set out in Local Authorities (Standing Orders) (England) Order 2001 or any Orders or amendments that supersede them as they affect the Budget and the Policy Framework.

2. Content of the Budget and Policy Framework

The Budget and Policy Framework will comprise:

- a) the Authority's budget;
- b) those plans and strategies which the Government determines by regulation must be included;
and
- c) those additional plans and strategies that the Full Council agree should be included.

A list of which plans and strategies are included in the Policy Framework can be found in Article 4 Full Council.

The Full Council will review the composition of the Policy Framework annually (usually at the Annual Council meeting) and the relevant provisions of Article 4 of this Constitution will be amended to take account of the outcome of any review. The Full Council will also publish a five-year timetable for consideration of those plans and strategies included in the Framework.

3. The Budget

The process described below aims to ensure that appropriate and effective consultation takes place with all Members and other stakeholders on the content of the Budget.

a) Initial proposals

At least 3 months before the calculations on which the Council Tax requirement and associated level of Council Tax need to be finalised the Cabinet will produce initial proposals. These initial proposals will be accompanied by:

- i. a summary of information that has been taken into account in producing the initial proposals (including specific reference to consideration of any reviews/studies previously carried out by the Overview, Scrutiny and Policy Development Committee);
- ii. detailed information on how it is intended to consult with Members and others;
- iii. a clearly stated timetable for the consultation and the preparation of final proposals for consideration by the Overview, Scrutiny and Policy Development Committee and the Full Council. This timetable will include provision for the Cabinet's Budget proposals (including the Council Tax calculation of estimates and amounts) to be submitted to the Full Council for its consideration; and
- iv. proposals on the extent of virement permitted within the Budget as part of an annual review of the Authority's Financial Regulations.

The initial proposals and accompanying information will then be referred to the Overview, Scrutiny and Policy Development Committee. The Overview, Scrutiny and Policy Development Committee will at this stage examine the Cabinet's consultation proposals and timetable and make recommendations on these, where it is considered appropriate, to the Elected Mayor.

b) Submission of proposals

The Elected Mayor is under a duty to consider any recommendations made by the Overview, Scrutiny and Policy Development Committee and, where it is considered appropriate, amend the consultation process and/or timetable accordingly. The Elected Mayor is also under a duty to ensure that the proposals for the Budget include reference to all recommendations of the Overview, Scrutiny and Policy Development Committee together with the Elected Mayor's responses to them.

The Elected Mayor will be authorised to finalise proposals in respect of the Budget once the agreed consultation has been completed.

Details of these finalised proposals will be referred to the Overview, Scrutiny and Policy Development Committee together with the relevant background information on which the proposals have been based. It is the responsibility of the Elected Mayor and relevant officers to ensure that the Overview, Scrutiny and Policy Development Committee has sufficient background information to enable it to evaluate the proposals against that background information.

Under normal circumstances the proposals will then be referred for consideration to the Cabinet, together with any recommendations and/or observations from the Overview, Scrutiny and Policy Development Committee. In exceptional circumstances, the Elected Mayor may undertake this role.

c) Submission of Objection(s) to the Cabinet's Budget Proposals

Any member(s) proposing objections to the Cabinet's proposals must submit these in writing to the Chief Executive or his or her nominee, by no later than 4.00pm 2 working days prior to the budget decision meeting of full Council at which proposals are to be considered. The Chief Executive or their nominee will make arrangements to have all proposed objections circulated to all Members by noon on the day before the full Council meeting at which such proposals will be considered.

d) Budget Decision Meeting of Council

The proposals amended by the Cabinet or otherwise, will be submitted to the Full Council, together with details of any recommendations of the Overview, Scrutiny and Policy Development Committee and the Elected Mayor or Cabinet's response to these as well as any objections received to Cabinet's proposals.

The submission of the Elected Mayor and Cabinet's proposals to Full Council for its consideration will include the following information for the following financial year:-

- a) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF, 52ZJ of the Local Government Finance Act 1992 (calculation of council tax requirements);
- b) estimates of other amounts to be used for the purposes of such a calculation;
- c) estimates of such a calculation; or
- d) amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992 (precepts).

Following consideration of those estimates or amounts, Full Council can by a simple majority of those Members present and voting:

- approve the Cabinet's proposals; or
- inform the Elected Mayor of any objections it has to the whole or any part of the proposals and instruct the Elected Mayor to reconsider the proposals in the light of these objections.

If full Council approves Cabinet's proposals the budget will be set for the next financial year.

e) Notification of Objection to Budget Proposals

Where the full Council objects and instructs the Elected Mayor to reconsider the whole or any part of the proposals, the nature of any objections must be specified and a notice of the decision will be prepared by the Head of Law and Governance and published within three working days. A copy of the notice will also be given to the Elected Mayor.

f) Revision of Budget Proposals

Where Full Council gives instructions in accordance with paragraph d) above the Elected Mayor must within 10 working days beginning on the day after the date on which the Elected Mayor receives the instructions on behalf of the Executive, consult Cabinet and may -

- a) give notice to Full Council of any revision of the estimates or amounts as amended by Cabinet which have been reconsidered in accordance with Full Council's requirements, with Cabinet's reasons for any amendments made to the estimates or amounts, for Full Council's consideration; or
- b) give notice to Full Council of any disagreement that the Cabinet has with any of Full Council's objections and Cabinet's reasons for any such disagreement.

g) Further Budget Decision Meeting of Council (If Necessary)

Subject to paragraph h) below within 7 working days of the expiry of the 10 working days referred to in paragraph f) above, Full Council must meet to consider the revisions/objections and will make a final determination on the Council Tax requirements and amounts required to be stated in a precept.

Where any proposal of full Council in respect of the Council Tax level calculations does not accord with the Cabinet's proposals (including any revised proposals submitted by the Elected Mayor) then the Cabinet's proposals will prevail unless at the meeting of Full Council a two thirds majority of the Members present vote to impose the Full Council's own budget envelope.

h) Excepted Budget Proposals

Paragraphs d) to g) shall not apply in relation to:

(a) calculations or substitute calculations which an Authority is required to make in accordance with Part I of the Local Government Finance Act 1992; and (b) amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with Part I of the Local Government Finance Act 1992.

Annex 3

Parental Leave Policy for Members

Introduction

This Policy sets out Members' entitlement to maternity, paternity, shared parental and adoption leave, and relevant allowances as agreed by North Tyneside Council on # for implementation from #.

The objective of the Policy is to ensure that insofar as possible Members are able to take appropriate leave at the time of birth or adoption, that both parents are able to take leave, and that reasonable and adequate arrangements are in place to provide cover for portfolio-holders in receipt of Special Responsibility Allowances (SRA) during any period of leave taken.

Improved provision for new parents will contribute towards increasing the diversity of experience, age and background of local authority councillors. It will also assist with retaining experienced councillors – particularly women – and making public office more accessible to individuals who might otherwise feel excluded from it.

There is at present no legal right to parental leave of any kind for people in elected public office.

1. Leave Periods

1.1 Members giving birth are entitled to up to 6 months maternity leave from the due date, with the option to extend up to 52 weeks with the agreement of the Head of Paid Service if required.

1.2 In addition, where the birth is premature, the Member is entitled to take leave during the period between the date of the birth and the due date in addition to the 6 months' period. In such cases any leave taken to cover prematurity of 28 days or less shall be deducted from any extension beyond the initial 6 months.

1.3 In exceptional circumstances, and only in cases of prematurity of 29 days or more, additional leave may be taken with the agreement of the Head of Paid Service, and such exceptional leave shall not be deducted from the total 52-week entitlement.

1.4 Members shall be entitled to take a minimum of 2 weeks paternity leave if they are the biological father or the nominated carer of their partner/spouse following the birth of their child(ren).

1.5 A Member who has made shared parental leave arrangements through their employment is requested to advise the Council of these at the earliest possible opportunity. Every effort will be made to replicate such arrangements in terms of leave from the Council.

1.6 Where both parents are Members, leave may be shared up to a maximum of 24 weeks for the first six months and 26 weeks for any leave agreed thereafter, up to a maximum of 50 weeks. Special and exceptional arrangements may be made in cases of prematurity.

1.7 A Member who adopts a child through an approved adoption agency shall be entitled to take up to six months adoption leave from the date of placement, with the option to extend up to 52 weeks with the agreement of the Head of Paid Service if required.

1.8 Any Member who takes maternity, shared parental or adoption leave retains their legal duty under the Local Government Act 1972 to attend a meeting of the Council within a six month period unless the Council meeting agrees to an extended leave of absence prior to the expiration of that six month period.

1.9 Any Member intending to take maternity, paternity, shared parental or adoption leave will be responsible for ensuring that they comply with the relevant notice requirements of the Council, both in terms of the point at which the leave starts and the point at which they return.

1.10 Any Member taking leave should ensure that they respond to reasonable requests for information as promptly as possible, and that they keep officers and colleagues informed and updated in relation to intended dates of return and requests for extension of leave.

2. Basic Allowance

2.1 All Members shall continue to receive their Basic Allowance in full whilst on maternity, paternity or adoption leave.

3. Special Responsibility Allowances

3.1 Members entitled to a Special Responsibility Allowance shall continue to receive their allowance in full in the case of maternity, paternity, shared parental or adoption leave.

3.2 Where a replacement is appointed to cover the period of absence that person shall receive an SRA on a pro rata basis for the period of the temporary appointment.

3.3 The payment of Special Responsibility Allowances, whether to the primary SRA holder or a replacement, during a period of maternity, paternity, shared parental or adoption leave shall continue for a period of six months, or until the date of the next Annual Meeting of the Council, or until the date when the Member taking leave is up for election (whichever is soonest). At such a point, the position will be reviewed, and will be subject to a possible extension for a further six-month period.

3.4 Should a Member appointed to replace the Member on maternity, paternity, shared parental or adoption leave already hold a remunerated position, the ordinary rules relating to payment of more than one Special Responsibility Allowance shall apply.

3.5 Unless the Member taking leave is removed from their post at an Annual Meeting of the Council whilst on leave, or unless the Party to which they belong loses control of the Council during their leave period, they shall return at the end of their leave period to the same post, or to an alternative post with equivalent status and remuneration which they held before the leave began.

4. Resigning from Office and Elections

4.1 If a Member decides not to return at the end of their maternity, paternity, shared parental or adoption leave they must notify the Council at the earliest opportunity. All allowances will cease from the effective resignation date.

If an election is held during the Member's maternity, paternity, shared parental or adoption leave, and they are not re-elected, or decide not to stand for re-election, their basic allowance and SRA if appropriate will cease from the Monday after the election date when they would technically leave office.