

North Tyneside Council

Report to Council

Date: 18 May 2023

Title: Review of the Constitution

Portfolio(s):	Elected Mayor	Cabinet Member(s):	Dame Norma Redfearn, Elected Mayor
Report from Service Area:	Resources		
Responsible Officer:	Jon Ritchie, Director of Resources	(Tel: 0191 643 6476)	
Wards affected:	All		

PART 1

1.1 Executive Summary:

This report summarises the outcomes of the latest review of the Constitution and associated documents.

The review of the Constitution and associated documents ensures that these aspects of the Authority's governance arrangements remain up to date and fit for purpose.

1.2 Recommendation(s):

It is recommended that Council:

- a) approves the proposed changes to the Constitution set out in **Appendix 1** to this report;
- b) refers the approved changes to the Elected Mayor for her consent in accordance with Article 16 of the Constitution, other than those changes relating to Scrutiny Committees;
- c) notes that changes to the Constitution relating to the operation of Scrutiny Committees are approved by full Council under

recommendation (a) above and under Article 16 of the Constitution do not therefore require the additional consent of the Elected Mayor.

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 10 March 2023.

1.4 Council Plan and Policy Framework

This report supports all aspects of the Authority's operations and therefore all priorities in the Council Plan.

1.5 Information:

- 1.5.1 The Authority's Constitution is reviewed at least annually to ensure that this is kept up to date and reflects any required changes.
- 1.5.2 In accordance with established arrangements for review of the Constitution, any changes which are proposed to the Constitution and its associated documents are considered by the Constitution Task Group. Any changes agreed by the Constitution Task Group following its review of such proposals are then submitted to a meeting of full Council for formal approval.
- 1.5.3 The proposed amendments to the Constitution in May 2023 are summarised in **Appendix 1** to this report. These amendments reflect legal requirements with which the Authority must comply, or good practice which has been identified / recommended to the Authority. Proposed amendments include establishing a maximum term of office for co-opted members on the Authority's Audit Committee; restructuring the Authority's Scrutiny arrangements, following a recommendation to this effect from the Centre for Governance and Scrutiny; introducing electronic voting in Council meetings, at the discretion of the Chair; and the inclusion of a list of 'proper officers' in future versions of the Constitution, so that there is clarity with regard to which 'proper officer' discharges those functions that must be discharged by a 'proper officer' in accordance with local government legislation.
- 1.5.4 The proposed amendments to the Officer Delegation Scheme reflect changes which have been made to the organisation of the Authority's staff during 2022/23; provide clarification relating to requirements of various aspects of legislation; and bring the administration of write off procedures up to date.

- 1.5.5 Having considered proposals for amendments to the Constitution and associated documents as part of this latest review, the Constitution Task Group has approved those changes summarised in **Appendix 1** to this report; and agreed that these proposed changes should progress to full Council for decision in accordance with the recommendations set out in 1.2 above.
- 1.5.6 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, and any legislative or governance changes which may occur over time; and proposed to Constitution Task Group before decision by full Council in the usual way. During 2023/24, the Head of Governance will arrange in-year meetings of the Constitution Task Group as necessary, to ensure that the Constitution and associated documents can be updated in a timely way.

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 considered in detail by the Constitution Task Group, which is the Authority's consultative body for any changes to the Constitution and its associated documents. These changes are also recommended to Council by the Monitoring Officer, who currently has a duty under Article 16 of the Constitution to monitor and review the Constitution.

1.8 Appendices:

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

1.9 Contact officers:

Jon Ritchie, Director of Resources – tel. (0191) 643 6476

Allison Mitchell, Head of Governance – tel. (0191) 643 5720

Stephen Ballantyne, Head of Law (Monitoring Officer) – tel. (0191) 643 5466

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 considered by Constitution Task Group on 25 April 2023

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

There are no financial implications arising from the proposed changes set out in **Appendix 1**, other than the potential for a slight reduction in the total number (and corresponding value) of Special Responsibility Allowances payable. This reduction would flow from the proposed restructuring of the Authority's scrutiny committees set out in Appendix 1. Any such changes to Special Responsibility Allowances will be reported separately to full Council in accordance with Section 18 of the Local Government and Housing Act 1989, following review by the Independent Remuneration Panel in due course.

2.2 Legal

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

Any specific legal implications arising from the proposed changes are set out in full in Appendix 1 to this report.

Any changes to the Constitution and its associated documents can only be approved by full Council.

2.3 Consultation/community engagement

2.3.1 Internal Consultation

The review of the Constitution and associated documents was published on the Forward Plan in March 2023. Proposals for change were received from service areas throughout the Authority and also from some elected members, and considered in full by the Constitution Task Group.

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 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.

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

2.6 Risk management

To ensure that the Constitution and associated documents are fit for purpose, and reflect required changes to ensure that the governance framework of the Authority is up to date and can function effectively, Appendix 1 to this report should be approved.

Any specific risk management implications arising from the proposed changes 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 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 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 X
- Director(s) of Service X
- Mayor/Cabinet Member(s) X
- Chief Finance Officer X
- Monitoring Officer X
- Assistant Chief Executive X