

Constitution

Date: May 2023 **Version:** 27

Version 27: May 2023



North Tyneside Council

Version Control Sheet

This document (version 27, May 2023) supersedes the April 2023 (version 26) Constitution and incorporates updates in relation to job titles of the Senior Leadership Team.

To maintain effective version control, this version control sheet will accompany any future issue of the Constitution.

The version number is shown in the bottom left hand corner of each page of the scheme.

An up to date version of the Authority's Constitution will be available on North Tyneside Council's web site.

Description	Date	Most Recent Version
First Constitution adopted by North Tyneside Council	May 2002	Version 1
Various changes following annual review	October 2003	Version 2
Various changes following annual review	June 2004	Version 3
Various changes following annual review	September 2005	Version 4
Various in-year changes and changes following annual review	July 2006	Version 5
Various in-year changes	February 2007	Version 6
Various changes following annual review	December 2007	Version 7
Various changes following annual review	November 2008	Version 8
Changes to terms of reference of regulatory committees and various changes following annual review	August 2009	Version 9
Changes relating to operation of Area Forums and various changes following annual review	July 2010	Version 10
Various changes following annual review	March 2011	Version 11
Changes agreed by Council 4 July 2012 dealing mainly with arrangements in relation to the operation of the new code conduct for elected and co-opted members.	August 2012	Version 12

Changes agreed at Council 26 September 2013 following an in-depth review.	November 2013	Version 13
Various changes following annual review	July 2014	Version 14
Changes agreed by Council on 25 September 2014 to reflect new legislation allowing the public to film/record meetings	October 2014	Version 15
Changes agreed by Council on 27 November 2014 to the terms of reference of the Standards Sub Committee	December 2014	Version 15a
Various changes agreed at Annual Council meeting on 21 May 2015 following annual review and subsequent changes agreed by Council on 18 June and 23 July 2015	September 2015	Version 16
Changes agreed by Council on 19 November 2015 on licensing matters	November 2015	Version 16a
Various changes agreed at Annual Council on 19 May 2016 following annual review and change regarding deadlines for questions and motions to Council agreed at Council meeting on 21 July 2016	August 2016	Version 17
Updates in relation to the Cabinet composition, outside bodies and Members' allowances	June 2017	Version 18
Various changes agreed at Annual Council meeting on 17 May 2018 following annual review and change regarding Planning Committee Membership agreed by Council on 28 September 2017	June 2018	Version 19
Various changes agreed at Annual Council meeting on 16 May 2019 following annual review	June 2019	Version 20
Various in-year changes agreed at the Council meeting on 28 November 2019	December 2019	Version 21
Changes agreed at Council meeting on 24 September 2020 following annual review and changes to the Elected Mayor's Scheme of Delegation and the Members Allowances Scheme	October 2020	Version 22

Various changes agreed at Annual Council meeting on 20 May 2021 following annual review	May 2021	Version 23
Changes made to reflect changes to job titles of Senior Leadership Team	June 2021	Version 24
Various changes agreed at Annual Council meeting on 19 May 2022 following annual review	June 2022	Version 25
Changes made to reflect changes following the appointment of the Head of Law and associated delegations	April 2023	Version 26
Various changes agreed at Annual Council meeting on 18 May 2023 following annual review	May 2023	Version 27

Making Changes to the Constitution

The Head of Law is required to review the Constitution at least annually. For details of how a member or officer can propose a change and the approval process please contact the Democratic Services Team, e-mail: democraticsupport@northtyneside.gov.uk.

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Part 1 Summary and Explanation

North Tyneside is one of the five metropolitan boroughs of Tyne and Wear situated in the North East of England.

North Tyneside Council is one of a small number of Authorities in England to have a directly Elected Mayor. The borough is divided geographically into 20 areas which are called wards and Councillors are elected to represent citizens that live and work within the borough. Both the Elected Mayor and Councillors are elected for a 4-year period.

The vision for North Tyneside Council is directed by the Our North Tyneside Plan.

1. The Authority's Constitution

The Authority's Constitution sets out how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by law, while others are a matter for the Authority to choose and adopt as local practice.

The Constitution is reviewed annually and Council and the Elected Mayor agree any changes (in the case of the Elected Mayor, changes other than those relating to the operation of Overview, Scrutiny and Policy Development committees.) This version is current at May 2023.

The Constitution is divided into Articles which set out the basic rules governing the Authority's business. More detailed procedures, codes of practice and responsibility for functions are provided in different sections of the Constitution.

Note: In this Constitution, the term "the Authority" will be used when referring to the Council as a corporate body, and "Council" or "full Council" will be used when referring to the formal meeting of all Members.

2. Articles

Article 1 sets out the purpose of the Constitution.

Articles 2-16 explain how key parts of the Authority operate and the rights of citizens.

These Articles are:

- Members of the Authority (Article 2)
- Citizens and the Authority (Article 3)
- The Full Council (Article 4)
- Chairing the Council (Article 5)
- The Role of the Elected Mayor and the Cabinet (Article 6)
- Overview, Scrutiny and Policy Development (Article 7)

Regulatory and other committees (Article 8)
The Standards Committee (Article 9)
Health and Wellbeing Board (Article 10)
Area Committees (Article 11)
Officers (Article 12)
Decision Making (Article 13)
Joint Arrangements (Article 14)
Finance, Contracts and Legal Matters (Article 15)
Review and Revision of the Constitution (Article 16)
Suspension, Interpretation and Publication of the Constitution (Article 17)

3. The Elected Mayor and Councillors

The Authority comprises 60 Councillors and the Elected Mayor. Mayoral elections are held every four years. The current Elected Mayor's term of office will end in 2025. There are 20 wards within the borough, each with three seats (i.e. three Councillors), with one seat elected each year for a four-year term, except in a year when there is a Mayoral election.

Councillors are democratically accountable to residents in their ward including those who did not vote for them. However, the overriding duty of all Councillors is to the whole community of the borough. The Elected Mayor also represents the community of North Tyneside as a whole.

The Elected Mayor and Councillors must agree to follow a code of conduct to ensure high standards in the way they undertake their duties. It is the responsibility of the Authority's Standards Committee to oversee and promote high standards of conduct by the Elected Mayor and Councillors.

4. How decisions are made

The Council Meeting

The Elected Mayor and all Councillors meet together as the Council. Meetings of the Council are normally held in public. In Council meetings Councillors and the Elected Mayor decide the Authority's strategic policies set out in the Authority's Policy Framework (see Article 4) and set a budget for the year. Council is also responsible for appointing a number of regulatory and other committees.

Cabinet

The Elected Mayor is responsible for appointing between two and nine Councillors to serve on the Cabinet and for deciding whether to allocate any areas of responsibility to these Councillors.

The Elected Mayor and the Cabinet (also known as the Executive) are responsible for making key decisions and implementing the Authority's policies and budget as required. These are sometimes referred to as Executive Functions. When key decisions are to be discussed and made, notice is usually given through the Forward Plan, which is updated on a

weekly basis and covers the following four-month period. When key decisions (and any other decisions) are to be discussed at a meeting of the Cabinet, the meeting will generally be open for the public to attend except where exempt or confidential matters are being discussed.

Overview, Scrutiny and Policy Development

The Council holds the Cabinet to account by appointing an Overview and Scrutiny Co-ordinating and Finance Committee and a number of scrutiny sub-committees, which monitor decisions made by Cabinet and propose policy changes across all of the Authority's areas of operation. Scrutiny also has a role in holding local NHS bodies and providers of NHS and public health services to account.

The Overview and Scrutiny Co-ordinating and Finance Committee and its sub-committees support the work of the Cabinet and the Authority as a whole. Any Member who does not sit on the Cabinet is eligible to be a member of a scrutiny committee (these are often referred to as non-executive Members). These committees prepare reports and recommendations which advise the Cabinet and the Authority as a whole on its policies, budget and service delivery. Scrutiny allows members of the public greater opportunity to have a say on Authority matters, by taking part in scrutiny investigations.

Public access to meetings

The press and public are able to attend any meeting of Council, Cabinet or any other committee or sub-committee as observers, except where matters are considered in private.

A chart showing the committee framework of the Authority can be found at the end of this section.

5. The Authority's Staff

The Authority employs staff (called officers) to give advice, implement decisions and manage the day-to-day delivery of its services. Officers may also take decisions, in line with policy guidelines and budget decisions made by the Cabinet and Council, if responsibility has been delegated to them in accordance with the Authority's Officer Delegation Scheme (see Part 3 – Responsibility for functions).

6. Public Rights

Members of the public have a number of rights in their dealings with the Authority, some of which are legal and some are based on Authority processes.

Where members of the public use specific North Tyneside Council services, for example as a parent of a school pupil or as a North Tyneside Council tenant, they have additional rights. These are not covered in this Constitution.

Residents and in some instances other members of the public have many rights including:

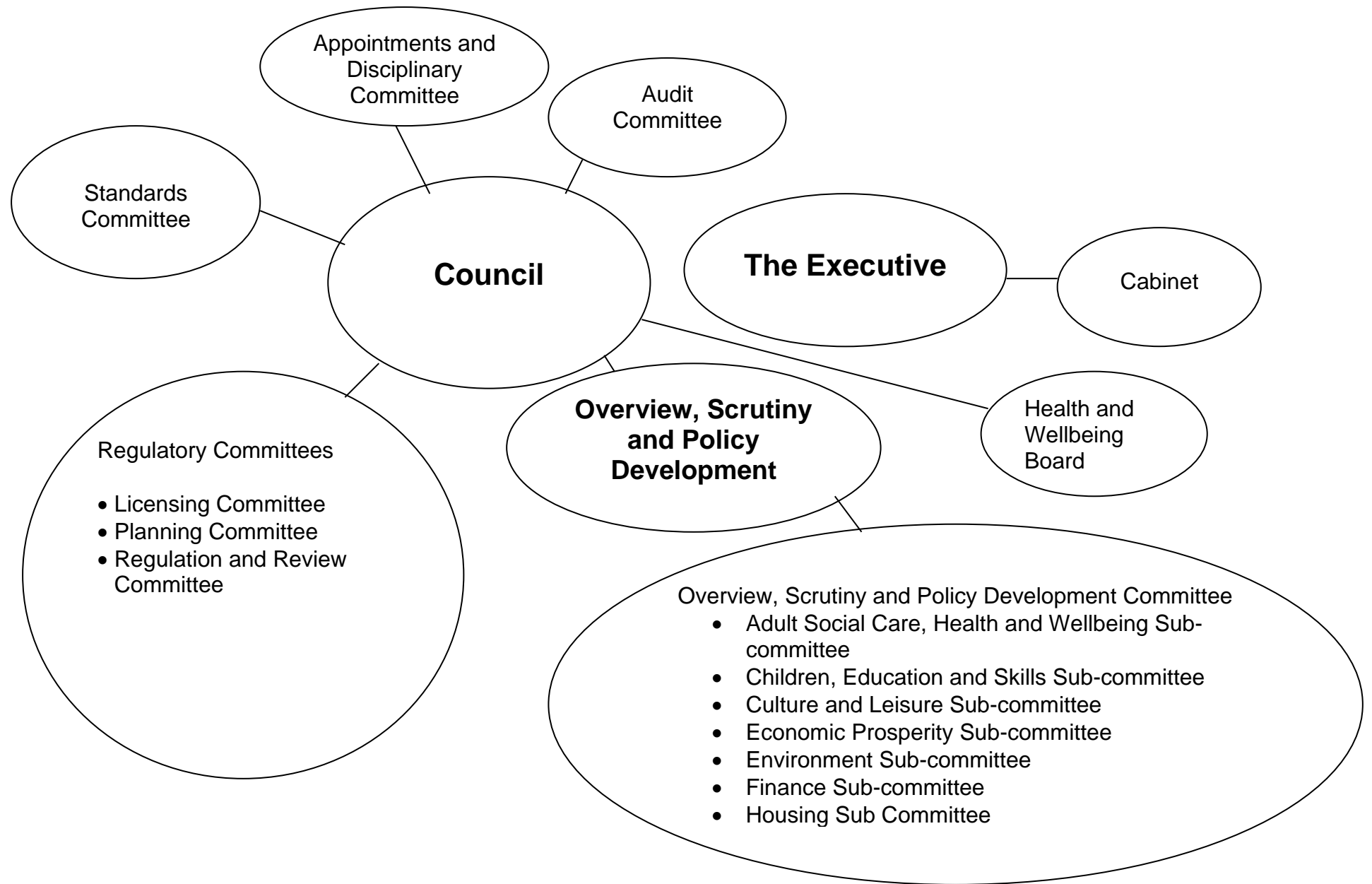
- voting at elections if they are registered;
- contacting their local Councillor about any matters of concern to them;
- attending meetings of the Council, its committees and the Cabinet, except where confidential or exempt information is being discussed;
- petitioning to request a referendum on the Mayoral arrangements;
- in the case of members of the public resident, working or studying in the Authority's area, participating in Council's public question time;
- commenting or complaining to the Authority using the Authority's complaint procedure relating to anything it has done, or failed to do;
- finding out, from the Forward Plan, what key decisions are to be discussed or decided by the Council or Cabinet, and when these decisions will be made;
- seeing reports and background papers (except where confidential or exempt information is included) and any record of decisions made by the Council, the Cabinet, Overview, Scrutiny and Policy Development and other committees of the Council;
- complaining to the Monitoring Officer and the Standards Committee if they have evidence that they believe shows that the Elected Mayor or a Councillor has not followed the Members' Code of Conduct; and
- inspecting the Authority's accounts and making their views known to the external auditor.

7. Further information

Additional information relating to the contents and processes within the Constitution can be obtained by contacting the Democratic Services team.

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North Tyneside Council
Quadrant – 3FL, Cobalt Business Park
The Silverlink North
North Tyneside
NE27 0BY
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Committee Framework



Part 2 Articles of the Constitution

Article 1 - The Constitution

1. Powers of the Authority

The Authority will exercise all its powers and duties in accordance with the law and this Constitution.

2. The Constitution

This Constitution, and all its schedules and appendices, is the Constitution of the Council of the Borough of North Tyneside.

3. Purpose of the Constitution

The purpose of the Constitution is to:

- a) enable and support the Authority in providing clear leadership to the community in partnership with citizens, businesses and other organisations;
- b) provide clearly stated opportunities for the involvement of members of the public and other stakeholders in the Authority's decision making;
- c) provide a framework to enable councillors to represent their constituents more effectively;
- d) enable decisions to be taken efficiently and effectively;
- e) create a powerful and effective means of holding decision makers to public account;
- f) ensure that no one will review or scrutinise a decision in which they were directly involved;
- g) ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
- h) provide a framework to support improvement in the delivery of services to the community.

4. Interpretation and Review of the Constitution

Where the Constitution permits the Authority to choose between different courses of action, the Authority must always choose the option that is closest to the purposes stated in section 3 above.

The Authority will monitor, evaluate and review the operation of the Constitution as set out in Articles 12 and 16.

Article 2 - Members of the Authority

1. Composition and eligibility

The Authority is made up of 61 Members: the Elected Mayor and 60 Councillors.

Three councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State.

Only registered voters of the borough or those living or working there, will be eligible to hold the office of Councillor or Elected Mayor¹.

2. Election and terms of Councillors and the Elected Mayor

Under normal circumstances, the ordinary election of a third of all Councillors will be held on the first Thursday in May for three years. In the fourth year there will be a mayoral election with no councillor election.

The terms of office of councillors will be four years starting on the fourth day after being elected and finishing on the fourth day after the date of the regular election four years later.

The term of office for the Elected Mayor will be four years with mayoral elections taking place in the "fallow" years when no scheduled local elections take place.

3. Roles and functions of all councillors

All Councillors and the Elected Mayor will:

- a) participate in the governance and management of the Authority;
- b) collectively be responsible for setting the major policies of the Authority;
- c) make decisions taking into account the best interests of North Tyneside as a whole;
- d) represent the Authority on other bodies as required;

¹ Details on qualifications and disqualifications for election and holding office as a member of a Local Authority can be found in sections 79 and 80 of the Local Government Act 1972, and subsequent legislation (Local Government and Housing Act 1989, Schedule 12, Part II, Audit Commission Act 1998, 554(1), Sched. 3). In summary, to qualify to be elected a citizen must be at least 18 years old and either live or work in the area. A person can be disqualified if they are employed by the authority or any other body whose appointments are confirmed by the authority or one of its committees, adjudged bankrupt, or are convicted of any offence and sentenced to imprisonment (whether suspended or not) for a period of not less than 3 months. For full details please refer to the primary legislation.

- e) contribute to the good governance of the area;
- f) promote the economic, environmental and social well being of the area;
- g) represent their constituents and in the case of councillors, the interests of their ward and dealing with individual casework, acting as an advocate and balancing different interests fairly and impartially;
- h) encourage community participation and citizen involvement in decision making as appropriate; and
- i) maintain the highest standards of conduct and ethics as the public would expect of their elected representative.

4. Rights and duties

Councillors and the Elected Mayor will have the right of access to such documents, information, land and buildings of the Authority as are necessary for the proper discharge of their functions and in accordance with the law.

Councillors and the Elected Mayor will not make public information which is confidential or exempt without the consent of the Authority or divulge information given in confidence to anyone other than a councillor or officer entitled to know it.

For these purposes, "confidential" and "exempt" information are defined in Part 4.11 Public Access to Information Rules of Procedure.

(see also Part 8 – Codes and Protocols)

5. Conduct

Councillors and the Elected Mayor will at all times observe the Code of Conduct for Elected Members and Co-opted Members ("Members' Code of Conduct") and the Protocol on Member/Officer Relations (these can be found in Part 8 - Codes and Protocols). Where it is alleged that there has been a breach of the code or protocol this will be responded to in accordance with the relevant code or protocol. Members of the Authority will complete Code of Conduct training every two years or as the code is revised, to ensure knowledge is up to date. The Monitoring Officer will ensure that training is made accessible and available at a time convenient for all Members to attend and seek to ensure that all Members participate.

6. Allowances

Councillors and the Elected Mayor will be entitled to receive allowances in accordance with the Members' Allowances Scheme as approved and adopted by the Council after considering recommendations from the Independent Remuneration Panel. The Members' Allowances Scheme forms Part 9 of this

Constitution and is subject to annual review by the Independent Remuneration Panel.

7. Member Development

The Authority is committed to developing elected members by providing learning and development opportunities to enhance skills and knowledge supporting effective community leadership and the undertaking of Authority business. The Authority's approved Member Development Programme is designed to provide a range of awareness and training opportunities. Councillors and the Elected Mayor will be required to attend training in accordance with the Member Development Programme. The Director of Resources will monitor participation in this programme and will draw any matters of concern to the attention of the Monitoring Officer who, where the Monitoring Officer considers appropriate, may draw it to the attention of the leaders of the political groups on the Authority and if necessary the Standards Committee.

Article 3 - Citizens and the Authority

1. Introduction

Citizens have a number of rights and responsibilities. The following list is a general summary of rights in terms of information, the opportunity to participate and the ability to make complaints.

2. Information

Citizens have the right to:

- a) attend and record meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting, or part of the meeting, is held in private (definitions of “confidential” and “exempt” information are provided in Part 4.11);
- b) attend and record meetings of the Cabinet and observe the decision making process with the exception of those matters where the Cabinet considers business in private;
- c) be informed by information from the Authority’s Forward Plan about what key decisions will be taken by the Cabinet and when (see Article 6 - The Role of the Elected Mayor and Cabinet for further information on the Forward Plan);
- d) see publicly available reports and background papers, and records of all decisions made by the Council and its committees and sub-committees and the Cabinet. These provisions may also apply to decisions made under delegated powers either by the Elected Mayor, Members of the Cabinet or officers of the Authority; and
- e) inspect the Authority's accounts and make their views known to the external auditor.

3. Participation

Citizens have the right to participate in the Council's public question time and may be invited to contribute to investigations by the Overview, Scrutiny and Policy Development Committee or any of its sub-committees or sub-groups. (See Article 7 – Overview, Scrutiny and Policy Development). The State of the Area Conference will aim at enabling the widest possible public involvement (See Part 3.8 – State of the Area Conference).

4. Complaints

Citizens have the right to complain to:

- a) the Authority itself under its complaints scheme;
- b) the Local Government Ombudsman; and

- c) the Standards Committee about a breach of the Members' Code of Conduct.

Where a complainant remains dissatisfied in respect of any decision made, it is open to them to pursue judicial review of the decision through the courts.

Documents regarding all of the Authority schemes listed above are available at all the Authority's offices and on the North Tyneside Council website. The Members' Code of Conduct is also set out in Part 8.2 of the Constitution.

5. Citizens' responsibilities

Citizens must act in a proper and respectful manner to Members of the Authority or officers and must not wilfully harm property owned by the Authority, Members of the Authority or officers. Citizens are expected not to engage in conduct which is contrary to the Authority's guidelines on Unreasonable Behaviour, which can be viewed at the following links:

[guidance on dealing with people who display unreasonable behaviour](#)

[Restricting Access to the Council Notice](#)

Article 4 - The Full Council

1. Introduction

The full Council is a formal meeting of all Councillors and the Elected Mayor. The full Council is required by law to take certain important decisions including setting the Authority's budget and Council Tax, and approving a number of key plans and strategies, which together form the Policy Framework (listed below). The full Council must also by law take decisions on a number of other specific matters.

The full Council provides a central forum for debate and gives the opportunity for Councillors and, at designated meetings throughout the year, members of the public, to ask questions about the Authority or matters affecting the Borough.

There are three types of full Council meetings:

1. The Annual Meeting
2. Ordinary meetings
3. Extraordinary meetings

These meetings will be conducted in accordance with the procedure rules set out in Part 4.1 Council Rules of Procedure.

2. Functions of the Full Council

Only Council will exercise the following functions:

- a) adopting and changing the Constitution;
- b) approving or adopting the policy framework, the budget and any application to the Secretary of State in respect of any Housing Land Transfer (see paragraph 4 below);
- c) subject to the Urgent Decisions procedure contained in Part 4.8 of this Constitution, taking decisions about any matter which is included in the Budget and Policy Framework where the recommendation is contrary to the agreed policy or contrary to/not wholly in accordance with the budget;
- d) agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them;
- e) appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council;
- f) adopting the Members' Allowances Scheme;

- g) changing the name of the area, conferring the title of honorary alderman or freedom of the borough;
- h) confirming the appointment of the Head of Paid Service;
- i) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- j) all local choice functions set out in Part 3.2 Responsibility for Local Choice Functions, which the Council decides should be undertaken by itself rather than the Cabinet; and
- k) all other matters which, by law, must be reserved to Council.

3. Responsibility for functions

Information regarding responsibilities for Council functions that are not the responsibility of the Cabinet is set out in Part 3 Responsibility for Functions.

4. The Budget and Policy Framework

Budget

The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax and decisions relating to the control of the Authority's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

The Policy Framework

The policy framework means the following plans and strategies:

- Annual Library Plan (in accordance with any requirement by the Secretary of State)
- Children and Young People's Plan;
- Community Safety Plan;
- Plans and alterations which together comprise the Development Plan; and
- Statement of Licensing Policy (Gambling).

The plans above are required to be adopted by the full Council by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and regulations under section 32 of the Local Government Act 2000.

The Council has agreed that the following plans and strategies will also be part of the policy framework. These are known as “local choice” plans and strategies:

- Council Plan

Those plans and strategies that must be sent to a Minister of the Crown for approval will be approved or adopted in draft by Council and sent to the Minister for final approval. The Cabinet will have responsibility for amending, varying, revoking, or modifying any such plans or strategies as required by the Minister from whom approval is sought.

A number of statutory plans are prepared under partnership arrangements (e.g. Community Safety Plan). These need to be negotiated and agreed by the relevant partners. Council should not usually overturn any plans and strategies already agreed with local partners provided that the Budget and Policy Framework Rules of Procedure (see Part 4.7) have been complied with.

Housing Land Transfer

Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

Procedure

The Budget and Policy Framework Rules of Procedure set out in Part 4.7 of this Constitution ensure consultation with councillors who are not members of the Cabinet on initial proposals for these plans so that their views can feed into the development of these plans and strategies.

The Council will carry out a review at the Annual Council meeting of which plans and strategies are included in the Policy Framework. As part of this review the Council will consider whether or not any of the “local choice” plans and strategies should be removed from the Policy Framework and/or whether or not any other permitted “local choice” plans and strategies should be added to the “local choice” part of the Policy Framework.

Any amendments to the Budget and Policy Framework will be approved in accordance with Article 16 of this Constitution.

The Authority’s designated Monitoring Officer will maintain a publicly accessible list of all of those plans and strategies contained in the Policy Framework.

North Tyneside Strategic Partnership

The North Tyneside Strategic Partnership (NTSP) brings together public, private and voluntary sector organisations with the aim of improving the quality of life for people living and working in North Tyneside. The Partnership contributes towards the development of the North Tyneside Council Plan, which sets out key objectives and ambitions for the Borough to which respective partners work.

North Eastern Local Enterprise Partnership

The North Eastern Local Enterprise Partnership (NELEP) is a cross-sector partnership with membership drawn from the public sector (the 5 Tyne and Wear authorities, Northumberland and Durham), the private sector, as well as higher and further education, whose vision is to promote and develop economic growth in the North East. In addition, it seeks to rebalance the economy and create Europe's premier location for low carbon, sustainable, knowledge-based private sector-led growth and jobs.

The key roles of the NELEP are:

- to lobby Government on issues of economic importance to the North East of England;
- to act as an advocate and champion for business and community interests;
- to provide strategic economic leadership and local accountability;
- to demonstrate added value and efficiency; and
- to commit to working across local administrative boundaries.

Article 5 - Chairing the Council

1. Role and function of the Chair

At its Annual Meeting the Council will elect a Chair and a Deputy Chair. The general responsibilities of the Chair, which will be discharged by the Deputy Chair in the absence of the Chair, are detailed in the following paragraphs.*

2. Council Meetings

The Chair will preside over meetings of the Council and in doing so will seek to ensure that the business is transacted efficiently and with due regard to the rights of councillors, officers and the interests of the community.

The Chair will be responsible for ensuring that the Council complies with its own principles of decision making as set out in Article 13. In doing so the Chair will take advice as necessary from the Authority's designated Monitoring Officer.

The Chair will impartially preside over meetings of the Council and in doing so will seek to ensure that the business is transacted efficiently and with due regard to the rights of councillors, officers and the interests of the community.

The Chair will be responsible for upholding and promoting the purposes of the Constitution and in consultation with the Monitoring Officer, to interpret the Constitution where necessary.

3. General

Together with the Elected Mayor, the Chair will promote the Authority as a whole and act as a focal point for the community of North Tyneside.

Civic and ceremonial duties will be undertaken by the Elected Mayor and/or Chair of Council in accordance with the appropriate Protocols (please see Part 8 - Codes and Protocols).

* Other duties of the Chair of Council are set out in Part 4.1 Council Rules of Procedure and Part 4.8 Urgent Decisions Rules of Procedure.

Article 6 – The Role of the Elected Mayor and Cabinet

1. Introduction

The Elected Mayor and Cabinet are the Executive of the Authority and form the administration of the Authority.

The Executive's role is central to the functioning of the Authority. It takes key decisions and implements the Authority's policies and budgets. It also leads the community planning process and the search for value for money, with input from Overview, Scrutiny and Policy Development committees and any other appropriate persons.

It is responsible for the preparation of the Authority's policies and budget and takes in-year decisions on resources and priorities. It is also the focus for forming partnerships with other public, private, voluntary and community sector organisations to address local needs.

2. The Elected Mayor

The role of the Elected Mayor is to carry out the following roles:

- a) be the Authority's principal public spokesperson;
- b) give overall political direction to the Authority;
- c) appoint the Cabinet and Deputy Mayor;
- d) decide on the scheme of delegation for Cabinet functions;
- e) chair meetings of the Cabinet; and
- f) represent the Authority on such external executive bodies as the Elected Mayor decides.

The Elected Mayor will be treated as a councillor unless the law or context requires otherwise.

In particular the Elected Mayor:

- a) is subject to the same rules about qualification and disqualification as any other councillor;
- b) must follow the rules about disclosure of interests and comply with the Members' Code of Conduct;
- c) may be a member of, attend and speak at any meeting of the Council, its committees and sub-committees, except Overview, Scrutiny and Policy Development Committee or any of its sub-committees. The Elected Mayor may only speak at an Overview, Scrutiny and Policy

Development Committee or a scrutiny sub-committee when invited to do so and may not vote at those meetings;

- d) if a member of a political group, will be taken into account when calculating seat allocations on committees and sub-committees of which the Elected Mayor is a Member, if they have to reflect the political composition of the Authority as a whole in accordance with the Local Government and Housing Act 1989;
- e) is subject to the Members' Allowances Scheme as approved and adopted by the Council; and
- f) is subject to the same rules about casual vacancies as apply to all councillors.

3. Deputy Mayor

At the first Annual Meeting of the Council after their election, the Elected Mayor will appoint one of the Members of the Cabinet to act as Deputy Mayor.

The Deputy Mayor will hold office until the end of the Elected Mayor's term of office unless the Deputy Mayor is no longer a Member of the Authority or the Cabinet, resigns as Deputy Mayor, or is removed by the Elected Mayor from the office of Deputy Mayor.

If for any reason the Elected Mayor is unable to act, or the office of Elected Mayor is vacant, the Deputy Mayor will act in the Elected Mayor's place until a new Elected Mayor is elected or again able to act. If the Elected Mayor is unable to act or the office is vacant, at the same time as the Deputy Mayor is unable to act or the office of Deputy Mayor is vacant, then the Cabinet must act in the Elected Mayor's place, or arrange for a Member of the Cabinet to do so.

The Elected Mayor is able to appoint and dismiss the Deputy Mayor as the Elected Mayor wishes. However, any changes must be reported to the Monitoring Officer at the next ordinary meeting of the full Council.

4. The Cabinet

The Cabinet carries out all of the Authority's functions which are not the responsibility of any other part of the Authority, whether by law or under this constitution. Details of which functions are the responsibility of Cabinet and classed as an executive function are set out in Part 3 - Responsibility for Functions.

The Cabinet will comprise the Elected Mayor and at least 2 but no more than 9 councillors, the size and composition of the Cabinet will be solely a matter for the Elected Mayor to decide. Only councillors, excluding the Chair and Deputy Chair of the Council, can be appointed to serve on the Cabinet. However Councillors appointed to serve on the Cabinet cannot be members of the Overview, Scrutiny and Policy Development Committee or any of its sub-committees or sub groups. The Elected Mayor may appoint any councillor from any political group and the Cabinet

need not reflect the political balance of the Authority as a whole. The Elected Mayor will report their appointments to full Council and the Monitoring Officer as and when they are made. The Elected Mayor may invite others to attend meetings of Cabinet as observers.

Members of the Cabinet will hold office until their appointment is terminated by the Elected Mayor, they resign from the Cabinet or are no longer a councillor.

The Elected Mayor is able to appoint and dismiss members of the Cabinet as the Elected Mayor wishes. However, any changes should be reported to the Monitoring Officer and the next ordinary meeting of full Council.

If all the members of the Cabinet are unable to act, then the Elected Mayor will appoint an interim Cabinet to discharge the relevant executive functions

5. Proceedings of the Cabinet

Proceedings of the Cabinet will take place in accordance with the Cabinet Rules of Procedure set out in Part 4.2 of this Constitution.

The Elected Mayor's Delegation Scheme

The Elected Mayor will make arrangements for a list to be maintained setting out whether responsibility for the exercise of particular Cabinet functions lies with the Cabinet itself or with individual members of the Cabinet, officers of the Authority or through joint arrangements. See Part 3.4 - Responsibility for Executive Functions and the Elected Mayor's Delegation Scheme.

The Elected Mayor may amend the scheme of delegation of executive functions at any time by giving written notice of the change to the Chief Executive.

The Chief Executive will notify the individual or body affected by the change as soon as reasonably practicable on receipt of the notice of the change. The change in delegation will take effect on receipt of the notice by the Chief Executive.

The Chief Executive will report the change to the next ordinary meeting of the full Council and amend Part 3 - Responsibility for Functions of the Constitution accordingly.

8. Executive Arrangements

The following parts of the Constitution constitute the executive arrangements:

- Article 6 The Role of the Elected Mayor and Cabinet
- Article 7 Overview, Scrutiny and Policy Development
- Article 11 Joint Arrangements
- Article 13 Decision Making
- Part 3 Responsibility for Functions
- Part 4 Rules of Procedure

Article 7 - Overview, Scrutiny and Policy Development

1. Introduction

An effective Overview, Scrutiny and Policy Development function is an essential component of local democracy, enhancing accountability and transparency of decision making and enabling councillors to represent the views of their constituents. Government guidance makes it clear that Overview, Scrutiny and Policy Development committees should be powerful committees that can contribute to the development of the Authority's policies and can also hold the Cabinet to account for its actions.

2. Overview, Scrutiny and Policy Development in North Tyneside

In order to promote a clear and consistent understanding of Overview, Scrutiny and Policy Development in North Tyneside, the following statement has been adopted to describe its role:

“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.”

The statement is based on the Centre for Public Scrutiny's four principles of good scrutiny which are that good public scrutiny:

- provides ‘critical friend’ challenge to executive policy makers and decision makers;
- enables the voice and concerns of the public;
- is carried out by independent minded governors who lead and own the scrutiny role; and
- drives improvement in public services.

3. Role of Overview, Scrutiny and Policy Development

Section 21 of the Local Government Act 2000 requires the Authority to appoint at least one Overview, Scrutiny and Policy Development committee to undertake the Overview, Scrutiny and Policy Development function.

Overview, Scrutiny and Policy Development committees can:

- review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Authority's functions, excluding those decisions which are quasi-judicial in nature;
- require the Elected Mayor, Cabinet Members and the Authority's officers to attend its meetings and answer questions;
- make reports or recommendations to the full Council and/or the Executive in connection with the discharge of any functions;
- consider any matter affecting North Tyneside or its inhabitants;
- consider any decision that has been 'called in' (see Part 4.9 - Call In Rules of Procedure);
- publish reports or recommendations and require the executive to consider and respond to these reports within a 2-month period;
- review or scrutinise progress in relation to the delivery of the Local Strategic Partnership's local performance targets, require information from relevant local partner authorities and make reports and/or recommendations to the Executive and partner organisations;
- publish reports or recommendations and give notice in writing to relevant partner authorities to have regard to the report and recommendations;
- consider any issues referred to the committee in accordance with the Petitions Scheme or from ward councillors as 'councillor calls for action'; and
- review or scrutinise the Cabinet's initial and final proposals in respect of plans and strategies falling within the Budget and Policy Framework, in accordance with the Budget and Policy Framework Rules of Procedure (see Part 4.7).

4. Officers

The Authority has a designated Scrutiny Officer who is responsible for promoting the role of the Authority's Overview, Scrutiny and Policy Development arrangements; providing support to the Authority's Overview,

Scrutiny and Policy Development Committee, sub-committees and their members and to provide support and guidance to:

- (i) Members of the Authority;
- (ii) Members of the executive of the Authority; and
- (iii) Officers of the Authority

in relation to the functions of the Authority's Overview, Scrutiny and Policy Development arrangements.

The Authority will also ensure that appropriate officer support is provided to enable the Overview, Scrutiny and Policy Development Committee and sub-committees to deliver their agreed work programmes and responsibilities.

5. Proceedings

The Overview, Scrutiny and Policy Development Committee and its sub-committees will conduct their proceedings in accordance with Part 3.5 - Terms of reference of committees and Part 4.3 - Overview, Scrutiny and Policy Development Committee Rules of Procedure.

Article 8 - Regulatory and other Committees

1. Regulatory and other committees

The Authority can appoint committees to carry out the functions listed in Part 3.3 – Responsibility for Council Functions. These are referred to as the regulatory and other committees and can include in their membership members of the Cabinet.

All regulatory and other committees covered by this section will normally be appointed at the Annual Meeting of the Council. The number of members to be appointed to all such committees will be determined at the Annual Meeting in accordance with the provisions of the Local Government and Housing Act 1989 and any subsequent regulations. These provisions relate to the political balance on committees.

2. Training

Initial and refresher training for Members serving on the regulatory committees of the Authority is important in ensuring the probity and credibility of the Authority's decision making processes. Members will be required to complete specific training in advance of attending committees/panels in order to sit as an appointed or substitute member on the Authority's regulatory committees. Training must be completed annually in accordance with the Member Development programme.

Other than in exceptional circumstances, as determined in each case by the Monitoring Officer in consultation with the Elected Mayor and Group Leaders, any member who has not undertaken the training will not continue to serve on the committee or sub-committee concerned.

3. Proceedings and Procedures

For details of what committees have been appointed and what their responsibilities are see Part 3.5 - Terms of Reference of Committees and Part 4.4 - Regulatory and other Committees Rules of Procedure.

Decisions of regulatory committees will not be available for 'call in' as further rights of appeal or legal remedies are available to anyone aggrieved by such decisions.

Decisions of committees that are not regulatory committees and do not have further rights of appeal or specific legal remedies will be subject to call in but only in respect of alleged breaches of the principles of decision making set out in Article 13.

See Part 4.9 - Call In Rules of Procedure for more information on Call In.

Article 9 - The Standards Committee

1. Introduction

Each Authority must adopt “arrangements” for dealing with complaints alleging breach of the Members’ Code of Conduct. As part of those arrangements the Authority has set up a Standards Committee. The 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 and conducting hearings following investigation and determining complaints made against Councillors in respect of alleged breaches of the Code of Conduct (including following requests for review).

The Committee reviews complaints made against Members in respect of alleged breaches of the Members’ Code of Conduct.

The Independent Person

The Independent Person(s) appointed by the Authority will be invited to attend all meetings of the Committee. The role of the Independent Person is set out below.

The Independent Person

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

2. Procedures and Proceedings

The Standards Committee will conduct its proceedings in accordance with Part 4.5 - Standards Committee Rules of Procedure.

3. Training

Initial and refresher training for Members serving on the Standards Committee of the Authority is important in ensuring the probity and credibility of the Authority’s decision making processes. Members will be required to have undertaken basic training through the Authority’s member induction programme, on election or re-election, and refreshed every two years, before they can serve on the Standards Committee. This training will cover 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 will also be provided for the Independent Persons appointed to that role by the Authority.

Article 10 - Health and Wellbeing Board

1. Introduction

The Authority is required to appoint a Health and Wellbeing Board to ensure that there is an integrated approach to the provision of health and social care services in the area. The Board brings together representatives from a range of relevant organisations to provide shared leadership of the strategic approach to health and wellbeing of communities in North Tyneside.

The Board is responsible for:-

- encouraging the commissioners of health and social care services to work in an integrated manner to improve the health and wellbeing of people in the area, including the making of joint arrangements;
- preparing a Joint Strategic Needs Assessment, Joint Health and Wellbeing Strategy and Pharmaceutical Needs Assessment; and
- encouraging the commissioners of health-related services, such as housing, to work closely with the Board and the commissioners of health and social care services.

2. Proceedings

The Health and Wellbeing Board will conduct its proceedings in accordance with Part 3.5E, Terms of reference of Committees, and Part 4.6, Health and Wellbeing Board Rules of Procedure, of the Constitution.

Article 11 – Area Committees

Area committees

The Authority may appoint Area Committees as it sees fit, if it is satisfied that to do so will ensure improved service delivery and/or more efficient, transparent and accountable decision making.

Where the Authority establishes Area Committees their operation will be consistent with the purposes of this Constitution; and procedure rules for their operation will be approved and included in Part 4 of this Constitution.

Article 12 - Officers

1. Definition

The use of the title “officers” in the Constitution means all of the employees of the Authority and includes those staff who are engaged in any short term, agency or other non-employed capacity.

2. Management Structure

The Authority will engage such staff (referred to as officers) as it considers necessary to carry out its functions. The Head of Paid Service will determine and publicise a description of the overall management and operational structure of the Authority showing the management structure and deployment of officers. (See Part 10 - Management Structure)

3. Duty to provide sufficient resources to the Head of Paid Service, Monitoring Officer and Chief Finance Officer

The Authority will provide the Head of Paid Service, Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

4. Conduct

Officers will comply with the Officers' Code of Conduct and the Protocol on Member/Officer Relations (see Part 8 - Codes and Protocols).

5. Employment

The recruitment, selection and dismissal of officers will comply with Part 4.10 - Officer Employment Rules.

6. Statutory Officers

The Authority is required to appoint a number of statutory officers by law. All councillors have equal access to all statutory officers. The three key statutory officers are the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer.

7. Head of Paid Service

The Head of Paid Service will report to full Council on the manner in which the discharge of the Authority's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

The Head of Paid Service cannot be the Monitoring Officer but can hold the post of Chief Finance Officer if a qualified accountant.

8. Monitoring Officer

The Monitoring Officer has responsibility for:

- a) Ensuring lawfulness and fairness of decision making.

After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full Council, or to the Cabinet in relation to an executive function, if the Monitoring Officer considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration as determined by the Local Government Ombudsman. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

- b) Supporting the Standards Committee.

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.

- c) Proper Officer for receipt and acknowledgement of complaints of failure to comply with the Members' Code of Conduct under the Authority's adopted arrangements.

(i) The Monitoring Officer will either conduct or arrange for investigations to be conducted into alleged breaches of the Members' Code of Conduct, and as appropriate, submit such reports to the Standards Committee in accordance with the Authority's adopted arrangements.

(ii) The Monitoring Officer will undertake informal resolution of such complaints in accordance with the Authority's adopted arrangements.

(iii) The Monitoring Officer will, where informal/local resolution of a complaint is unsuccessful, refer the Investigating Officer's report to the Standards Committee/Sub-Committee for a formal hearing and determination.

- d) Maintaining the Constitution.

The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Members, officers and the public.

- e) Proper Officer for access to information.

The Monitoring Officer will ensure that Cabinet decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.

- f) Advising whether executive Cabinet decisions are within the Budget and Policy Framework.

The Monitoring Officer will advise whether decisions of the Cabinet are in accordance with the Budget and Policy Framework.

- g) Providing advice.

The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors.

The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

9. **Chief Finance Officer (also known as the Section 151 Officer**

The Chief Finance Officer has responsibility for:

- a) Ensuring lawfulness and financial prudence of decision making.

After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Council or to the Cabinet in relation to an executive function and the Authority's external auditor if the Chief Finance Officer considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Authority is about to enter an item of account unlawfully.

- b) Administration of financial affairs.

The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Authority.

- c) Contributing to corporate management.

The Chief Finance Officer will contribute to the corporate management of the Authority, in particular through the provision of professional financial advice.

- d) Providing advice.

The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions based on their financial implications, financial impropriety, probity to all councillors and the Elected Mayor and will support and advise councillors and officers in their respective roles.

e) Give financial information.

The Chief Finance Officer will ensure that financial information is provided to councillors and the Elected Mayor in accordance with their rights of access and, where appropriate, to the media, members of the public and the community.

Article 13 - Decision Making

1. Responsibility for decision making

The Monitoring Officer, on behalf of the Authority, will issue and keep up to date a record of what part of the Authority or which individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 - Responsibility for Functions.

2. Types of decision

There are different types of decision taken in the Authority's name.

Some decisions can only be taken by the full Council and these are listed in Article 4. Other decisions, referred to as executive decisions, can be taken by the Cabinet or officers of the Authority.

3. Key Decisions

Some decisions are referred to as “key decisions”. These are decisions which are:

- a) likely to result in the Authority incurring expenditure or making savings which will have a significant impact on a particular area of the Authority's budget; and/or
- b) likely to be significant in the way in which they affect those people living and/or working in an area that in size is equivalent to one or more of the electoral wards in North Tyneside.

The law requires the Authority to give 28 days notice of those decisions that are considered to be key decisions. For further information on the Forward Plan see paragraphs 12-13 of Part 4.2 - Cabinet Rules of Procedure.

The following list identifies the criteria governing key decisions and where one or more of these apply to a decision then it is a key decision that is required to be subject to 28 days notice:

- a) the decision involves the adoption or modification of the Authority's Budget or any of the plans in the Policy Framework;
- b) the decision has a material effect on the provision of services in one or more wards in North Tyneside;
- c) the decision involves expenditure or savings by or on behalf of the Authority (capital or revenue) of £500,000 or over.

For further information on the Budget and Policy Framework see Article 4. For information on the Forward Plan see Part 4.2 Cabinet Rules of Procedure.

4. Principles of decision making

All decisions taken in the name of the Authority will be made in accordance with the following principles:

- a) Proportionality (i.e. the action must be proportionate to the desired outcome).

For example, the level of resources which are deployed to implement a decision should be proportionate to the likely impact of that decision.

- b) Consideration of professional advice from officers.

This does not mean that officer advice must always be followed. However, where advice has been offered and it is not followed the reason for not following the professional advice must be justified and recorded.

- c) Due consultation.

It is expected that consultation will form part of the Authority's decision making process. This does not mean that consultation must take place on every decision. The level of consultation required will be appropriate to the nature of the matter under consideration. The views of those likely to be affected by a decision should be sought wherever possible.

- d) Consideration of the legal and financial implications.

This means that the legal consequences and financial implications of any decision must be considered and recorded.

- e) A presumption in favour of openness.

The process through which all decisions are taken must reflect the Authority's commitment to open government and the Access to Information Rules of Procedure (see Part 4.11).

- f) Consideration of available options and outlining reasons for decisions.

Decision makers should ensure that they are able to consider all reasonable and available options in respect of any decision they are to make. In doing so they must clearly explain why they have chosen one particular option and give reasons for rejecting others and this must be included in the formal record of their decision.

g) Respect for human rights.

All decisions must demonstrate that consideration has been given to any human rights implications under the Human Rights Act 1998 and follow the principles of natural justice. Consideration must also be given to any other principles or duties in associated areas which may in future arise.

h) Equality and Diversity.

Decision makers must have regard to the likely effect of the decision on individuals depending on age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation in accordance with the equality duty placed on public bodies by the Equalities Act 2010.

i) Crime and Disorder.

Decision makers must have regard to the likely impact of the decision on crime and disorder in the area, including anti-social and other behaviour adversely affecting the local environment and the misuse of drugs, alcohol and other substances in its area in accordance with the duty placed on the Authority by the Crime and Disorder Act 1998.

j) Environment and Sustainability.

Consideration must be given to whether the decision will contribute to sustainable development i.e. development that meets the needs of the present without compromising the ability of future generations to meet their own needs.

k) Risk Management.

Decision makers must ensure the Authority's risk management processes have been applied to the matter and that any risks have been documented and will be appropriately managed.

l) Purposes of the Constitution.

Decision makers should have regard to the purposes of the Constitution set out in Article 1.

5. Decision making by the full Council

Unless the Council is acting as a tribunal, it will follow Part 4.1 - Council Rules of Procedure when considering any matter.

6. Decision making by the Cabinet

Unless the Cabinet is acting as a tribunal, it will follow Part 4.2 - Cabinet Rules of Procedure when considering any matter.

7. Consideration of matters by Overview, Scrutiny and Policy Development Committee

Overview, Scrutiny and Policy Development committees will follow Part 4.3 - Overview, Scrutiny and Policy Development Rules of Procedure when considering any matter.

8. Decision making by other committees and sub-committees established by the Council

Unless acting as a tribunal, other Authority committees and sub-committees will follow their procedure rules set out in Part 4 – Rules of Procedure.

9. Decision making by Authority bodies acting as tribunals

The Council, a councillor or an officer acting as a tribunal or in a quasi judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

10. Decision making by officers

All decisions taken by officers under the Authority's Officer Delegation Scheme or the Elected Mayor's Delegation Scheme will be taken in accordance with the principles set out in this article.

11. Record of decisions

All decisions of the Council and its committees and sub-committees; the Cabinet and any committee or sub-committee of Cabinet; individual Cabinet Members (including the Elected Mayor) exercising delegated powers; and any officers exercising delegated powers will be recorded in accordance with Part 4.11 - Access to Information Rules of Procedure.

Article 14 - Joint Arrangements

1. General Power of Competence and Joint Arrangements

In accordance with a local authority's general power of competence, the Council or the Cabinet may:

- a) agree to enter into arrangements or agreements with any person or body;
- b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- c) exercise on behalf of that person or body any functions of that person or body.

The above is subject to the provisions of paragraph 2 and in accordance with any limitations imposed by legislation.

2. Joint arrangements

A. The Council may establish joint arrangements:

1. for the discharge of any of the Authority's functions (i.e. not the functions of the executive) with the Council or Executive (Cabinet) of another local authority. Where the joint arrangement is made with the Executive (Cabinet) of another local authority, the Executive of the other local authority can exercise the functions of this Authority, in accordance with the joint arrangements, notwithstanding that they are not executive (Cabinet) functions in the other local authority; or
2. to provide advice to the Authority on the exercise of such functions.

B. The Elected Mayor or Cabinet may establish joint arrangements:

1. for the discharge of any executive (Cabinet) functions (i.e. not Council functions) with the Council or executive (Cabinet) of another local authority. Where the other local authority has a Cabinet, the functions subject to the joint arrangements must be discharged by the Cabinet of the other local authority; or
2. to provide advice to the Cabinet on the exercise of such functions.

Such joint arrangements may involve the appointment of joint committees with the other local authority.

Where the Authority has established a joint arrangement that involves the creation of a joint committee, the Authority must appoint Members to that joint committee and where the functions undertaken by the joint arrangement

relate to the whole of the Borough Members must be appointed in accordance with political balance requirements.

Where the Authority has established a joint arrangement that involves the creation of a joint committee, and the functions undertaken by the joint arrangement only relate to a part of the Borough, the political balance requirements do not apply and the Authority must appoint to that joint committee those Members whose wards are in the part of the Borough covered by the joint arrangement.

Except as set out below, the Cabinet may only appoint Cabinet Members to a joint committee that is exercising executive (Cabinet) functions and those Members need not reflect the political composition of the Authority as a whole.

The Cabinet may appoint non-Cabinet Members to a joint committee exercising executive (Cabinet) functions where the joint committee is discharging functions in relation to five or more local authorities. Furthermore the Cabinet may appoint non-Cabinet Members to a joint committee exercising executive (Cabinet) functions where the joint arrangements apply to part of the Borough only. In such cases, the Cabinet may appoint to the joint committee councillors who are Members for wards that are wholly or partly contained within the area.

The political balance requirements do not apply to such Cabinet appointments.

Details of any joint arrangements including any delegations to joint committees can be found in Part 3.6 - Bodies Outside of the Authority.

C. Access to information

Part 4.11- Access to Information Rules of Procedure apply to Joint Committees. If all members of a joint committee are members of the executive or Cabinet in each of the participating authorities then the access to information regime is the same as that applied to the Cabinet.

If the Joint Committee contains Members who are not on the executive or Cabinet of any participating authority, then the access to information rules in Part VA of the Local Government Act 1972 (as amended) will apply.

D. Delegation to and from other local authorities

The Authority can delegate non-executive functions to another local authority or, where those functions are the responsibility of the executive or Cabinet of another local authority, to that executive or Cabinet.

The Cabinet can delegate executive functions to another local authority or the executive or Cabinet of another local authority in accordance with the relevant Regulations.

E. Contracting out

The Cabinet can contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Authority's agent under usual contracting principles, provided there is no delegation of the Authority's discretionary decision making. For non-executive functions the Authority may contract out in the same way. (See Part 7 - Contract Standing Orders.)

Article 15 - Finance, Contracts and Legal Matters

1. Responsibility for decision making

The financial management of the Authority's financial affairs will be conducted in accordance with the financial rules set out in Part 6 - Financial Regulations.

2. Contracts

Every contract made by the Authority will comply with Part 7 - Contract Standing Orders.

3. Legal proceedings

The person designated by the Authority as its principal legal officer is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Authority or in any case where that person considers that such action is necessary to protect the Authority's interests.

4. Authentication of documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Authority, it will be signed by the principal legal officer or other person authorised by them, unless any enactment otherwise authorises or requires, or the Authority has given requisite authority to some other person.

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.

6. Formal Deeds

The principal legal officer is authorised to sign any formal deeds on behalf of the Authority.

Article 16 - Review and Revision of the Constitution

1. Monitoring and review of the Constitution by the Monitoring Officer

A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Authority, and to make recommendations for ways in which it could be amended in order to better achieve the purposes set out in Article 1. In undertaking this task the Monitoring Officer should:

- a) observe meetings of different parts of the Authority's structure;
- b) undertake an audit trail of a sample of decisions;
- c) record and analyse issues raised with him/her by the Elected Mayor, councillors, officers, the public and other relevant stakeholders; and
- d) compare practices in this Authority with those in other comparable Authorities, or national examples of best practice.

The Constitution will be reviewed at least annually.

2. Changes to the constitution

Changes to the Constitution can only be approved by the full Council.

Unless the change relates only to the operation of Overview, Scrutiny and Policy Development Committees, any resolution of the full Council to approve a change will have no effect without the written consent of the Elected Mayor.

3. Change from a mayoral form of executive to another form of executive or to alternative arrangements.

If a petition of more than 5% of registered electors is received, or a resolution of Council is passed requesting a referendum to another form of executive or alternative arrangements, the Authority must draw up proposals and must hold a binding referendum in accordance with legislation. Any change will not take effect until the end of the Elected Mayor's term of office.

Article 17 - Suspension, Interpretation and Publication of the Constitution

1. Suspension of the ConstitutionError! Bookmark not defined.

The Articles of this Constitution cannot be suspended. However, some rules may be suspended but only by the full Council to the extent permitted within those rules and the law.

2. Procedure to suspend

A motion to suspend any rule(s) will not be moved without notice unless at least one half of the whole number of councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

3. Rules capable of suspension

All of the Council rules of procedure, except the mandatory standing orders relating to the recording of an individual vote and no requirement to sign minutes at extraordinary meetings (see Part 4.1 - Council Rules of Procedure), can be suspended. The rules can only be suspended for the duration of the meeting at which they have been suspended.

4. InterpretationError! Bookmark not defined.

The ruling of the Chair of Council as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1. In giving any ruling the Chair will take account of advice given by the Authority's designated Monitoring Officer.

5. Publication

The Monitoring Officer will arrange for a printed copy of this Constitution to be provided to each Member of the Authority as soon as possible after their election and will provide Members of the Authority with updates as appropriate.

The Monitoring Officer will ensure that copies are available for inspection at the Authority's offices, libraries and other appropriate locations and on the Authority's website and is updated as necessary.

Part 3 Responsibility for Functions

3.1 Introduction

1. This part of the Constitution sets out which parts of the Authority are responsible for carrying out particular functions.

Under the Local Government Act 2000 and subsequent regulations, the Authority's functions are either:

- a) the responsibility of the full Council and/or its committees and sub-committees; or
- b) the responsibility of the Executive (i.e. the Cabinet, Cabinet committees or individual members of the Cabinet); or
- c) "local choice" functions (i.e. where, under the legislation, the Authority is free to choose whether the function is the responsibility of the Council or the Executive).

Some Council functions and Executive functions may be delegated to officers.

The following paragraphs and associated parts describe which functions are the responsibility of the Council and/or its Committees and Sub-committees and which functions are the responsibility of the Cabinet, Cabinet committees or individual members of the Cabinet. They also set out which functions have been delegated to officers.

This part of the Constitution will be reviewed yearly, as part of the annual review of the Constitution, to ensure it is up to date. The version available on the Authority's website will be updated as new legislation comes into force.

2. Part 3.2 - Responsibility for 'Local Choice' Functions

"Local Choice" functions have been allocated to the executive or Council as indicated in Part 3.2.

Where the function is a Council function the committee and/or sub-committee responsible for the function is indicated. Where the function is delegated to an officer this is also indicated.

3. Part 3.3 - Responsibility for Council Functions

The Local Authority (Functions and Responsibilities) (England) Regulations 2000 specify which functions must not be the responsibility of the executive.

Some functions can only be exercised by full Council. These are set out in paragraph 2 of Article 4 of the Constitution.

Functions that are the responsibility of the Council or are delegated to committees and sub-committees of the Council are set out in Part 3.5.

The functions contained in Part 3.3 include:

- a) Functions relating to town and country planning and development control;
- b) Licensing and registration functions;
- c) Functions relating to health and safety at work;
- d) Functions relating to elections;
- e) Functions relating to name and status of areas and individuals;
- f) Functions relating to community governance;
- g) Power to make, amend, revoke or re-enact byelaws;
- h) Functions relating to smoke-free premises etc;
- i) Power to promote or oppose local or personal bills;
- j) Functions relating to pensions etc.
- k) Miscellaneous functions.
- l) Other functions.

Where functions are the responsibility of a committee these are also contained within the terms of reference of committees (Part 3.5). Where functions have been delegated to officers these are included in the Officer Delegation Scheme (Part 3.7).

4. Part 3.4 - Responsibility for Executive Functions

All other functions that are not specified as Council functions under the regulations or specified under other legislation are the responsibility of the executive/Cabinet.

The functions of the Elected Mayor, the Deputy Mayor and the Cabinet as a body are set out in Article 6 of the Constitution.

Responsibility for the exercise of particular Cabinet functions can be allocated to individual Members of the Cabinet, officers or through joint arrangements.

Part 3.4 lists the current Cabinet Member portfolios and also includes the Cabinet member delegation scheme, and the functions of any Cabinet Committees.

Where executive functions are delegated to officers these are set out in the Officer Delegation scheme (Part 3.7).

5. Part 3.5 - Terms of reference of Council committees and sub-committees

This Part sets out the terms of reference of the Committees and Sub-committees with delegated responsibility for exercising Council functions.

6. Part 3.6 - Bodies Outside of the Authority

This part sets out information on the external bodies and organisations the Authority appoints Members and officers to.

7. Part 3.7 - Officer Delegation Scheme

The Officer Delegation Scheme sets out delegations to officers in relation to both executive and non-executive functions. The Officer Delegation Scheme is part of the Constitution but is produced as a separate document.

8. Part 3.8 – State of the Area Conference

This part sets out information on the responsibility of the Elected Mayor to call a State of the Area Conference.

Part 3 Responsibility for Functions *(Note: this section is subject to further review following the coming into force of any new Functions and Responsibilities Regulations)*

3.2 Responsibility for Local Choice Functions (Functions which may be (but need not be) the responsibility of an authority's executive)

	Function	Decision Making Body Function allocated to	Delegation of Function from Decision Making Body to
1.	Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).	Council	
2	The determination of an appeal against any decision made by or on behalf of the Authority.	Council	Regulation and Review Committee
3.	The making of arrangements in relation to requests for a review against the decision to exclude a pupil from a maintained school.	Council	Head of Law
4.	The making of arrangements pursuant to section 94(1), (1A) and (4) of the School Standards and Framework Act 1998 as amended (admissions appeals).	Council	Head of Law
5.	The making of arrangements pursuant to section 95(2) of the School Standards and Framework Act 1998 (children to whom section 87 applies: appeals by governing bodies).	Council	Head of Law
6.	Any function relating to contaminated land.	Cabinet	Director of Public Health in consultation with the Head of Law

	Function	Decision Making Body Function allocated to	Delegation of Function from Decision Making Body to
7.	The discharge of any function relating to the control of pollution or the management of air quality.	Cabinet	Director of Public Health in consultation with the Head of Law
8.	The service of an abatement notice in respect of a statutory nuisance.	Cabinet	Director of Public Health in consultation with the Head of Law
9.	The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	Cabinet	Director of Public Health in consultation with the Head of Law
10.	The inspection of the Authority's area to detect any statutory nuisance.	Cabinet	Director of Public Health in consultation with the Head of Law
111	The investigation of any complaint as to the existence of a statutory nuisance.	Cabinet	Director of Public Health in consultation with the Head of Law
12.	The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.	Cabinet	Director of Regeneration and Economic Development in consultation with the Head of Law
13.	The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Cabinet	Head of Law, Director of Resources, Senior Manager Customer and Operational Services and Director of Public Health

	Function	Decision Making Body Function allocated to	Delegation of Function from Decision Making Body to
14.	The making of agreements for the execution of highways works.	Cabinet	Head of Law
15.	The appointment of any individual – (b) to any office other than an office in which s/he is employed by the authority; (c) to any body other than – (i) the authority; (ii) a joint committee of two or more authorities; or (d) to any committee or sub-committee of such a body, and the revocation of any such appointment.	Council	Note: Council is responsible for making appointments to those bodies exercising non-executive functions; Cabinet appoints to those bodies exercising executive functions. See Part 3.6 Bodies Outside of the Authority for more information.
16.	The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.	Cabinet	
17.	Any function of a local authority in their capacity as a harbour authority (to the extent that the function did not fall within paragraph 1 of this schedule).	Cabinet	
18.	Functions under sections 106, 110, 111 and 113 of the Local Government and Public Involvement in Health Act 2007 relating to local area agreements	Council	

Part 3 Responsibility for Functions

3.3 Responsibility for Council Functions (*Note: this section is subject to further review following the coming into force of any new Functions and Responsibilities Regulations*) and/or the Cabinet (as laid down in schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.)

A. Functions relating to town and country planning and development control

	Function	Provision of Act or Statutory Instrument	Committee Responsibility	Officer Delegation (if any)
A1	Power to determine application for planning permission.	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 (c.8).	Planning	Director of Regeneration and Economic Development
A2	Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990.	Planning	Director of Regeneration and Economic Development
A3	Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990.	Planning	Director of Regeneration and Economic Development
A4	Power to decline to determine application for planning permission.	Section 70A of the Town and Country Planning Act 1990.	Planning	Director of Regeneration and Economic Development
A5	Duties relating to the making of determinations of planning applications.	Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) and directions made thereunder.	Planning	Director of Regeneration and Economic Development
A6	Power to determine application for planning permission made by a local authority, alone or jointly with another person.	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492).	Planning	
A7	Power to make determinations, give	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26,	Planning	Director of Regeneration

	Function	Provision of Act or Statutory Instrument	Committee Responsibility	Officer Delegation (if any)
	approvals and agree certain other matters relating to the exercise of permitted development rights.	30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418).		and Economic Development
A8	Power to enter into agreement regulating development or use of land	Section 106 of the Town and Country Planning Act 1990.	Planning	Director of Regeneration and Economic Development
A9	Power to issue a certificate of existing or proposed lawful use or development.	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990	Planning	Director of Regeneration and Economic Development
A10	Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990.	Planning	Director of Regeneration and Economic Development
A11	Power to grant consent for the display of advertisements	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992 (S.I. 1992/666).	Planning	Director of Environment, Housing and Leisure
A12	Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990.	Planning	Head of Law
A13	Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990	Planning	
A14	Power to serve a planning contravention notice, breach of condition notice or stop notice.	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990.	Planning	Directors of Regeneration and Economic Development and Head of Law

	Function	Provision of Act or Statutory Instrument	Committee Responsibility	Officer Delegation (if any)
A15	Power to issue a temporary stop notice.	Section 171(E) of the Town and Country Planning Act 1990.	Planning	Head of Law
A16	Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990.	Planning	Head of Law
A17	Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990.	Planning	Head of Law
A18	Power to determine applications for hazardous substances consent, and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990 (c.10).	Planning	Director of Public Health the Head of Law to undertake any necessary enforcement action.
A19	Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991(c.34), paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c.25) and paragraph 6(5) of Schedule 14 to that Act.	Planning	Director of Regeneration and Economic Development
A20	Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990.	Planning	Head of Law
A21	Power to determine application for listed building consent, and related powers.	Sections 16(1) and (2), 17, and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9).	Planning	Director of Regeneration and Economic Development
A22	Power to determine applications for conservation area consent.	Section 16(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990, as applied by section 74(3) of that Act	Planning	Director of Regeneration and Economic Development
A23	Duties relating to applications for listed building consent and conservation	Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and	Planning	Director of Regeneration and Economic

	Function	Provision of Act or Statutory Instrument	Committee Responsibility	Officer Delegation (if any)
	area consent.	Conservation Areas) Act 1990(c9) and regulations 3 to 6 and 13 of the Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1990 (S.I.1990/1519) and paragraphs 8, 15 and 26 of Department of the Environment, Transport and the Regions Circular 01/01.		Development
A24	Power to serve a building preservation notice, and related powers.	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990(c.9).	Planning	Director of Regeneration and Economic Development
A25	Power to issue enforcement notice in relation to demolition of listed building in conservation area.	Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990(c.9).	Planning	Head of Law
A26	Powers to acquire a listed building in need of repair and to serve a repairs notice.	Sections 47 and 48 of the Planning (Listed Buildings in Conservation Areas) Act 1990(c.9)	Planning	Head of Law
A27	Power to apply for an injunction in relation to a listed building.	Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990(c.9).	Planning	Head of Law
A28	Power to authorise stopping up or diversion of highway	Section 247 of the Town and Country Planning Act 1990(c.8)	Planning	Director of Regeneration and Economic Development
A29	Power to execute urgent works.	Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990(c.9).	Planning	Head of Law
A30	Duty to enter land in Part 2 of the brownfield land register.	Regulation 3 of the Town and Country Planning (Brownfield Land Register) Regulations 2017	Planning	Director of Regeneration and Economic Development

B. Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule)

	Function	Provision of Act or Statutory Instrument	Committee Responsibility	Officer Delegation (if any)
B1	Power to issue licences authorising the use of land as a caravan site ("site licences").	Section 3(3) of the Caravan Sites and Control of Development Act 1960 (c.62).	Regulation and Review	Director of Regeneration and Economic Development
B2	Power to license the use of moveable dwellings and camping sites	Section 269(1) of the Public Health Act 1936 (c.49).	Regulation and Review	Director of Public Health
B3	Power to license hackney carriages and private hire vehicles.	(a) as to hackney carriages, the Town Police Clauses Act 1847 (10 & 11 Vict. C.89), as extended by section 171 of the Public Health Act 1875 (38 & 39 Vict. C.55), and section 15 of the Transport Act 1985 (c.67); and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (c.57); (b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.	Regulation and Review	Director of Regeneration and Economic Development
B4	Power to license drivers of hackney carriages and private hire vehicles.	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.	Regulation and Review	Director of Regeneration and Economic Development
B5	Power to license operators of hackney carriages and private hire vehicles.	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.	Regulation and Review	Director of Regeneration and Economic Development
B6	Power to issue cinema and cinema club licenses.	Section 1 of the Cinema Act 1985	Regulation and Review	Director of Regeneration and Economic Development

	Function	Provision of Act or Statutory Instrument	Committee Responsibility	Officer Delegation (if any)
B7	Power to issue theatre licences	Sections 12 to 14 of the Theatres Act 1968.	Regulation and Review	Director of Regeneration and Economic Development
B8	Power to issue entertainments licences	Section 12 of the Children and Young Persons Act 1933.	Regulation and Review	Director of Regeneration and Economic Development
B9	Functions relating to licensing.	Sections 5-8 of the Licensing Act 2003.	Licensing	Director of Regeneration and Economic Development
B10	Duty to comply with requirement to provide information to Gambling Commission.	Section 29 of the Gambling Act 2005.	Licensing	Director of Regeneration and Economic Development
B11	Functions relating to exchange of information.	Section 30 of the Gambling Act 2005.	Licensing	Director of Regeneration and Economic Development
B12	Functions relating to occasional use notices.	Section 39 of the Gambling Act 2005.	Licensing	Director of Regeneration and Economic Development
B13	Power to resolve not to issue a casino premises licence.	Section 166 of the Gambling Act 2005.	Council	
B14	Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises.	Section 304 of the Gambling Act 2005.	Council	Director of Regeneration and Economic Development
B15	Power to make order disapplying Section 279 or Section 282(1) of the Gambling Act 2005 in relation to specified premises.	Section 284 of the Gambling Act 2005.	Licensing	
B16	Power to institute criminal proceedings.	Section 346 of the Gambling Act 2005.	Licensing	Head of Law

	Function	Provision of Act or Statutory Instrument	Committee Responsibility	Officer Delegation (if any)
B17	Power to exchange information.	Section 350 of the Gambling Act 2005	-	Director of Regeneration and Economic Development
B18	Functions relating to the determination of fees for premises licences.	The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 (S.I. 2007/479).	Licensing	Director of Regeneration and Economic Development
B19	Functions relating to the registration and regulation of small society lotteries.	Part 5 of Schedule 11 of the Gambling Act 2005.	Licensing	Director of Regeneration and Economic Development
B20	Power to license sex shops and sex cinemas.	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.	Regulation and Review	Director of Public Health
B21	Power to license performances of hypnotism.	The Hypnotism Act 1952 (c.46).	Regulation and Review	Director of Public Health
B22	Power to license premises for acupuncture, tattooing, ear- piercing and electrolysis.	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.	Regulation and Review	Director of Public Health
B23	Power to license pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907 (c.53).	Regulation and Review	Director of Public Health
B24	Power to license market and street trading.	Schedule 4 of Local Government (Miscellaneous Provisions) Act 1982	Regulation and Review	Director of Public Health
B25	Duty to keep list of persons entitled to sell non-medicinal poisons.	Sections 3(1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972 (c.66)(c).	Regulation and Review	Director of Public Health
B26	Power to register and license premises for the preparation of food.	Section 19 of the Food Safety Act 1990 (c.16).	Regulation and Review	Director of Public Health
B27	Power to license scrap yards.	Section 1 of the Scrap Metal Dealers Act 1964 (c.69).	Regulation and Review	Director of Public Health

	Function	Provision of Act or Statutory Instrument	Committee Responsibility	Officer Delegation (if any)
B28	Power to issue, amend or replace certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975 (c.52)).	Regulation and Review	Director of Public Health
B29	Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.	Part III of the Fire Safety and Safety of Places of Sport Act 1987 (c.27).	Regulation and Review	Director of Public Health
B30	Power to license premises for the breeding of dogs.	Section 1 of the Breeding of Dogs Act 1973 (c.60) and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999 (c.11).	Regulation and Review	Director of Public Health
B31	Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	Section 1 of the Pet Animals Act 1951 (c.35) ; section 1 of the Animal Boarding Establishments Act 1963 (c.43); the Riding Establishments Acts 1964 and 1970 (1964 c.70 and 1970 c.70); section 1 of the Breeding of Dogs Act 1973 (c.60); and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.	Regulation and Review	Director of Public Health
B32	Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulations) Act 1925 (c.38).	Regulation and Review	Director of Public Health
B33	Power to license zoos.	Section 1 of the Zoo Licensing Act 1981 (c.37).	Regulation and Review	Director of Public Health
B34	Power to license dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976 (c.38).	Regulation and Review	Director of Public Health

	Function	Provision of Act or Statutory Instrument	Committee Responsibility	Officer Delegation (if any)
B35	Power to license knackers' yards.	Section 4 of the Slaughterhouses Act 1974. See also the Animal By-Products Order 1999 (S.I. 1999/646).	Regulation and Review	Director of Public Health
B36	Power to license the employment of children.	Part II of the Children and Young Persons Act 1933 (c.33), byelaws made under that Part, and Part II of the Children and Young Persons Act 1963 (c.37).	Regulation and Review	Director of Services for Children and Adults
B37	Power to approve premises for the solemnisation of marriages.	Section 46A of the Marriage Act 1949 (c.76) and the Marriages (Approved Premises) Regulations 1995 (S.I. 1995/510).	Regulation and Review	Head of Law
B38	Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to – (a) an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c.67) or (b) an order under section 147 of the Enclosure Act 1845 (c.8 & 9 Vict. C.118).	Regulation 6 of the Commons Registration (New Land) Regulations 1969 (S.I. 1969/1843).	Regulation and Review	

	Function	Provision of Act or Statutory Instrument	Committee Responsibility	Officer Delegation (if any)
B39	Power to register variation of rights of common	Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471).	Regulation and Review	
B40	Power to license persons to collect for charitable and other causes.	Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 (c.31) and section 2 of the House to House Collections Act 1939 (c.44).	Regulation and Review	Director of Public Health
B41	Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c.40).	Regulation and Review	Director of Public Health
B42	Power to grant a street works licence.	Section 50 of the New Roads and Street Works Act 1991 (c.22).	Planning	Director of Public Health
B43	Power to issue licences for the movement of pigs.	Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (S.I. 1995/11).	Regulation and Review	Director of Public Health
B44	Power to license the sale of pigs.	Article 13 of the Pigs (Records, Identification and Movement) Order 1995.	Regulation and Review	Director of Public Health
B45	Power to license collecting centres for the movement of pigs.	Article 14 of the Pigs (Records, Identification and Movement) Order 1995.	Regulation and Review	Director of Public Health
B46	Power to issue a licence to move cattle from a market.	Article 5(2) of the Cattle Identification Regulations 1998 (S.I. 1998/871).	Regulation and Review	Director of Public Health

	Function	Provision of Act or Statutory Instrument	Committee Responsibility	Officer Delegation (if any)
B47	Power to grant permission for provision, etc of services, amenities, recreation and refreshment facilities on highway and related powers.	Sections 115(E), 115(F) and 115(K) of the Highways Act 1980	Planning	Director of Public Health
B48	Power to permit deposit of builder's skip on highway.	Section 139 of the Highways Act 1980(c.66)	Planning	Director of Public Health
B49	Duty to publish notice in respect of proposal to grant permission under Section 115(E) of the Highways Act 1980.	Section 115(G) of the Highways Act 1980	Planning	Director of Public Health
B50	Power to license planting, retention and maintenance of trees etc. in part of highway.	Section 142 of the Highways Act 1980.	Planning	Director of Public Health
B51	Power to authorise erection of stiles etc. on footpaths or bridleways.	Section 147 of the Highways Act 1980.	Planning	Director of Regeneration and Economic Development
B52	Power to license works in relation to buildings etc. which obstruct the highway.	Section 169 of the Highways Act 1980	Planning	Director of Regeneration and Economic Development
B53	Power to consent to temporary deposits or excavations in streets.	Section 171 of the Highways Act 1980.	Planning	Director of Regeneration and Economic Development
B54	Power to dispense with obligation to erect hoarding or fence.	Section 172 of the Highways Act 1980.	Planning	Director of Regeneration and Economic Development
B55	Power to restrict the placing of rails, beams etc. over highways.	Section 178 of the Highways Act 1980.	Planning	Director of Regeneration and Economic Development
B56	Power to consent to construction of cellars etc. under street.	Section 179 of the Highways Act 1980	Planning	Director of Regeneration and Economic Development

	Function	Provision of Act or Statutory Instrument	Committee Responsibility	Officer Delegation (if any)
B57	Power to consent to the making of openings into cellars etc. under streets, and pavement lights and ventilators.	Section 180 of the Highways Act 1980.	Planning	Director of Regeneration and Economic Development
B58	Power to sanction use of parts of buildings for storage of celluloid.	Section 1 of the Celluloid and Cinematograph Film Act 1922 (c.35).	Regulation and Review	Director of Public Health
B59	Power to approve meat product premises.	Regulations 4 and 5 of the Meat products (Hygiene) Regulations 1994 (S.I. 1994/3082).	Regulation and Review	Director of Public Health
B60	Power to approve premises for the production of minced meat or meat preparations.	Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (S.I. 1995/3205).	Regulation and Review	Director of Public Health
B61	Power to approve dairy establishments.	Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995 (S.I. 1995/1086).	Regulation and Review	Director of Public Health
B62	Power to approve egg product establishments.	Regulation 5 of the Egg Products Regulations 1993 (S.I. 1993/1520).	Regulation and Review	Director of Public Health
B63	Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods.	Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995 (S.I. 1995/1763).	Regulation and Review	Director of Public Health
B64	Power to approve fish products premises.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 (S.I. 1998/994).	Regulation and Review	Director of Public Health
B65	Power to approve dispatch or purification centres.	Regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.	Regulation and Review	Director of Public Health

	Function	Provision of Act or Statutory Instrument	Committee Responsibility	Officer Delegation (if any)
B66	Power to register fishing vessels on board which shrimps or molluscs are cooked.	Regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.	Regulation and Review	Director of Public Health
B67	Power to approve factory vessels and fishery product establishments.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998	Regulation and Review	Director of Public Health
B68	Power to register auction and wholesale markets.	Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.	Regulation and Review	Director of Public Health
B69	Duty to keep register of food business premises.	Regulation 5 of the Food Premises (Registration) Regulations 1991 (S.I. 1991/2828).	Regulation and Review	Director of Public Health
B70	Power to register food business premises.	Regulation 9 of the Food Premises (Registration) Regulations 1991.	Regulation and Review	Director of Public Health
B71	Power to register motor salvage operators.	Part 1 of the Vehicles (Crime) Act 2001(c.3).	Regulation and Review	Director of Public Health
B72	Functions relating to the registration of common land and town or village green.	Part 1 of the Commons Act 2006(c26) and The Commons Registration (England) Regulations 2008 (S.I. 2008/1961).	Regulation and Review	

C. Functions relating to health and safety at work

	Function	Provision of Act or Statutory Instrument	Committee Responsibility	Officer Delegation (if any)
C1	Functions under any of the "relevant statutory provisions" within the meaning of Part I (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 those functions are discharged otherwise than in the authority's capacity as an employer.	Part I of the Health and Safety at Work etc. Act 1974 (c.37).	Regulation and Review	Director of Public Health

D. Functions Relating to Elections

	Function	Provision of Act or Statutory Instrument	Committee Responsibility	Officer Delegation (if any)
D1	Duty to appoint an electoral registration officer.	Section 8(2) of the Representation of the People Act 1983 (c.2).	Council	
D2	Power to assign officers in relation to requisitions of the registration officer.	Section 52(4) of the Representation of the People Act 1983.	Council	Electoral Registration Officer
D3	Functions in relation to parishes and parish councils.	Part II of the Local Government and Rating Act 1997 (c.29) and subordinate legislation under that Part.	Council	
D4	Power to dissolve small parish councils.	Section 10 of the Local Government Act 1972.	Council	

	Function	Provision of Act or Statutory Instrument	Committee Responsibility	Officer Delegation (if any)
D5	Power to make orders for grouping parishes, dissolving groups and separating parishes from groups.	Section 11 of the Local Government Act 1972.	Council	
D6	Duty to appoint returning officer for local government elections.	Section 35 of the Representation of the People Act 1983.	Council	
D7	Duty to provide assistance at European Parliamentary elections.	Sections 6(7) and (8) of the European Parliamentary Elections Act 2002(c.24).	Council	
D8	Duty to divide constituency into polling districts.	Sections 18A to 18E of, and Schedule A1 to the Representation of the People Act 1983.	Council	
D9	Power to divide electoral divisions into polling districts at local government elections.	Section 31 of the Representation of the People Act 1983.	Council	
D10	Powers in respect of holding of elections.	Section 39(4) of the Representation of the People Act 1983.	Council	
D11	Power to pay expenses properly incurred by electoral registration officers.	Section 54 of the Representation of the People Act 1983.	Council	
D12	Power to fill vacancies in the event of insufficient nominations.	Section 21 of the Representation of the People Act 1985.	Council	
D13	Duty to declare vacancy in office in certain cases.	Section 86 of the Local Government Act 1972.	Council	

	Function	Provision of Act or Statutory Instrument	Committee Responsibility	Officer Delegation (if any)
D14	Duty to give public notice of a casual vacancy.	Section 87 of the Local Government Act 1972.	Council	
D15	Power to make temporary appointments to parish councils.	Section 91 of the Local Government Act 1972.	Council	
D16	Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.	Section 10 of the Representation of the People Act 2000(c.2).	Council	
D17	Duty to consult on change of scheme for elections.	Sections 33(2), 38(2) and 40(2) of the Local Government and Public Involvement in Health Act 2007.	Council	
D18	Duties relating to publicity.	Sections 35, 41 and 52 of the Local Government and Public Involvement in Health Act 2007.	Council	
D19	Duties relating to notice to Electoral Commission.	Sections 36 and 42 of the Local Government and Public Involvement in Health Act 2007.	Council	
D20	Power to alter years of ordinary elections of parish councillors.	Section 53 of the Local Government and Public Involvement in Health Act 2007.	Council	
D21	Functions relating to change of name of electoral area.	Section 59 of the Local Government and Public Involvement in Health Act 2007.	Council	

E. Functions Relating to Name and Status of Areas and Individuals

	Function	Provision of Act or Statutory Instrument	Committee Responsibility	Officer Delegation (if any)
E1	Power to change the name of a county, district or London borough.	Section 74 of the Local Government Act 1972.	Council	
E2	Power to change the name of a parish.	Section 75 of the Local Government Act 1972.	Council	
E3	Power to confer title of honorary alderman or to admit to be an honorary freeman.	Section 249 of the Local Government Act 1972.	Council	
E4	Power to petition for a charter to confer borough status.	Section 245b of the Local Government Act 1972.	Council	

F. Functions Relating to Community Governance

	Function	Provision of Act or Statutory Instrument	Committee Responsibility	Officer Delegation (if any)
F1	Duties relating to community governance reviews.	Section 79 of the Local Government and Public Involvement in Health Act 2007.	Council	
F2	Functions relating to community governance petitions.	Sections 80, 83 to 85 of the Local Government and Public Involvement in Health Act 2007.	Council	
F3	Functions relating to terms of reference of review.	Sections 81(4) to (6) of the Local Government and Public Involvement in Health Act 2007.	Council	

	Function	Provision of Act or Statutory Instrument	Committee Responsibility	Officer Delegation (if any)
F4	Power to undertake a community governance review.	Section 82 of the Local Government and Public Involvement in Health Act 2007.	Council	
F5	Functions relating to making of recommendations.	Sections 87 to 92 of the Local Government and Public Involvement in Health Act 2007.	Council	
F6	Duties when undertaking review.	Sections 93 to 95 of the Local Government and Public Involvement in Health Act 2007.	Council	
F7	Duty to publicise outcome of review.	Section 96 of the Local Government and Public Involvement in Health Act 2007.	Council	
F8	Duty to send two copies of order to Secretary of State and Electoral Commission.	Section 98(1) of the Local Government and Public Involvement in Health Act 2007.	Council	
F9	Power to make agreements about incidental matters.	Section 99 of the Local Government and Public Involvement in Health Act 2007.	Council	

G. Power to Make, Amend, Revoke or Re-Enact Byelaws

	Function	Provision of Act or Statutory Instrument	Committee Responsibility	Officer Delegation (if any)
G1	Power to make, amend, revoke or re-enact byelaws	Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978 (c.30).	Council	

H. Functions Relating to Smoke-free Premises etc

	Function	Provision of Act or Statutory Instrument	Committee Responsibility	Officer Delegation (if any)
H1	Duty to enforce chapter 1 and regulations made under it.	Section 10(3) of the Health Act 2006.	Council	Director of Public Health
H2	Power to authorise officers.	Section 10(5) of, and paragraph 1 of schedule 2 to the Health Act 2006.	Council	Director of Public Health
H3	Functions relating to fixed penalty notices.	Paragraphs 13, 15 and 16 of schedule 1 to the Health Act 2006. Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007 (S.I. 2006/760).	Council	Director of Public Health
H4	Power to transfer enforcement functions to another enforcement authority.	Smoke-free (Premises and Enforcement) Regulations 2006 (S.I. 2006/3368).	Council	

I. Power to Promote or Oppose Local or Personal Bills

	Function	Provision of Act or Statutory Instrument	Committee Responsibility	Officer Delegation (if any)
I1	Power to promote or oppose local or personal bills	Section 239 of the Local Government Act 1972.	Council	

J. Functions Relating to Pensions etc.

	Function	Provision of Act or Statutory Instrument	Committee Responsibility	Officer Delegation (if any)
J1	Functions relating to local government pensions etc.	Regulations under section 7, 12 or 24 of the Superannuation Act 1972 (c.11).	Council	

	Function	Provision of Act or Statutory Instrument	Committee Responsibility	Officer Delegation (if any)
J2	Functions under the Fire-fighters' Pension Scheme relating to pensions, etc as respects persons employed by fire and rescue authorities pursuant to section 1 of the Fire and Rescue Services Act 2004.	Sections 34 and 36 of the Fire and Rescue Services Act 2004(c.21).	Council	

K. Miscellaneous Functions

	Function	Provision of Act or Statutory Instrument	Committee Responsibility	Officer Delegation (if any)
	Part I – Functions relating to public rights of way			
K1	Power to create footpaths, bridleways or restricted byways by agreement.	Section 25 of the Highways Act 1980(c.60).	Planning	Director of Regeneration and Economic Development
K2	Power to create footpaths, bridleways and restricted byways.	Section 26 of the Highways Act 1980.	Planning	Director of Regeneration and Economic Development
K3	Duty to keep register of information with respect to maps, statements and declarations.	Section 31(A) of the Highways Act 1980.	Planning	Director of Regeneration and Economic Development
K4	Power to stop up footpaths, bridleways and restricted byways.	Section 118 of the Highways Act 1980.	Planning	Director of Regeneration and Economic Development
K5	Power to determine application for public path extinguishment order.	Sections 118(ZA) and 118C(2) of the Highways 1980.	Planning	Director of Regeneration and Economic Development
K6	Power to make a rail crossing extinguishment order.	Section 118(A) of the Highways Act 1980.	Planning	Director of Regeneration and Economic Development

	Function	Provision of Act or Statutory Instrument	Committee Responsibility	Officer Delegation (if any)
K7	Power to make a special extinguishment order.	Section 118(B) of the Highways Act 1980.	Planning	Director of Regeneration and Economic Development
K8	Power to divert footpaths, bridleways and restricted byways.	Section 119 of the Highways Act 1980.	Planning	Director of Regeneration and Economic Development
K9	Power to make a public path diversion order.	Sections 119(ZA) and 119C(4) of the Highways Act 1980.	Planning	Director of Regeneration and Economic Development
K10	Power to make a rail crossing diversion order.	Section 119(A) of the Highways Act 1980.	Planning	Director of Regeneration and Economic Development
K11	Power to make a special diversion order.	Section 119(B) of the Highways Act 1980.	Planning	Director of Regeneration and Economic Development
K12	Power to require applicant for order to enter into agreement.	Section 119C(3) of the Highways Act 1980.	Planning	Director of Regeneration and Economic Development
K13	Power to make an SSSI diversion order.	Section 119(D) of the Highways Act 1980.	Planning	Director of Regeneration and Economic Development
K14	Duty to keep register with respect to applications under Sections 118(ZA), 118(C), 119(ZA) and 119(C) of the Highways Act 1980.	Section 121(B) of the Highways Act 1980.	Planning	Director of Regeneration and Economic Development

	Function	Provision of Act or Statutory Instrument	Committee Responsibility	Officer Delegation (if any)
K15	Power to decline to determine certain applications.	Section 121(C) of the Highways Act 1980.	Planning	Director of Regeneration and Economic Development
K16	Duty to assert and protect the rights of the public to use and enjoyment of highways.	Section 130 of the Highways Act 1980.	Planning	Director of Regeneration and Economic Development
K17	Duty to serve notice of proposed action in relation to obstruction.	Section 130(A) of the Highways Act 1980.	Planning	Director of Regeneration and Economic Development
K18	Power to apply for variation of order under Section 130(B) of the Highways Act 1980.	Section 130B(7) of the Highways Act 1980.	Planning	Director of Regeneration and Economic Development
K19	Power to authorise temporary disturbance of surface of footpath, bridleway or restricted byway.	Section 135 of the Highways Act 1980.	Planning	Director of Regeneration and Economic Development
K20	Power temporarily to divert footpath, bridleway or restricted byway.	Section 135(A) of the Highways Act 1980.	Planning	Director of Regeneration and Economic Development
K21	Functions relating to the making good of damage and the removal of obstructions.	Section 135(B) of the Highways Act 1980.	Planning	Director of Regeneration and Economic Development
K22	Powers relating to the removal of things so deposited on the highways as to be a nuisance.	Section 149 of the Highways Act 1980.	Planning	
K23	Power to extinguish certain public rights of way.	Section 32 of the Acquisition of Land Act 1981(c.67).	Planning	Director of Regeneration and Economic Development

	Function	Provision of Act or Statutory Instrument	Committee Responsibility	Officer Delegation (if any)
K24	Duty to keep a definitive map and statement under review.	Section 53 of the Wildlife and Countryside Act 1981 (c.69).	Planning	Head of Law, in consultation with the Director of Regeneration and Economic Development
K25	Power to include modifications in other orders.	Section 53(A) of the Wildlife and Countryside Act 1981.	Planning	Head of Law
K26	Duty to keep register of prescribed information with respect to applications under Section 53(5) of the Wildlife and Countryside Act 1981.	Section 53(B) of the Wildlife and Countryside Act 1981.	Planning	Head of Law
K27	Power to prepare map and statement by way of consolidation of definitive map and statement.	Section 57(A) of the Wildlife and Countryside Act 1981.	Planning	Head of Law
K28	Power to designate footpath as cycle track.	Section 3 of the Cycle Tracks Act 1984 (c.38).	Planning	Director of Regeneration and Economic Development
K29	Power to extinguish public rights of way over land acquired for clearance.	Section 294 of the Housing Act 1981(c.68)	Planning	
K30	Power to authorise stopping-up or diversion of footpath, bridleway or restricted byway.	Section 257 of the Town and Country Planning Act 1980.	Planning	Director of Regeneration and Economic Development
K31	Power to extinguish public rights of way of a land held for planning purposes.	Section 258 of the Town and Country Planning Act 1990.	Planning	Director of Regeneration and Economic Development
K32	Power to enter into agreements with respect to means of access.	Section 35 of the Countryside and Rights of Way Act 2000(c.57).	Planning	

	Function	Provision of Act or Statutory Instrument	Committee Responsibility	Officer Delegation (if any)
K33	Power to provide access in absence of agreement.	Section 37 of the Countryside and Rights of Way Act 2000.	Planning	
	Part II: Other miscellaneous functions			
K34	Functions relating to sea fisheries.	Sections 1, 2, 10 and 19 of the Sea Fisheries Regulations Act 1966 (c.38).	Regulation and Review	
K35	Power to make standing orders.	Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972 (c.70).	Council	
K36	Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal).	Section 112 of the Local Government Act 1972.	Terms and Conditions – Council Appointments – Appointments and Disciplinary Committee (at chief officer level)	Appointments – to Assistant Chief Executive/Directors of Service for appointments below Assistant Chief Executive/Director of Service level.
K37	Power to make standing orders as to contracts.	Section 135 of the Local Government Act 1972.	Council	
K38	Duty to make arrangements for proper administration of financial affairs, etc.	Section 151 of the Local Government Act 1972.	Council	Chief Executive

	Function	Provision of Act or Statutory Instrument	Committee Responsibility	Officer Delegation (if any)
K39	Power to appoint officers for particular purposes (appointment of “proper officers”).	Section 270(3) of the Local Government Act 1972.	Council	
K40	Power to make limestone pavement order.	Section 34(2) of the Wildlife and Countryside Act 1981 (c.69).	Planning	Head of Law in consultation with the Director of Regeneration and Economic Development .
K41	Power to make a closing order in respect to take-away food shops.	Section 4 of the Local Government (Miscellaneous Provisions) Act 1982(c.30).	Regulation and Review	
K42	Duty to designate officer as the head of the authority’s paid service, and to provide staff, etc.	Section 4(1) of the Local Government and Housing Act 1989(c.42).	Council	
K43	Duty to designate officer as the monitoring officer and to provide staff, etc.	Section 5(1) of the Local Government and Housing Act 1989.	Council	
K44	Duty to provide staff, etc to person nominated by monitoring officer.	Sections 82A(4) and (5) of the Local Government Act 2000.	Council	
K45	Powers relating to Overview, Scrutiny and Policy Development committees (voting rights of co-opted members).	Paragraphs 12 and 14 of Schedule 1 to the Local Government Act 2000.	Council	

	Function	Provision of Act or Statutory Instrument	Committee Responsibility	Officer Delegation (if any)
K46	Duty to approve the Authority's statement of accounts, income and expenditure and balance sheet or record of payments and receipts (as the case may be).	The Accounts and Audit Regulations 1996 (S.I. 1996/590).	Council	
K47	Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997 (S.I. 1997/1160).	Planning	Head of Law in consultation with the Director of Regeneration and Economic Development
K48	Powers relating to the preservation of trees.	Sections 197 to 214D of the Town and Country Planning Act 1990 and the Trees Regulations 1999 (S.I. 1999/1892).	Planning	Head of Law
K49	Powers relating to complaints about high hedges.	Part 8 of the Anti-Social Behaviour Act 2003.	Planning	Director of Regeneration and Economic Development
K50	Power to make payments or provide other benefits in cases of maladministration etc.	Section 92 of the Local Government Act 2000.	Regulation and Review	Head of Law/all Directors of Service
K51	Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption.	Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014	Regulation and Review	Head of Law
K52	Power to make or revoke an order designating a locality as an alcohol disorder zone.	Section 16 of the Violent Crime Reduction Act 2006(c.38).	-	Head of Law

	Function	Provision of Act or Statutory Instrument	Committee Responsibility	Officer Delegation (if any)
K53	Power to apply for an enforcement order against unlawful works on common land.	Section 41 of the Commons Act 2006.	-	Head of Law
K54	Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference.	Section 45(2)(a) of the Commons Act 2006.	-	Head of Law
K55	Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens.	Section 45(2)(b) of the Commons Act 2006.	-	Head of Law

L. Other Functions

	Function	Provision of Act or Statutory Instrument	Committee Responsibility	Officer Delegation (if any)
Other functions arising from the Local Government and Public Involvement in Health Act 2007				
L1	Power to request Electoral Commission to direct Boundary Commission to recommend single member electoral areas.	Section 14A of the Local Government Act 1992 as inserted by section 55 of the Local Government and Public Involvement in Health Act 2007	Council	
L2	Power to resolve to hold whole Council elections or elections by thirds.	Sections 32 and 39 of the Local Government and Public Involvement in Health Act 2007	Council	
L3	Power to give effect to recommendations of Community Governance Review of Parish Councils.	Section 86 of the Local Government and Public Involvement in Health Act 2007	Council	
Changing Governance Arrangements				
L4	Power to change governance arrangements under Part 2 of the 2000 Act as amended by the 2007 Act.	Section 48(6) of the Local Government Act 2000 as amended by the Local Government and Public Involvement in Health Act 2007	Council	
Members' Allowances				
L5	The function of making any scheme for basic, attendance and special responsibility allowances for local authority members, or of amending, revoking or replacing any such scheme, and the amounts of allowance and rates of payment.	Section 18 of the Local Government and Housing Act 1989	Council	

	Function	Provision of Act or Statutory Instrument	Committee Responsibility	Officer Delegation (if any)
Council Tax				
L6	Duty to approve the Local Council Tax Reduction Scheme.	Section 13A of the Local Government Finance Act 1992 (as amended by the Local Government Finance Act 2012)	Council	
L7	Exemptions and discounts which are applicable to liability for Council Tax.	Section 11A of the Local Government Finance Act 1992 (as amended by the Local Government Finance Act 2012)	Council	
Finance				
L8	The setting of Prudential Indicators in relation to the Council's capital investment plans.	Local Government Act 2003	Council	
L9	Duty to approve the Treasury Management Statement and Annual Investment Strategy.	Section 15(1) of the Local Government Act 2003	Council	
L10	Duty to set aside a Minimum Revenue Provision for provision to repay external debt.	Local Government Act 2003	Council	
Pay Policy Statement				
L11	Duty to produce a Pay Policy Statement for each financial year	Section 38(1) of the Localism Act 2011	Council	
Combined Authority				
L12	The function of establishing a Combined Authority to take responsibility for co-ordinating economic development and regeneration and transport provision.	Local Democracy, Economic Development and Construction Act 2009 and Localism Act 2011	Council	
Licensing				
L13	The function of making an Early Morning Alcohol Restriction Order	Licensing Act 2003 (as amended)	Council	

Part 3 Responsibility for Functions

3.4 Responsibility for Executive Functions and the Elected Mayor's Delegation Scheme

1. Cabinet

Membership – (No more than 10 including the Elected Mayor)

Quorum - 3

Terms of Reference

1. The Elected Mayor and Cabinet have responsibility for Executive Functions i.e. all of the Authority's functions except those reserved by law to full Council (Part 3.5 and Article 4); Local choice functions designated as exclusively non-executive functions (Part 3.2); and Non-Executive functions (Parts 3.3 and 3.5).
2. The Elected Mayor may delegate authority to exercise executive functions or part of these functions to:
 - a) the Cabinet collectively;
 - b) a committee of the Cabinet;
 - c) an individual member of the Cabinet;
 - d) an officer;
 - e) an area committee;
 - f) joint arrangements; or
 - g) another local authority.
3. Sub-delegation of executive functions
 - a) If the Elected Mayor delegates functions to the Cabinet, and unless the Elected Mayor directs otherwise, then the Cabinet may delegate further to a committee of the Cabinet, to an individual Cabinet member, to an officer, to any joint arrangements, to another authority or to area committees.
 - b) If the Elected Mayor delegates functions to a Committee of the Cabinet, and unless the Elected Mayor directs otherwise, the Committee may delegate further to an officer.

Where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated them.

2. Cabinet Member Portfolios

The Elected Mayor, Norma Redfearn, has appointed the following members to Cabinet:

Name	Ward	Portfolio
Councillor Carl Johnson	Battle Hill	Deputy Mayor
Councillor Carole Burdis	Valley	Cabinet Member for Community Safety and Public Protection
Councillor Karen Clark	Longbenton	Cabinet Member for Public Health and Well Being
Councillor John Harrison	Howdon	Cabinet Member for Housing
Councillor Hannah Johnson	Chirton	Cabinet Member for Inclusion, Employment and Skills
Councillor Steven Phillips	Battle Hill	Cabinet Member for Children, Young People and Learning
Councillor Sandra Graham	Whitley Bay	Cabinet Member for Environment
Councillor Anthony McMullen	Weetslade	Cabinet Member for Adult Social Care
Councillor Martin Rankin	Collingwood	Cabinet Member for Finance and Resources

The Elected Mayor's key areas of responsibility are as follows:

Overall Strategic Policy Direction
National and Regional Engagement
Leadership within the North of Tyne Combined Authority
Devolution
Leadership of the North Tyneside Strategic Partnership
Law and Democracy

3. Authority delegated to individual Cabinet Members

The Elected Mayor has agreed that the following decisions will be delegated to cabinet members in 2021/22:

- a) approving the Authority's response to government consultation papers;
- b) approval of service specific plans;
- c) debt write off up to £50,000 in relation to Council Tax, Business Rates, Sundry Debts and Housing Benefit Overpayments (Cabinet Member with responsibility for Finance and Resources);
- d) to approve responses to regional strategies that impact on the Borough;

- e) to consider any objections to Traffic Regulation Orders which are received and not withdrawn and thereafter to determine whether the Traffic Regulation Order should be made, should be made with modifications or should not be made (Cabinet Member with responsibility for Environment);
- f) to consider any representations received in relation to the proposed construction of road humps and thereafter determine if road humps should be installed (Cabinet Member with responsibility for Environment);
- g) to consider any representations received in relation to proposals to establish a pedestrian crossing and thereafter determine if a pedestrian crossing should be established (Cabinet Member with responsibility for Environment);
- h) to approve any proposals directly related to the delivery of objectives in the approved Our North Tyneside Plan;
- i) to approve the Member Development Programme (Cabinet Member with responsibility for Finance and Resources);
- j) to consider any applications received for discretionary relief for Council Tax or Business Rates, considered only when exceptional circumstances apply, as set out in the Policy for the awarding of local taxation discretionary relief (Cabinet Member with responsibility for Finance and Resources);
- k) debt write off between £3,000 and £50,000 in respect of current and former Council house tenant arrears and write off of credit balances between £3,000 and £10,000 associated with untraceable former tenants (Cabinet Member with responsibility for Housing); and
- l) to approve the appointment of representatives to serve on those outside bodies that exercise executive functions (Elected Mayor).

4. Cabinet Committees

No Cabinet committees have to date been created.

5. Officers

Any executive functions that have been delegated to Officers will be listed in the Officer Delegation Scheme (Part 3.7)

Part 3 Responsibility for Functions

3.5 Terms of Reference of Council and Committees

A Council

Membership – 61

Quorum – 16

1. Annual Council

The Annual Council Meeting will:

1. Appoint the Overview and Scrutiny Co-ordinating and Finance Committee.
2. Appoint such other committees or sub-committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (see Part 3 – Responsibility for Functions).
3. Decide the size and terms of reference for those committees.
4. Decide the allocation of seats to political groups in accordance with the political balance rules.
5. Receive nominations of Members to serve on each committee and on outside bodies as appropriate (except, in respect of outside bodies where appointment has been delegated by the Council or is exercisable only by the Cabinet) or request Group Leaders to provide the names of their nominees to the Head of Law by 12 noon the following day.
6. Appoint a Chair and Deputy Chair for each Committee.
7. Review the Authority's Constitution and agree any changes.
8. Approve a programme of ordinary meetings of the Council for the year (including the date of the following year's Annual Meeting) if this programme has not already been approved by the Council.
9. Receive the annual report of the Overview, Scrutiny and Policy Development Committee.
10. Receive the annual report of the Standards Committee.
11. Receive a report on the appointment of Church representatives 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.
12. Determine the content of the Policy Framework for the coming year in respect of those plans and strategies which the Authority has discretion to adopt (see Article 4).

13. Consider any nominations for Freedom of the Borough in accordance with criteria approved by the Authority.

2. Ordinary Council Meetings

Ordinary Council Meetings will:

1. Receive questions from and provide answers to Members and, at those meetings specified by the Council, the public.
2. Receive petitions in accordance with the Authority's Petitions Scheme (See Part 5).
3. Receive and consider reports from the Cabinet and the Council's committees where Cabinet and those committees consider business is relevant for consideration by full Council.
4. Receive and consider reports about the business of joint arrangements and external organisations.
5. Other than at the Annual Council Meeting and the Council's budget meeting(s), consider motions.
6. Consider any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the local choice plans included in the Budget and Policy Framework and reports of the Overview, Scrutiny and Policy Development Committee for debate.

B Overview and Scrutiny

1. Overview and Scrutiny Co-ordination and Finance Committee

Membership – 15 (plus 2 parent governor and 2 church representatives)

Quorum – 4

Terms of Reference

The Overview and Scrutiny Co-ordination and Finance Committee will:

Overall Scrutiny Functions

1. In relation to the delivery of the Council Plan, back office services, workforce development, customer satisfaction and community engagement:
 - a) scrutinise relevant budget monitoring and performance management information;
 - b) contribute to the decision making process by examining key policy issues and making reports and recommendations on them to the Elected Mayor, Cabinet and or other relevant decision makers prior to decisions being made;
 - c) conduct in-depth investigations in relation to topics of interest and concern to communities in North Tyneside,
 - d) seek to involve communities in its work and reflect their views and concerns;
 - e) present evidence based recommendations to the Elected Mayor, Cabinet and partner organisations to support them in the formulation of their future plans, strategies and decision making; and
 - f) monitor the impact of its reports and recommendations on service improvement.
2. On an annual basis, co-ordinate and undertake the challenge of the Cabinet's budget and strategic planning proposals (see Part 4.7 - Budget and Policy Framework Rules of Procedure).
3. Consider any issues referred to it under a 'Councillor Call for Action'.
4. Where a petition has requested it, require a relevant senior officer to appear before it to give evidence (see Part 5 - Petitions Scheme).
5. Review the steps that the Authority has taken in response to a petition in accordance with the Authority's petitions scheme (see Part 5 - Petitions Scheme).
6. Review or scrutinise decisions made by the Elected Mayor, Cabinet or Cabinet Members but not implemented and to recommend that the decision be reconsidered or to arrange for the review to be undertaken by the Council (see Part 4.9 - Call In Rules of Procedure).
7. Receive an annual report from the Elected Mayor on the Cabinet's priorities for the coming year.

Finance Scrutiny Functions

8. Undertake scrutiny of revenue and capital budget, and related performance management monitoring information, and any proposals that impact upon the Authority's revenue or capital budgets, and make recommendations, as appropriate, including recommendations for internal audit investigations, to the Cabinet.
9. Review the effectiveness of arrangements for budget monitoring within the Authority and report, as appropriate, to the Cabinet.
10. Liaise with the Authority's external auditors in relation to the budget monitoring processes and any other financial matters.
11. Undertake specific reviews to examine the Authority's arrangements for ensuring the efficient and effective use of financial resources and then report its findings, along with any recommendations, to the Cabinet. In carrying out such reviews, the committee must have regard to any key objectives contained in the Budget or Council Plan.
12. Examine and challenge how the Authority is using its resources to deliver positive outcomes for local people in a way that provides value for money.

Co-ordinating Functions

13. Co-ordinate the formulation and delivery of the overview, scrutiny and policy development work programme, setting out a programme of work for itself and its sub-committees.
14. Review the effectiveness of the Authority's overview, scrutiny and policy development arrangements and, if necessary, make recommendations to Council on the appointment of its sub-committees.
15. Make recommendations to Council on the appointment of co-opted members and their term of office.
16. Where matters fall within the remit of more than one sub-committee the Committee will decide which of these will take the lead responsibility for such matters.
17. Consider requests from the Council or the Cabinet to examine and report on particular issues and in doing so decide on the method and timetable for responding to such requests.
18. Consider and either approve or reject any reports and recommendations made by a sub-committee for submission to Cabinet, Council, an individual or outside organisation unless in exceptional circumstances, the Chair and Deputy Chair of the Overview and Scrutiny Co-ordination and Finance Committee agree otherwise.

Policy Development Functions

19. Consider any policy or legislative changes that will impact on the development of the overview, scrutiny and policy development function.
20. Oversee the Authority's involvement in external overview, scrutiny and policy development activity, including the regional scrutiny network.
21. Oversee and promote public involvement in the overview, scrutiny and policy development process.
22. To receive any nominations for the award of Freedom of the Borough and make recommendations as appropriate, in accordance with the adopted Freedom of the Borough procedure, to Annual Council.
23. Identify any training, development and support for members carrying out their overview, scrutiny and policy development functions.
24. Liaise with the Elected Mayor, Cabinet, the Authority's senior management team, the Audit Committee and partner organisations to ensure the committee and its sub-committees have appropriate access to relevant information and support.
25. Approve the contents of an annual report summarising the performance of the overview, scrutiny and policy development arrangements over the previous year together with its proposed work programme for the year ahead for submission to the Annual Council meeting.

2. Caring Sub-committee

Membership – 12

Quorum – 3

Terms of Reference

In relation to adult care, community services, health and wellbeing, mental health and emotional wellbeing, healthy lifestyles, welfare of vulnerable adults, older people, access to health services, benefits, independent living, personalisation, financial inclusion, public health and carers, the Caring Sub-committee will:

1. Scrutinise relevant budget monitoring and performance management information.
2. Contribute to the decision making process by examining key policy issues and making reports and recommendations on them to the Elected Mayor, Cabinet and or other relevant decision makers prior to decisions being made.
3. Conduct in-depth investigations in relation to topics of interest and concern to communities in North Tyneside.
4. Seek to involve communities in its work and reflect their views and concerns.

5. Present evidence based recommendations to the Elected Mayor, Cabinet and partner organisations to support them in the formulation of their future plans, strategies and decision making.
6. Monitor the impact of its reports and recommendations on service improvement.
7. On an annual basis undertake the challenge of the Cabinet's budget and strategic planning proposals (see Part 4.7 - Budget and Policy Framework Rules of Procedure).
8. Discharge the Authority's powers of review and scrutiny on such health related matters as designated within the Health and Social Care Act 2012 and associated regulations.
9. Discharge the Authority's powers of referral to the Secretary of State in relation to proposals for reconfiguration of health services.
10. Unless in exceptional circumstances where the Chair and Deputy Chair of the Overview and Scrutiny Co-ordination and Finance Committee agree otherwise, submit any reports and recommendations to the Overview and Scrutiny Co-ordination and Finance Committee prior to submission to Cabinet, Council, an individual or outside organisation.

3. Family Friendly Sub-committee

Membership – 12 (plus 2 parent governor and 2 church representatives)

Quorum – 3

Terms of Reference

In relation to schools, adult education, work based learning, 14-19 skills, safeguarding, child protection, early years, children's centres, youth offending, preventative services, substance misuse services, looked after children, youth services and play, Connexions, children's health and wellbeing and vocational learning, the Family Friendly Sub-Committee will:

1. Scrutinise relevant budget monitoring and performance management information.
2. Contribute to the decision making process by examining key policy issues and making reports and recommendations on them to the Elected Mayor, Cabinet and or other relevant decision makers prior to decisions being made.
3. Conduct in-depth investigations in relation to topics of interest and concern to communities in North Tyneside.
4. Seek to involve communities in its work and reflect their views and concerns.
5. Present evidence based recommendations to the Elected Mayor, Cabinet and partner organisations to support them in the formulation of their future plans, strategies and decision making.

6. Monitor the impact of its reports and recommendations on service improvement.
7. On an annual basis undertake the challenge of the Cabinet's budget and strategic planning proposals (see Part 4.7 - Budget and Policy Framework Rules of Procedure).
8. Unless in exceptional circumstances where the Chair and Deputy Chair of the Overview and Scrutiny Co-ordination and Finance Committee agree otherwise, submit any reports and recommendations to the Overview and Scrutiny Co-ordination and Finance Committee prior to submission to Cabinet, Council, an individual or outside organisation.

4. Thriving Sub-committee

Membership – 12

Quorum – 3

Terms of Reference

In relation to parks and open spaces, sport and leisure, libraries, arts development, heritage strategy, community centres and voluntary sector support, the Thriving Sub-Committee will:

1. Scrutinise relevant budget monitoring and performance management information.
2. Contribute to the decision making process by examining key policy issues and making reports and recommendations on them to the Elected Mayor, Cabinet and or other relevant decision makers prior to decisions being made.
3. Conduct in-depth investigations in relation to topics of interest and concern to communities in North Tyneside.
4. Seek to involve communities in its work and reflect their views and concerns.
5. Present evidence based recommendations to the Elected Mayor, Cabinet and partner organisations to support them in the formulation of their future plans, strategies and decision making.
6. Monitor the impact of its reports and recommendations on service improvement.
7. On an annual basis undertake the challenge of the Cabinet's budget and strategic planning proposals (see Part 4.7 - Budget and Policy Framework Rules of Procedure).

Unless in exceptional circumstances where the Chair and Deputy Chair of the Overview and Scrutiny Co-ordination and Finance Committee agree otherwise, submit any reports and recommendations to the Overview and Scrutiny Co-ordination and Finance Committee prior to submission to Cabinet, Council, an individual or outside organisation.

5. **Green Sub-committee**

Membership – 12

Quorum – 3

Terms of Reference

In relation to the environment, energy use, climate change, carbon reduction, flood risk management and waste management, transport and the transport network, highways and road safety, safe walking and cycling, the Green Sub-committee will:

1. Scrutinise relevant budget monitoring and performance management information.
2. Contribute to the decision making process by examining key policy issues and making reports and recommendations on them to the Elected Mayor, Cabinet and or other relevant decision makers prior to decisions being made.
3. Conduct in-depth investigations in relation to topics of interest and concern to communities in North Tyneside.
4. Seek to involve communities in its work and reflect their views and concerns.
5. Present evidence based recommendations to the Elected Mayor, Cabinet and partner organisations to support them in the formulation of their future plans, strategies and decision making.
6. Monitor the impact of its reports and recommendations on service improvement.
7. On an annual basis undertake the challenge of the Cabinet's budget and strategic planning proposals (see Part 4.7 - Budget and Policy Framework Rules of Procedure).
8. Unless in exceptional circumstances where the Chair and Deputy Chair of the Overview and Scrutiny Co-ordination and Finance Committee agree otherwise, submit any reports and recommendations to the Overview and Scrutiny Co-ordination and Finance Committee prior to submission to Cabinet, Council, an individual or outside organisation.

6. **Secure Sub-committee**

Membership – 12

Quorum – 3

Terms of Reference

In relation to housing and community safety, inequalities, equality and diversity the Secure Sub-Committee will:

1. Scrutinise relevant budget monitoring and performance management information.

2. Contribute to the decision making process by examining key policy issues and making reports and recommendations on them to the Elected Mayor, Cabinet and or other relevant decision makers prior to decisions being made.
3. Conduct in-depth investigations in relation to topics of interest and concern to communities in North Tyneside.
4. Seek to involve communities in its work and reflect their views and concerns.
5. Present evidence based recommendations to the Elected Mayor, Cabinet and partner organisations to support them in the formulation of their future plans, strategies and decision making.
6. Monitor the impact of its reports and recommendations on service improvement.
7. On an annual basis undertake the challenge of the Cabinet's budget and strategic planning proposals (see Part 4.7 - Budget and Policy Framework Rules of Procedure).
8. Undertake the overview, scrutiny and policy development responsibilities in respect to crime and disorder issues as set out in the Police and Justice Act 2006 and associated regulations, including any crime and disorder issues referred to it as a 'Councillor Call for Action'.
9. Unless in exceptional circumstances where the Chair and Deputy Chair of the Overview and Scrutiny Co-ordination and Finance Committee agree otherwise, submit any reports and recommendations to the Overview and Scrutiny Co-ordination and Finance Committee prior to submission to Cabinet, Council, an individual or outside organisation.

C Regulatory and Other Committees

1. Appointments and Disciplinary Committee

Where the Committee is dealing with disciplinary action against the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer, the Authority's Independent Persons shall be invited to attend and observe the Committee's proceedings.

Quorum – 3

Terms of Reference

The following functions are the responsibility of the Appointments and Disciplinary Committee:

1. To consider and determine the short-listing for and appointments to the positions of Chief Executive, Director of Public Health (subject to the statutory process), Assistant Chief Executive/Directors of Service and any other positions as may be determined from time to time by the full Council.
2. To consider and determine disciplinary action against the Assistant Chief Executive or Directors of Service (other than those undertaking the roles of Head of Paid Service, the Monitoring Officer and Chief Finance Officer).
3. To exercise functions pursuant to the Local Authorities (Standing Orders) Regulations 2001 (as amended) in relation to disciplinary action in respect of the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer on the grounds of conduct, capability or other substantial reasons:
 - a) Consideration of any initial investigation of the allegation(s) relating to conduct, capability or other substantial issue(s) which may require full investigation;
 - b) Determination of whether the allegation(s) require any informal or formal action and whether the appointment of an Independent Investigator to investigate the allegation(s) is required;
 - c) Consideration of whether precautionary action is required (including the power to suspend a relevant officer, subject always to the legal requirements regarding such suspension) and, if so, the determination of the extent and terms of such precautionary action;
 - d) Receipt and consideration of Independent Investigators' report(s);
 - e) Where appropriate the referral back to the Independent Investigator for further investigation, report and/or recommendation;
 - f) Hearing the allegation(s) at a disciplinary hearing and the determination of any disciplinary action, other than dismissal; and

- g) Where following the hearing of the allegation(s) dismissal is considered appropriate to recommend dismissal to Full Council.

Dismissal Advisory Committee

Membership – The Authority’s 3 Independent Persons.

Where one or more of the Authority’s Independent Persons are unavailable to attend a meeting of the Committee an Independent Person from a neighbouring authority will be appointed to the Committee in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended).

Quorum – 2

Terms of Reference

The following functions are the responsibility of the Dismissal Advisory Committee:

1. To provide advice to Full Council on matters relating to a proposal to dismiss the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer on the grounds of conduct, capability or other substantial reason.

2. Audit Committee

Membership – 9 (7 Councillors and 2 non-voting co-opted members)

Quorum – 3

Terms of Reference

Statement of purpose

1. The Audit Committee is a key component of North Tyneside Council’s corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.
2. The purpose of the Audit Committee is to provide independent assurance to Members of the adequacy of the risk management framework and the internal control environment. It provides independent review of North Tyneside Council’s governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

Governance, risk and control

3. To review the Authority's corporate governance arrangements against the good governance framework, including the ethical framework and consider the local code of governance.
4. To review the Annual Governance Statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account Internal Audit's opinion on the overall adequacy and effectiveness of the Authority's framework of governance, risk management and control.
5. To consider the Authority's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
6. To consider the Authority's framework of assurance and ensure that it adequately addresses the risks and priorities of the Authority.
7. To monitor the effective development and operation of risk management in the Authority.
8. To monitor progress in addressing risk-related issues reported to the Committee.
9. To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.
10. To review the assessment of fraud risks and potential harm to the Authority from fraud and corruption.
11. To monitor the counter-fraud strategy, actions and resources.
12. To review the governance and assurance arrangements for significant partnerships of collaborations.

Internal audit

13. To approve the Internal Audit charter.
14. To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.
15. To approve the risk-based internal audit plan, including Internal Audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.
16. To approve significant interim changes to the risk-based internal audit plan and resource requirements.
17. To make appropriate enquiries of both management and the Head of Internal Audit to determine if there are any inappropriate scope or resource limitations.
18. To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the Chief Internal Auditor. To approve and periodically review safeguards to limit such impairments.

19. To consider reports from the Chief Internal Auditor on Internal Audit's performance during the year, including the performance of external providers of internal audit services. These will include:
 - a) Updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work.
 - b) Regular reports on the results of the Quality Assurance and Improvement Programme.
 - c) Reports on instances where the Internal Audit function does not conform to the Public Sector Internal Audit Standards and Local Government Application Note, considering whether the non-conformance is significant enough that it must be included in the Annual Governance Statement.
20. To consider the Chief Internal Auditor's annual report:
 - a) The statement of the level of conformance with the Public Sector Internal Audit Standards and Local Government Application Note and the results of the Quality Assurance and Improvement Programme that support the statement – these will indicate the reliability of the conclusions of internal audit.
 - b) The opinion on the overall adequacy and effectiveness of the Authority's framework of governance, risk management and control together with the summary of the work supporting the opinion – these will assist the Committee in reviewing the Annual Governance Statement.
21. To consider summaries of specific internal audit reports as requested.
22. To receive reports outlining the action taken where the Chief Internal Auditor has concluded that management has accepted a level of risk that may be unacceptable to the Authority or there are concerns about progress with the implementation of agreed actions.
23. To contribute to the Quality Assurance and Improvement Programme and in particular, to the external quality assessment of Internal Audit that takes place at least once every five years.
24. To consider a report on the effectiveness of Internal Audit to support the Annual Governance Statement, where required to do so by the Accounts and Audit Regulations.
25. To provide free and unfettered access to the Audit Committee Chair for the Chief Internal Auditor, including the opportunity for a private meeting with the Committee.

External audit

26. To support the independence of external audit through consideration of the External Auditor's annual assessment of its independence and review of any issues raised by PSAA or the Authority's auditor panel as appropriate.
27. To consider the External Auditor's annual letter, relevant reports and the report to those charged with governance.
28. To consider specific reports as agreed with the external auditor.
29. To comment on the scope and depth of external audit work and to ensure it gives value for money.
30. To commission work from internal and external audit.
31. To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

Financial reporting

32. To review and approve the annual statement of accounts including any subsequent amendments. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Authority.
33. To consider the External Auditor's report on the audit of the annual statement of accounts (the audit completion report).
34. To receive the External Auditor's annual audit letter.

Accountability arrangements

35. To report to the Authority on the Committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks; financial reporting arrangements, and internal and external audit functions.
36. To report to the Authority on a regular basis on the Committee's performance in relation to the terms of reference and the effectiveness of the Committee in meeting its purpose.
37. To publish an annual report on the work of the Committee.

General Information

1. Nothing in these terms of reference shall confer upon the Audit Committee the power to regulate or control the finances of the Authority, in order to ensure that section 102(3) of the Local Government Act 1972 is not contravened.

2. The two co-opted members of the Audit Committee will fulfil the roles of Chair and Deputy Chair of the Committee. The term of office for the co-opted members of the Audit Committee will be two years, with the term of office limited to a maximum of 10 years. 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.
3. The term of office for any appointed co-opted member can only be extended with the express approval of the full Council, on the recommendation of the Chief Executive and Section 151 Officer. Co-opted members appointed by the full Council can attend and speak at meetings of the Committee to which they are appointed but cannot vote.

3. Licensing Committee

Membership – 12

Quorum – 3

Terms of Reference

The following functions are the responsibility of the Licensing Committee:

1. To consider matters which are functions of the Local Authority by virtue of the Licensing Act 2003 in so far as those matters are not dealt with by the Assistant Chief Executive/relevant Director of Service or Head of Service under his/her delegated powers and in particular, but not limited to the following:
 - a) applications for personal licences (where a police objection notice is made);
 - b) applications for premises licences/club premises certificates (if representation(s) made);
 - c) applications for provisional Statement (if representation(s) made);
 - d) applications to vary premises licences/club premises certificates (if representation(s) made);
 - e) applications to vary designated personal licence holder (if a notice is received from the Chief Officer of Police);
 - f) applications for transfer of premises licence (if a notice is received from the Chief Officer of Police);
 - g) applications for Interim Authorities (if a notice is received from the Chief Officer of Police);
 - h) applications to review premises licence/club premises certificate;

- i) consideration as to whether to take steps following a summary review by police;
 - j) determination of a police objection notice to a temporary event notice;
 - k) the issue of a Counter Notice in relation to a temporary event notice following a police objection;
 - l) to decide to object when the local authority is a consultee and not the lead authority; and
 - m) to receive regular reports on the decisions taken by Officers under delegated powers and to receive minutes of the meetings of the Sub-Committees of the Licensing Committee.
2. To consider all functions which are the responsibility of the Authority pursuant to the Gambling Act 2005 in so far as those matters are not dealt with by the Assistant Chief Executive/relevant Director of Service or Head of Service under his/her delegated powers and in particular but not limited to the following:
- a) applications for premises licences (where representations are made and not withdrawn);
 - b) applications to vary premises licences (where representations are made and not withdrawn);
 - c) applications to transfer licences where representations are made;
 - d) applications for provisional statements (where representations are made and not withdrawn);
 - e) applications to review premises licences;
 - f) the decision to issue a Counter Notice to a Temporary Use Notice;
 - g) applications for Club Gaming Permits, Club Machine Permits (where objections are made and not withdrawn);
 - h) applications for other permits if there is an initial decision to possibly refuse a permit application and oral or written representations are received from the applicant;
 - i) cancellation of licensed premises gaming machine permits if requested by the applicant;
 - j) order disapplying Section 279 or Section 282(1) of a specified premises holding an on-premises alcohol licence;
 - k) refusal to register a Small Lottery and representations are received from the Society;

- l) revocation,of Small Lottery Registration and representations are received from the Society
 - m) the Licensing Authority seeking to add conditions to a premises licence or remove a default condition; and
 - n) cancellation of Club Gaming Permits or Club Machine Permits.
3. To consider any relevant representations made in relation to any proposed Early Morning Alcohol Restriction Order at a hearing held under section 172B(1)(b) of the Licensing Act 2003.

Information

The Licensing Committee may appoint a sub-committee comprising three of its members to exercise any of its functions within the above terms of reference. The quorum for these sub-committees will be 3.

4. Planning Committee

Membership – 11

Quorum – 3

Terms of Reference

The following functions are the responsibility of Planning Committee:

1. To be responsible for all matters relating to the Authority's function as Local Planning Authority, mineral planning authority and hazardous substances authority in accordance with current policies of the Authority, including the following matters:
 - a) planning applications;
 - b) control of the display of advertisements;
 - c) listed building consent and conservation area consent;
 - d) hazardous substances consent;
 - e) tree preservation;
 - f) the topping, lopping or felling of trees subject to tree preservation orders and/or located in a conservation area;
 - g) proper maintenance of land;
 - h) enforcement action;
 - i) building preservation notices;
 - j) completion notices;

- k) planning contravention, breach of condition and stop notices;
 - l) certificates of lawfulness of existing use or proposed development;
 - m) directions restricting development under the Town and Country (General Permitted Development) Order 1995;
 - n) revocation or modification of planning permission;
 - o) planning agreements and obligations;
 - p) proposed development by Government Departments under DETR circular 18/84;
 - q) consultations by adjoining authorities under the Town and Country (General Permitted Development) Order 1995;
 - r) certificates of appropriate development under the Land Compensation Act 1961;
 - s) all other matters as may arise under the Planning, Listed Buildings and Hazardous Substances Acts or subsequent legislation relating to the local planning function of the Authority;
 - t) determinations under the Town and Country Planning (Environmental Impact Assessment) Regulations 1990;
 - u) the bringing of legal proceedings in connection with any matters under the purview of the Committee, but not the determination of statutory planning policy or informal planning guidance;
 - v) determination of conditions on mining permissions;
 - w) protection of important hedgerows; and
 - x) to enter land in Part 2 of the brownfield land register and thus granting permission in principle.
2. To be responsible for certain matters relating to the Authority's function as local highways authority in so far as those matters are not dealt with by the Assistant Chief Executive/relevant Director of Service or Head of Service under his/her delegated powers and in particular, but not limited to, the following:
- a) the making of Limestone Pavement Orders under the Wildlife and Countryside Act 1981.
 - b) the issue of Street Works Licences under the New Roads and Streetworks Act 1991.
 - c) the duty to keep a definitive map and statement of public rights of way under continuous review under the Wildlife and Countryside Act 1981.

- d) powers and duties under the Highways Act 1980 relating to the:
- i) creation of footpaths and bridleways;
 - ii) construction of road humps;
 - iii) stopping up of footpaths and bridleways;
 - iv) diversion of footpaths and bridleways;
 - v) protection of the rights of the public to use and enjoy highways;
 - vi) deposit of builders' skips on the highway (section 139);
 - vii) planting, retention and maintenance of trees in part of a highway;
 - viii) erection of stiles on footpaths and bridleways;
 - ix) removal of things causing a nuisance on a highway;
 - x) removal of projections from buildings;
 - xi) doors, etc. not to open outwards over streets from buildings;
 - xii) the licensing of works which may obstruct the highway;
 - xiii) temporary deposits and excavations in streets;
 - xiv) the obligation to erect hoardings or fencing;
 - xv) construction of bridges over highways;
 - xvi) placing of rails, beams, etc. over highways;
 - xvii) construction of cellars, etc. under highways; and
 - xviii) openings into and repair of cellars under highways and pavement lights and ventilators.

Information

1. For further information on the operation of Planning Committee please see Part 8.3 - Planning Code of Practice for Members and Officers.

5. Regulation and Review Committee

Membership – 12

Quorum – 3

Terms of Reference

The following functions are the responsibility of Regulation and Review Committee:

Hackney Carriage and Private Hire Licensing

1. To exercise the Authority's functions in relation to the licensing of Hackney Carriage vehicles, Hackney Carriage drivers, Private Hire vehicles, Private Hire operators and Private Hire drivers under the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and other relevant legislation (save for the formulation and adoption of the Authority's Hackney Carriage and Private Hire Licensing Policy) and those matters not dealt with by the Assistant Chief Executive/relevant Director of Service or Head of Service under their delegated powers, including in particular the following:
2. To determine appeals against decisions of the Director of Public Health in relation to the grant, refusal and suspension of licences.

3. To determine the appropriate disciplinary action (if any) in respect to licensees referred to the Committee by the Director of Public Health.
4. To determine any licensing applications or other matters concerning individual licensing applications referred to the Committee by the Director of Public Health.

Miscellaneous licences, approvals etc.

5. To be responsible for the licensing of the employment of children under Part II of the Children and Young Persons Act 1933, byelaws made under that Part and Part II of the Children and Young Persons Act 1963.
6. To be responsible for the licensing of land used as a caravan site under section 3(3) of the Caravan Sites and Control of Development Act 1960.
7. To be responsible for the licensing of camping sites and the use of moveable dwellings under section 269(1) of the Public Health Act 1936.
8. To be responsible for the licensing of markets and street trading under Part III of and Schedule 4 to, the Local Government Act 1982.
9. To exercise the functions of the Authority with respect to house to house collections, under the House to House Collections Act 1939.
10. To be responsible for the licensing of persons to collect for charitable and other causes under section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939.
11. To be responsible for the issue of street collection permits under section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916.
12. To review decisions after refusal, revocation or discontinuance of a street trading licence/consent.
13. To investigate, formulate, propose and advertise a street trading licensing scheme.
14. To review decisions upon the request of the applicant or licensee in connection with the approval of premises for the solemnisation of marriages and registration of Civil Partnerships under section 46A of the Marriage Act 1949, the Civil Partnership Act 2004 and the Marriages and Civil Partnerships (Approved Premises) Regulations 2000.
15. To sanction the use of parts of buildings for storage of celluloid under the Celluloid and Cinematograph Film Act 1922.
16. Granting consent for the operation of a loudspeaker under Schedule 2 to the Noise and Statutory Nuisance Act 1993.
17. To operate the Licensing Scheme for pleasure craft pursuant to section 94 of the Public Health Amendment Act 1907.

18. To be responsible for the licensing of premises for acupuncture, tattooing, ear-piercing and electrolysis under sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982 and local byelaws.
19. To be responsible for the licensing of premises for the breeding of dogs under section 1 of the Breeding of Dogs Act 1973 and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999.
20. To be responsible for the licensing of pet shops and other establishments where animals are bred and kept for the purposes of carrying on a business under section 1 of the Pet Animals Act 1957, section 1 of the Animal Boarding Establishments Act 1963, the Riding Establishments Acts 1964 and 1970; section 1 of the Breeding of Dogs Act 1973 and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.
21. To be responsible for the registration of animal trainers and exhibitors under section 1 of the Performing Animals (Regulations) Act 1925.
22. To be responsible for the licensing of zoos under section 1 of the Zoo Licensing Act 1981.
23. To be responsible for the licensing of dangerous wild animals under section 1 of the Dangerous Wild Animals Act 1976.
24. To be responsible for licenses for the movement and sale of pigs and collecting centres for the movement of pigs under the Pigs (Records, Identification and Movement) Order 1995.
25. To be responsible for licences to move cattle from a market under Article 5(2) of the Cattle Identification Regulations 1998.
26. The registration and licensing of premises for the preparation of food under section 19 of the Food Safety Act 1990.
27. To approve meat product premises under Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994.
28. To approve premises for the production of minced meat or meat preparations under the Minced Meat and Meat Preparations (Hygiene) Regulations 1995.
29. To approve dairy establishments under Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995.
30. To approve egg product establishments under Regulation 5 of the Egg Products Regulations 1995.
31. The licensing of retail butchers shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready to eat foods under Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995.

32. The registration of food business premises under the Food Premises (Registration) Regulations 1991.
33. To approve fish products premises, dispatch or purification centres, factory vessels and fishery product establishments and to register fishing vessels on which shrimps or molluscs are cooked and auction and wholesale markets under the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
34. Those functions relating to sea fisheries under sections 1, 2, 10 and 19 of the Sea Fisheries Regulations Act 1966.
35. Those functions under any of the relevant statutory 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 those functions are discharged otherwise than in the Authority's capacity as an employer.
36. To take action on any matters coming within the Fire Safety and Safety of Places of Sport Act 1987 and the Safety of Sports Grounds Act 1975.
37. To be responsible for the upkeep of the list of persons entitled to sell non-medicinal poisons under sections 3(1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972.
38. To be responsible for the issue of licences to allow the performance of hypnotism under the Hypnotism Act 1952.

Sex Establishments

39. To deal with all matters relating to the licensing of sex establishments in connection with Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (save for the formulation and adoption of a policy regarding the licensing of sex establishments) in so far as those matters are not dealt with by the Assistant Chief Executive/relevant Director of Service or Head of Service under their delegated powers, including in particular the following:
 - a) To determine applications for the grant, renewal or transfer of Sex Establishment Licences, if a relevant objection is made.
 - b) To determine applications to vary Sex Establishment Licences where an officer is minded to refuse.
 - c) To determine, if a holder of licence wishes to appear before the Committee or to make written representations, the possible revocation of a Sex Establishment Licence.
 - d) To determine which conditions set out in the policy referred to above, if any, should be attached to a sex establishment licence.

Public places for the control of alcohol consumption

40. To consider and designate public places for the control of alcohol consumption pursuant to the Anti-Social Behaviour, Crime and Policing Act 2014 where

objections have been received or where otherwise referred to the Committee by the Head of Law.

Monitoring use of Covert Surveillance (Regulation of Investigatory Powers Act 2000 (RIPA))

41. To receive reports upon the Authority's use of surveillance powers under the Regulation of Investigatory Powers Act 2000 (RIPA).
42. To examine compliance with the legislation, the Code of Practice and Authority policy in connection to RIPA.
43. To consider whether the Authority policy on RIPA remains fit for purpose and recommend changes where appropriate for the consideration of Cabinet.

Rights of Way

44. To consider making Modification Orders to the Definitive Map and Statement of Public Rights of Way under the Wildlife and Countryside Act 1981, and to hear and determine representations made in respect of proposed Modification Orders to the Definitive Map and Statement of Public Rights of Way under the Wildlife and Countryside Act 1981.
45. To consider and determine applications for the registration of land pursuant to the Commons Registration Act 2006 and Regulations thereunder.

Appeals and Complaints

46. To consider and determine appeals lodged in relation to those matters referred to it by the Council as set out below:
 - a) appeals by employees of the Authority in accordance with local agreements; and
 - b) appeals against decisions by the Appointments and Disciplinary Committee in relation to the Chief Executive and other relevant Officers pursuant to the application of the Local Authorities (Standing Orders) Regulations 2001 and the Joint Negotiating Committee National Salary Framework and Conditions of Service for Local Authority Chief Executives.
47. To consider and determine the Authority's final response to all complaints referred to stage 3 of the Authority's Corporate Complaints procedure.
48. To monitor complaints received by the Authority in respect of the Authority's Corporate Complaints procedures and from the Local Government Ombudsman.
49. To make payments over £5,000 or provide other benefits in cases of maladministration under section 92 of the Local Government Act 2000.

Information

1. The Committee will meet with a reduced membership of 5 (a panel) to exercise functions 2, 3, 4, 8, 39, 41, 42, 43, 44, 45, 46 and 47. Members of the panel will

be selected from the Members of the Committee and will include the Chair and/or the Deputy Chair if available. In these cases the quorum for the panel will be 3.

2. The full membership of the Regulation and Review Committee will meet on a regular basis to consider policy matters and to receive the minutes of meetings where the Committee has met with a reduced membership.

D Standards Committee

1. Standards Committee

Membership – 9

Quorum – 3

Terms of Reference

The following functions are the responsibility of the Standards Committee:

1. To promote and maintain high standards of conduct by the Elected Mayor, Councillors, Co-opted Members and church and parent governor representatives.
2. To ensure the Elected Mayor, Councillors and Co-opted Members and church and parent governor representatives observe the Members' Code of Conduct.
3. To advise the Authority on the adoption or revision of the Members' Code of Conduct.
4. To monitor the operation of the Members' Code of Conduct.
5. To advise, train or arrange to train the Elected Mayor, Councillors and Co-opted Members and church and parent governor representatives on matters relating to the Members' Code of Conduct and Disclosable Pecuniary Interests.
6. To grant dispensations to the Elected Mayor, Councillors and Co-opted Members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct.
7. To monitor complaints received by the Authority in respect of Member conduct.
8. To review the Whistle-blowing policy for Members.
9. To conduct hearings following investigation and determine complaints made against Councillors (including following requests for review).
10. Where a Member is found to have failed to comply with the Code of Conduct to take such action as may be necessary to promote and maintain high standards of conduct, in accordance with the powers available to the Committee.
11. To amend the assessment criteria for complaints against Members (included in the Authority's adopted arrangements) as it considers appropriate from time to time.
12. To undertake such further functions as may be the responsibility of the Committee under the Authority's adopted arrangements in relation to the handling of complaints against Members.

13. To approve the contents of an annual report summarising the work of the Committee over the previous year for submission to the Annual Council meeting.

Information

1. The Members' Code of Conduct and all codes and protocols can be found in Part 8 - Codes and Protocols.
2. Please see Article 9 of the Constitution for further information on the Standards Committee.
3. For further information on the Standards Committee please see the Standards pages of the North Tyneside Council website or contact the Monitoring Officer on Tel (0191) 643 5339 or email standardscommittee@northtyneside.gov.uk.

Standards Sub-Committee

Membership – 3

Quorum – 2

Independent Persons do not form part of a quorum but may be invited to attend where considered appropriate by the Sub-Committee. Where the Sub-Committee is dealing with matters relating to the handling of complaints against the Elected Mayor, Councillors or Co-opted Members the Independent Persons must be consulted as appropriate.

Terms of Reference

The following functions are the responsibility of the Standards Sub-Committee:

1. To grant dispensations to the Elected Mayor, Councillors and Co-opted Members from requirements relating to interests set out in the Members' Code of Conduct.
2. To undertake 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, Councillors or Co-opted Members.
3. To receive a Final Report from the Investigating Officer where no breach of the Code of Conduct for Members has been found and to determine whether to accept the report; refer the report back to the Investigating Officer as 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.
4. Upon receipt of a Final Report from the Investigating Officer where a breach of the Code of Conduct for Members has been found, to undertake a hearing in accordance with the Authority's Local Arrangements for dealing with complaints under the Code of Conduct for Members.

E. Health and Wellbeing Board

Membership – see part 4.6 of the Constitution

Quorum – No less than a quarter of the whole membership and at least 2 elected Members of the Council

Terms of Reference

The following functions are the responsibility of the Health and Wellbeing Board:

1. To encourage persons who arrange for the provision of any health or social care services in North Tyneside to work in an integrated manner for the purpose of advancing the health and wellbeing of the people in the area.
2. To provide advice, assistance or other support to encourage the making of joint arrangements between health and social care commissioners under Section 75 of the NHS Act 2006 in connection with the provision of health and social care services.
3. To prepare a Joint Strategic Needs Assessment (JSNA), which provides an assessment of the current and future health and social care needs of the local community.
4. To prepare a Joint Health and Wellbeing Strategy (JHWS) for meeting the needs identified in the JSNA.
5. To encourage the commissioners of health-related services in North Tyneside to work closely with the Board.
6. To encourage the commissioners of health-related services in North Tyneside to work closely with the commissioners of health and social care services.
7. To assess the needs for pharmaceutical services in North Tyneside and publish a Pharmaceutical Needs Assessment.
8. To provide an opinion to the Authority on whether it is complying with its duty to have due regard to the Joint Strategic Needs Assessment (JSNA) and Joint Health and Wellbeing Strategy (JHWS) in exercising its functions.
9. To consider the draft commissioning plans prepared or revised by the clinical commissioning group and provide an opinion on whether they take proper account of the Joint Health and Wellbeing Strategy.
10. To exercise any functions of the Authority as determined by the Cabinet and/or Council.

Part 3 Responsibility for Functions

3.6 Bodies Outside the Authority

1. Non-Executive Outside Bodies

Where an organisation or body is consultative, a forum for debate or for the promotion of a charitable object or something of a similar nature rather than a decision making or operational body, then it is known as a “non- executive outside body”.

A list of the non-executive outside bodies is overleaf.

The appointment of Members or officers to non-executive outside bodies will be dealt with by the full Council.

2. Executive Outside Bodies

All remaining outside bodies and organisations are known as “executive outside bodies” and are referred to the Elected Mayor and Cabinet to appoint to. The function of these bodies would primarily be decision making or operational.

A list of the executive outside bodies is overleaf.

Non-Executive Outside Bodies

Association of North East Councils Resources Task and Finish Group
British Destinations
Cullercoats Education Trust
Kettlewell Education Foundation
Local Government Association – Assembly
Newcastle Airport Consultative Committee
North East Migration Partnership Members Forum
North East Regional Employers Organisation
North Tyneside Citizens Advice Bureau
North Tyneside Veterans Committee
Northumberland, Tyne and Wear and North Durham Sustainability and Transformation Plan Joint Health Scrutiny Committee
Percy Hedley School Governors Board
Standing Advisory Council on Religious Education
Wallsend Charitable (Victor Mann) Trust

Executive Outside Bodies

Association of North East Councils Collaborative Procurement Sub Committee
Association of North East Councils Leaders and Elected Mayors Board
Bus Lane Adjudication Service Joint Committee
Cumbria, Northumberland, Tyne and Wear NHS Foundation Trust Council of Governors
Family Gateway Trust
Joint Street Lighting PFI Project Committee
Newcastle Airport Local Authority Holding Company
North of Tyne Combined Authority Cabinet
North of Tyne Combined Authority Audit and Standards Committee
North of Tyne Combined Authority Overview and Scrutiny Committee
North East Joint Transport Committee
North East Joint Transport Committee, Tyne and Wear Sub Committee
North East Joint Transport Committee, Overview and Scrutiny Committee
North East Joint Transport Committee, Audit Committee
North East Ambulance Service NHS Foundation Trust Council of Governors
North East Culture Partnership
North East Local Enterprise Partnership
North East Regional Employers Organisation Executive Committee
North Shields Fish Quay Company
North Tyneside Fostering Panel
North Tyneside Learning Trust
North Tyneside Strategic Partnership Executive
North Tyneside Trading Company
North Tyneside Trading Company Aurora Properties (Rental) Limited
North Tyneside Trading Company Aurora Properties (Sale) Limited
North Tyneside Trading Company (Consulting) Limited
North Tyneside Trading Company (Development) Limited
Northumberland In-Shore Fisheries and Conservation Authority
Northumbria Healthcare NHS Foundation Trust

Northumbria Police and Crime Panel
Northumbria Regional Flood and Coastal Committee
Parking and Traffic Regulations Outside London (PATROL) Adjudication Joint
Committee
Pensions Committee
Safer North Tyneside Partnership Board
Station Developments Limited
Tyne Port Health Authority
Tyne and Wear Archives and Museums Strategic Board
Tyne and Wear Fire and Rescue Authority
Tyne and Wear Trading Standards Joint Committee

Part 3 Responsibility for Functions

3.7 Officer Delegation Scheme

The Officer Delegation Scheme is part of the Constitution but is produced as a separate document.

3.8 State of the Area Conference

The Elected Mayor will call a State of the Area Conference annually in September. The format for this will be agreed with the Chair of the Council and will be aimed at enabling the widest possible public involvement and publicity. Member involvement will be by allocating a number of places per political group, Group Leaders will be asked to nominate attendees.

The Conference will be chaired by the Chair of the Council.

The results of the Conference will be disseminated as widely as possible within the community and to agencies and organisations in the area and considered by the Elected Mayor in proposing the Budget and Policy Framework to the Council for the coming year.

Part 4 Rules of Procedure

4.1 Council Rules of Procedure

Annual Council

In a year when there is an ordinary election of councillors, the Annual Meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the Annual Meeting will take place in March, April or May.

The Annual Meeting will:

- a) elect a person to preside if the Chair of Council is not present;
- b) elect the Chair of Council;
- c) elect the Deputy Chair of Council;
- d) approve the minutes of the last meeting;
- e) receive any announcements from the Chair, the Elected Mayor and/or Chief Executive;
- f) be informed by the Elected Mayor of the composition and constitution of the Cabinet for the coming year, and the names of the councillors the Elected Mayor has chosen to be Members of the Cabinet;
- g) be informed by the Elected Mayor of the scheme of delegation of executive functions (see Part 3.4 - Responsibility for Executive Functions and Elected Mayor's Delegation Scheme); and
- h) conduct any business reserved for annual Council as set out in Article 4 and Part 3 - Responsibility for Functions in accordance with the following procedure rules.

Ordinary Council Meetings

Ordinary meetings of the full Council will take place in accordance with a programme decided by the full Council.

Ordinary meetings will:

- a) elect a person to preside if the Chair and Deputy Chair are not present;
- b) approve the minutes of the last meeting;
- c) receive any declarations of interest from Members;

- d) receive any announcements from the Chair, the Elected Mayor and/or the Chief Executive;
- e) deal with any uncompleted business from the last Council meeting; and
- f) conduct any business reserved for Council as set out in Article 4 and Part 3 - Responsibility for Functions in accordance with the following procedure rules.

Procedure rules

1. Extraordinary meetings

Those listed below may request the Chief Executive to convene Council meetings in addition to ordinary meetings:

- a) the Council by resolution;
- b) the Chair of the Council;
- c) the Monitoring Officer; and
- d) any five Members if they have signed a requisition presented to the Chair of the Council and the Chair has refused to convene a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

No item of business may be conducted at an extraordinary meeting of the Council other than that specified in the resolution, request or requisition which led to it being called.

2. Appointment of Joint Trades Union Advisory Representatives to attend Council meetings

Five nominated representatives of the Joint Trades Union Committee will be invited to attend meetings of the Council as observers, but will be subject to the rules as to exclusion in relation to exempt and confidential matters (see Part 4.11 - Access to Information Rules of Procedure).

3. Meetings

The time and place of meetings will be determined by the Chief Executive and notified in the summons. Other than in exceptional circumstances, meetings of the full Council will commence at 6.00 pm.

The Chief Executive will give notice to the public of the time and place of any meeting in accordance with Part 4.11- Access to Information Rules of Procedure.

At least five clear working days before a meeting, the Chief Executive will send a summons signed by them by post to every Member or leave it at their usual place of residence (or such other address as has been notified to the Chief Executive).

The summons will give the date, time and place of each meeting and specify the order of the business to be transacted and will be accompanied by such reports as are available.

Urgent reports on items of business may only be added to the agenda if the reasons for urgency can be sufficiently justified and the approval of the Chair of the Council has been given. The reasons for urgency will be recorded in the minutes of the meeting.

The Chair, or in his/her absence the Deputy Chair, in conjunction with the Chief Executive, will determine the order of business.

4. Chair

The person presiding at the meeting may exercise any power or duty of the Chair.

If the Chair is absent from a meeting of the Council, the Deputy Chair, if present, will preside.

If both the Chair and Deputy Chair are absent from a meeting of the Council, the Members present will choose one of their number to preside.

5. Quorum

A meeting of the full Council cannot begin until a quorum is present. The quorum of a meeting of the full Council will be one quarter of the whole number of Members. If a quorum is not reached 15 minutes after the time appointed for the start of the meeting, the meeting will be reconvened on another date.

During any meeting if the Chair counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately.

Remaining business will be considered at a time and date fixed by the Chair. If the Chair does not fix a date, the remaining business will be considered at the next ordinary meeting.

6. Duration

Unless the majority of Members present vote for the meeting to continue, any meeting that has lasted for 3½ hours will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If the Chair

does not fix a date, the remaining business will be considered at the next ordinary meeting.

If the majority of Members vote for the meeting to continue no business shall be taken after a further 15 minutes beyond the initial 3½ hours.

Separate arrangements in relation to the duration of the meeting will be agreed by the Elected Mayor and Group Leaders for the budget setting meeting at which the Council Tax is set to ensure that the legal requirements are complied with.

7. Questions by Members of the Public

- (1) The Council will specify a number of Council meetings in the municipal year as those at which the public, i.e. people who live or work in North Tyneside, may ask questions of the Elected Mayor and/or any other member of the Cabinet and will give notice of those meetings. Up to 30 minutes will be allowed at those meetings for the taking of questions and replies, but the Chair will have discretion to extend that period if they consider it appropriate
- (2) A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Monitoring Officer no later than 5.00 p.m. six clear working days before the day of the meeting which has been designated for public questions. Each question must give the name and address of the questioner. At any one meeting, no person may submit more than one question and no more than one question may be asked on behalf of an organisation. In addition, no question may be sub divided into more than two related parts.
- (3) Questions must be relevant to some matter for which the local authority has a responsibility or which affects the Borough.
- (4) Most questions which are submitted by the deadline will be answered at the designated meeting, however, the Chair of the Council, in consultation with the Chief Executive and the Monitoring Officer, may either refer a question to officers for a direct written response if the Chair considers the question can be most appropriately handled in that way, or may reject a question if it:
 - a) is not about a matter for which the Authority has a responsibility or which affects the Borough;
 - b) is defamatory, frivolous, offensive, unlawful or otherwise improper;
 - c) is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
 - d) requires the disclosure of confidential or exempt information.

- (5) Where the Chair of the Council, following consultation with the Chief Executive and the Monitoring Officer, determines that a question should be referred to officers for a direct written response, the Chief Executive will notify the member of the public concerned as soon as possible. The Chief Executive will at the same time refer the question to the relevant Director of Service who will reply in writing to the member of the public and circulate copies of the reply to all Members within five working days of receipt of the question, identifying any matters of a personal or confidential nature.
- (6) Where the Chair of the Council, following consultation with the Chief Executive and the Monitoring Officer, determines that a question should be rejected, the Chief Executive will notify the member of the public concerned as soon as possible. In doing so the Chief Executive will explain the reasons for the rejection and that where time permits, the member of the public concerned may submit a subsequent amended question that will be considered afresh. The time period for submitting questions will not be extended. Full responsibility for submitting an amended question lies with the member of the public concerned and cannot be undertaken by officers on their behalf.
- (7) The Monitoring Officer will enter each accepted question in a register open to public inspection and will immediately send a copy of the question to the Member to whom it is to be put. Details of the reasons for the rejection of any rejected questions will be circulated to all Members.
- (8) Copies of all questions to be asked at the Council meeting will be circulated to all Members and will be made available to the public.

At the meeting

- (9) Questions will be asked in the order received, except that the Chair of the Council may group together similar questions.
- (10) The Chair will invite the questioner to put the question to the Elected Mayor or relevant Cabinet Member. If a questioner who has submitted a written question is unable to be present at the meeting, the Chair may ask the question on the questioner's behalf or indicate that a written reply will be given.
- (11) Every question asked at the meeting shall be put and answered without discussion but any Member may move that a matter raised by a question be referred to the Cabinet or the appropriate committee or sub-committee. Once seconded, such a motion will be voted on without discussion.
- (12) A questioner who has asked a question in person may also ask a supplementary question without notice to the Elected Mayor or relevant Cabinet Member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Chair may reject a supplementary question on the same grounds as initial questions.

- (13) The time limit available to the questioner shall be two minutes for an initial question and one minute for a supplementary question. The respondent shall have five minutes for a reply to an initial question and two minutes for a reply to a supplementary question. The answer may be given by the Elected Mayor or relevant Cabinet Member or by another Cabinet Member on the Elected Mayor's behalf and shall be given orally.
- (14) Any question which cannot be dealt with during public question time will be dealt with by a written answer provided to the questioner and all Members within five working days of the meeting.
- (15) Any question and supplementary asked at a meeting of the Council by the public, together with the answer given, will be recorded in the minutes of the meeting.

8. Petitions

Please refer to Part 5 - Petition Scheme for details of how to submit a petition to full Council and the procedures to be followed when a petition is submitted to full Council.

9. Questions by Members

A Member may ask the Elected Mayor, any other member of the Cabinet or Chair of a committee or sub-committee any question, without notice, on a report of the Cabinet, Cabinet member or a committee or sub-committee when that report is being received or under consideration by the Council.

10. Questions on notice

- (1) A Member may ask:
 - a) the Chair of the Council, the Elected Mayor or any other member of the Cabinet a question on any matter in relation to which the Authority has powers or duties or which affects the Borough; or
 - b) the nominated member of the Tyne and Wear Fire and Rescue Authority or the North of Tyne Combined Authority, any question on the business of that Authority.
- (2) However, a Member may only ask a question if either:
 - a) they have given notice of the question by delivering it in writing or by electronic mail to the Monitoring Officer no later than 5.00 p.m. six clear working days before the day of the meeting. Each question must give the name of the questioner and name the Member of whom it is to be asked; or
 - b) the question relates to urgent matters, they have the consent of the Chair of the Council, and the content of the question and the

reasons for the urgency are given to the Monitoring Officer by 12 noon on the day of the meeting.

- (3) Urgent questions can only be asked if the Chair of the Council is satisfied that the reasons for urgency can be sufficiently justified. The reasons for urgency must be specified in writing by the Member(s) submitting the question(s). The reasons for urgency agreed by the Chair of Council will be recorded in the minutes of the meeting.
- (4) Error! Bookmark not defined. Questions must be relevant to some matter for which the Council has a responsibility or which affects the Borough.

The Chair of Council, in consultation with the Chief Executive and the Monitoring Officer, may reject a question if it:

- a) is not a matter for which the Authority has a responsibility or which affects the Borough;
 - b) is defamatory, frivolous, offensive or unlawful or otherwise improper;
 - c) is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
 - d) requires the disclosure of confidential or exempt information.
- (5) Where the Chair of Council, following consultation with the Chief Executive and the Monitoring Officer, determines that a question should be rejected, the Chief Executive will notify the Member concerned immediately giving reasons for the rejection. Where time permits, the Member concerned may submit a subsequent amended question that will be considered against the approved criteria. The time period for submitting questions will not be extended. Full responsibility for submitting an amended question lies with the Member concerned and cannot be undertaken by officers on their behalf.
 - (6) The Monitoring Officer will enter each accepted question in a register open to public inspection and will immediately send a copy of the question to the Member to whom it is to be put. Details of the reasons for the rejection of any rejected questions will be circulated to all Members.
 - (7) Copies of all questions to be asked at the Council meeting will be circulated to all Members as part of the agenda.
 - (8) Questions will be asked in the order notice of them was received, except that the Chair may group together similar questions.
 - (9) A Member asking a question on notice may ask a supplementary question without notice of the Member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply.

- (10) The time limit available to the questioner shall be two minutes for an initial question and one minute for a supplementary question. The respondent shall have five minutes for a reply to an initial question and two minutes for a reply to a supplementary question.
- (11) An answer to a question may be given by the Chair of the Council, the Elected Mayor or relevant Cabinet Member or by another Cabinet Member on the Elected Mayor's behalf.
- (12) An answer to a question asked of the nominated member of the Tyne and Wear Fire and Rescue Authority or the North of Tyne Combined Authority may only be given by the nominated member of the relevant Authority.
- (13) Most questions will be answered orally at meetings of the Council unless:
- a) the desired information is in a publication of the Authority or other published work in which case the response may comprise a reference to such publications;
 - b) except for (c) below, where at the meeting the Chair considers it appropriate, the response may take the form of a written answer circulated to all Members within five working days of the meeting;
or
 - c) in the case of an urgent question if it is not possible for the answer to be prepared in the time allowed, a written answer will be provided to all Members within three working days of the date of the meeting where that is practicable, and if not as soon as possible thereafter; and
 - d) where any question which can not be dealt with during question time because of lack of time, a written answer will be provided to all Members within five working days of the meeting.

Any question asked at a meeting by a Member, together with the answer given, will be recorded in the minutes of the meeting.

11. Motions

Notice

- (1) Written notice of every motion, signed by at least three Members, must be delivered to the Monitoring Officer not later than 5.00pm six clear working days before the date of the meeting. (See below for Motions without notice)
- (2) With the permission of the Chair of the Council, a motion concerning urgent business may be submitted without the required notice where the Chair considers exceptional circumstances require an immediate debate. An urgent motion must still be put in writing, signed by at least three Members and received by the Monitoring Officer by 12 noon on the day of the Council

meeting. The reasons for urgency must be specified in writing by the Members submitting the motion. The reasons for urgency agreed by the Chair of Council will be recorded in the minutes of the meeting.

- (3) Motions must be about matters for which the Authority has a responsibility or which affect the Borough
- (4) The Chair of Council, in consultation with the Chief Executive and the Monitoring Officer, may reject a motion if it is defamatory, frivolous, offensive, unlawful or otherwise improper or if it undermines the purposes of this Constitution.
- (5) Where the Chair of Council, following consultation with the Chief Executive and the Monitoring Officer, determines that a motion should be rejected, the Chief Executive will notify the Members concerned as soon as possible giving reasons for the rejection. Where time permits, the Members concerned may submit a subsequent amended motion that will be considered afresh. The time period for submitting motions will not be extended. Full responsibility for submitting an amended motion lies with the Members concerned and cannot be undertaken by officers on their behalf.
- (6) Any decisions of full Council arising from a motion must comply with the principles of decision making (set out in Article 13 – Decision Making). Where the Chair of the Council, in consultation with the Monitoring Officer, considers that the motion cannot comply with the principles of decision making, then the motion will stand referred to the next ordinary meeting of the Council. This will enable information to be provided to ensure that any subsequent decision does comply with the principles of decision making.
- (7) The Monitoring Officer will enter each accepted motion for which notice has been given in a register open to public inspection. Such motions will be listed on the agenda in the order in which notice was received, unless the Members giving notice state, in writing, that they propose to move it to a later meeting or withdraw it.
- (8) Details of the reasons for the rejection of any rejected motions will be circulated to all Members.

Motions without notice

- (9) The following motions may be moved without notice:
 - a) to appoint a chair of the meeting at which the motion is moved;
 - b) in relation to the accuracy of the minutes;
 - c) to change the order of business in the agenda;
 - d) to refer something to an appropriate body or individual;

- e) to appoint a committee or Member arising from an item on the summons for the meeting;
- f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- g) to withdraw a motion;
- h) to amend a motion;
- i) to proceed to the next business;
- j) that the question be now put;
- k) to adjourn a debate;
- l) to adjourn a meeting;
- m) that the meeting continue beyond three and a half hours in duration;
- n) to suspend a particular council procedure rule;
- o) to exclude the public and press in accordance with Part 4.11 Access to Information Rules of Procedure;
- p) to not hear further a Member named or to exclude them from the meeting; and
- q) to give the consent of the Council where its consent is required by this Constitution.

Previous decisions or motions

- (10) A motion or amendment to rescind a decision made at a meeting of the full Council cannot be moved unless the notice is signed by at least three Members. A motion or amendment to rescind a decision made at a meeting of the full Council may not be moved where that decision has been made within the previous six months.
- (11) A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least three Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

12. Rules of Debate

- (1) Where the mover or seconder of the motion is the Chair of the Council, they will step down from the Chair and the Deputy Chair (or in their absence a

Member appointed by the full Council) will preside for the duration of the debate and any vote on the matter. This provision will also apply to any Member presiding over the Council meeting in the absence of the Chair.

- (2) Unless notice of the motion has already been given, the Chair of the Council may require it to be written down and handed to them before it is discussed.
- (3) No speeches may be made by any other Member until after the mover has moved a proposal and explained the purpose of it and the motion has been seconded.
- (4) When seconding a motion or amendment, a Member may reserve their speech until later in the debate. This right to speak is lost if a closure motion is carried.

Speeches

- (5) Speeches must be directed to the question under discussion or to a personal explanation or point of order. With the exception of the budget setting Council meetings, no speech may exceed five minutes without the consent of the Chair.

At the appropriate budget setting meetings, up to 10 minutes will be allowed for the mover of the Cabinet's proposals and the mover(s) of any alternative proposals to speak.

- (6) The Chair of the Council will warn a Member for irrelevance, unnecessary repetition, failure to address the Chair, unbecoming language or offensive remarks about a Member, officer or any third party. If the Member does not take notice, the Chair may order the Member to end the speech and may take further action. (see Members Conduct, paragraph 17 below)
- (7) A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:
 - a) to speak once on an amendment moved by another Member;
 - b) to move a further amendment if the motion has been amended since the Member last spoke;
 - c) if the Member's first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which the Member spoke was carried);
 - d) in exercise of a right of reply;
 - e) on a point of order; and
 - f) by way of personal explanation.

Amendments to motions

- (8) An amendment to a motion must be relevant to the motion and will either be:
- a) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - b) to leave out words;
 - c) to leave out words and insert or add others; or
 - d) to insert or add words.

An amendment cannot negate the motion.

The Chair may require an amendment to be put in writing and handed to him/her before it is discussed.

- (9) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (10) If an amendment is not carried, other amendments to the original motion may be moved.
- (11) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (12) After an amendment has been carried, the Chair will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.
- (13) A Member may withdraw an amendment which they have moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

Alteration and withdrawal of motion

- (14) A Member may alter a motion of which they have given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (15) A Member may alter a motion which they have moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (16) Only alterations which could be made as an amendment may be made.

- (17) A Member may withdraw a motion which they have moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No Member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

Right of reply

- (18) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (19) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- (20) The right of reply is confined to addressing points raised by previous speakers.
- (21) The mover of the amendment has no right of reply to the debate on his or her amendment.
- (22) If an amendment is approved, the mover of the motion, as amended (the substantive motion) has a right to reply at the end of the debate on the substantive motion immediately before it is put to the vote.

Motions that may be moved during the debate

- (23) When a motion is under debate, no other motion may be moved except the following procedural motions:
- a) to withdraw a motion;
 - b) to amend a motion;
 - c) to proceed to the next business;
 - d) that the question be now put;
 - e) to adjourn a debate;
 - f) to adjourn a meeting;
 - g) that the meeting continue for an additional 15 minutes beyond the initial 3¹/₂ hours;
 - h) to exclude the public and press in accordance with Part 4.11 - Access to Information Rules of Procedure; and
 - i) to not hear further a Member named or to exclude them from the meeting.

Closure motions

- (24) A Member may move, without comment, the following motions at the end of a speech of another Member:
- a) to proceed to the next business;
 - b) that the question be now put;
 - c) to adjourn a debate; or
 - d) to adjourn a meeting.
- (25) If a motion to proceed to the next business is seconded and the Chair thinks the item has been sufficiently discussed, the Chair will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (26) If a motion that the question be now put is seconded and the Chair thinks the item has been sufficiently discussed, the Chair will put the procedural motion to the vote. If it is passed the Chair will give the mover of the original motion a right of reply before putting the motion to the vote.
- (27) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chair thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, the Chair will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

Point of order

- (28) A Member may raise a point of order at any time. The Chair will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The Member must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Chair on the matter will be final.

Personal explanation

- (29) A Member may make a personal explanation. A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood in the present debate. The ruling of the Chair on the admissibility of a personal explanation will be final. When making a point of personal explanation, Members must await the conclusion of the relevant Member's speech.

13. Voting

- (1) Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put.

- (2) If there are equal numbers of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.
- (3) Unless a ballot or recorded vote is demanded, the Chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting. The Chair will announce the numerical result of the show of hands immediately after the result is known.
- (4) The vote will take place by ballot if two Members present at the meeting demand it. The Chair will announce the numerical result of the ballot immediately the result is known.
- (5) If two Members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down and entered into the minutes. A demand for a recorded vote will override a demand for a ballot.

Notwithstanding the above, at Budget Council meetings, a recorded vote will be taken on any motion or amendment relating to the budget and level of Council Tax to be levied.

At the discretion of the Chair, any recorded vote can be taken using the electronic voting system in the Council Chamber, when available, or by verbal roll call if the electronic voting system is unavailable.

- (6) Where any Member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting².
- (7) If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

14. Minutes

Minutes of meetings of the full Council will be published and circulated to all Members within five working days of the meeting.

The Chair will sign the minutes of the proceedings at the next suitable meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record. Discussion of the minutes must be limited to their accuracy.

² This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 1993.

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes³.

The effect of this is that minutes will not be submitted for approval to an extraordinary meeting.

Minutes will contain all motions and amendments in the exact form and order the Chair put them.

15. Record of attendance

All Members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

16. Exclusion of Public

Members of the public and press may only be excluded either in accordance with Part 4.11 - Access to Information Rules of Procedure or when causing a disturbance (see paragraph 19 below)

17. Member's Conduct

When a Member wishes to speak at full Council they must indicate their request by raising their hand or by any other agreed means. If more than one Member indicates a wish to speak, the Chair will ask one to speak and the others must remain silent until they are invited to address the meeting, unless they wish to make a point of order or a point of personal explanation. When a Member is speaking they may stand or sit to address the meeting.

When the Chair stands, raises their hand or indicates using any other agreed means for the meeting to stop during a debate, any Member speaking at the time must stop and be seated. The meeting must be silent.

If a Member persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.

If the Member continues to behave improperly after such a motion is carried, the Chair may move that either the Member leaves the meeting or that the

³ This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 1993. The language is constrained by that permitted in the regulations.

meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as the Chair thinks necessary.

18. Declaration of Interests in Meetings

Where a Member attends a meeting of the Council or one of its committees or sub-committees they must declare registerable and non-registerable personal interests as defined in the Members' Code of Conduct, in Part 8.2 Members' Code of Conduct, either at the start of the meeting, or otherwise as soon as the interest becomes apparent in the course of the meeting.

In addition, where in relation to any meeting a Member has declared a registerable or non-registerable personal interest in a matter, and the criteria contained in paragraph 17 of the Members' Code of Conduct apply, the Member must leave the room for the duration of the discussion on that matter.

19. Disturbance by the Public

If a member of the public interrupts proceedings, the Chair will warn the person concerned. If the person continues to interrupt, the Chair will order their removal from the meeting room.

If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared.

20. Suspension and alteration of these procedure rules

All of these Council Rules of Procedure, except the mandatory standing orders relating to the right to have an individual vote recorded and no requirement to submit minutes to extraordinary meetings, may be suspended by motion on notice or without notice if at least one half of the whole number of Members are present.

Suspension of these procedure rules can only be for the duration of the meeting and must only be moved in exceptional circumstances where the Chair of the Council is satisfied that the reasons for the exceptional circumstances can be sufficiently justified. The reasons for the exceptional circumstances must be given by the mover of the motion and the Chair's reasons for considering the exceptional circumstances will be recorded in the minutes of the meeting.

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council. In accordance with Article 16, any resolution of the full Council to approve a change in the Constitution will have no effect without the written consent of the Elected Mayor (unless the change

relates only to the operation of the Overview, Scrutiny and Policy Development Committee or its sub-committees).

21. Interpretation

The ruling of the Chair of the Council as to the interpretation or application of any of these Rules of Procedure, or as to any proceedings of the Council, shall not be challenged at any meeting of the Council. The ruling of the Chair will be given following such consultation with the Monitoring Officer as is necessary.

Part 4 Rules of Procedure

4.2 Cabinet Rules of Procedure

1. Delegation of executive functions by the Elected Mayor

At the Annual Meeting of the Council, the Elected Mayor will present to the Council a written scheme of delegation made by him/her; this scheme will form Part 3.4 of this Constitution. The document presented by the Elected Mayor must contain the following information about executive functions in relation to the following year:

- a) the names, addresses and wards of the Councillors appointed to the Cabinet by the Elected Mayor;
- b) the name of and the extent of any delegations to the Deputy Mayor (the duties of the Deputy Mayor are set out in Article 6
- c) the extent of any authority delegated to Cabinet members individually, including details of the limitation on their authority;
- d) the terms of reference and constitution of such Cabinet committees as the Elected Mayor appoints and the names of Cabinet members the Elected Mayor appoints to them;
- e) the nature and extent of any delegation of executive functions to area committees, any other authority or any joint arrangements and the names of those Cabinet members appointed to any joint committee for the coming year; and
- f) the nature and extent of any delegation of executive functions to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.

2. Meetings of the Cabinet

The Cabinet will meet at least 9 times per year on dates/times and at venues to be agreed by the Elected Mayor. The Cabinet will meet at Quadrant, Cobalt Business Park, The Silverlink North or another location to be agreed by the Elected Mayor.

All meetings of the Cabinet will be held in public except:

- a) When any item of business is to be discussed which involves the likely disclosure of exempt or confidential information as defined in Part 4.11 – Access to Information Rules of Procedure; and
- b) Whenever a lawful power is used to exclude a member or members of the public in order to maintain orderly conduct or prevent misbehaviour at a meeting.

A notice of the intention to exclude the public from any meeting, or part of a meeting, of the Cabinet together with the reasons for this will be included in the Forward Plan. The Plan containing the notice will be published at least 28 days before the meeting.

Where the date by which the meeting of Cabinet must be held makes the publication of such a notice impracticable, the public may only be excluded from the meeting where:

- a) agreement has been obtained from the Chair of the Overview, Scrutiny and Policy Development Committee, or if the Chair of the Overview, Scrutiny and Policy Development Committee is unable to act the Chair of Council, or if the Chair of Council is unable to act the Deputy Chair of Council; and
- b) a notice is published of the intention to exclude the public as soon as reasonably practicable, setting out the reasons why the meeting is urgent and cannot reasonably be deferred.

A further notice of the intention to exclude the public from any meeting, or part of a meeting, of the Cabinet together with the reasons for this, details of any representations made about why the meeting, or part of the meeting, should be open to the public and a statement of Cabinet's response to any representations will be included in the agenda for the meeting. The agenda containing the notice will be published at least 5 clear days before the meeting.

3. Decision making by the Cabinet and its Committees

Executive decisions which have been delegated to the Cabinet collectively will be taken at a meeting convened in accordance with statutory requirements.

Where executive decisions are delegated to a committee of the Cabinet, the rules for conducting meetings and taking executive decisions shall be the same as those applying to the Cabinet collectively.

4. Cabinet agenda

The agenda for the Cabinet will be prepared by the Head of Law in consultation with the Elected Mayor.

At each meeting of the Cabinet the following business will be conducted:

- a) consideration of the minutes of the last meeting;
- b) declarations of interest, if any;
- c) matters referred or referred back to the Cabinet by the Overview, Scrutiny and Policy Development Committee or by full Council;

- d) consideration of reports from the Overview, Scrutiny and Policy Development committees or one of its sub-committees;
- e) key decisions if required;
- f) any item requested by the Elected Mayor whether or not authority has previously been delegated to others;
- g) any item requested by any member of the Cabinet;
- h) with the Elected Mayor's consent any item requested by any Member. If the Elected Mayor does not agree to the request, s/he must give reasons. The notice of the meeting will give the name of the Councillor who asked for the item to be considered. The Councillor concerned will be invited to attend the meeting, whether or not it is a public meeting. There may be a maximum of 3 such items per Cabinet meeting;
- i) any item requested by the Chief Executive, Monitoring Officer and/or the Chief Finance Officer in pursuance of their statutory duties; and
- j) where any two of the Chief Executive, Chief Finance Officer and Monitoring Officer request that an item be put on to the agenda as it needs a decision.

Please see paragraph 12 on the Forward Plan.

5. Chair

If the Elected Mayor is present at a meeting of the Cabinet s/he will take the chair. In the Elected Mayor's absence, then the Deputy Mayor will take the chair. In the absence of both the Elected Mayor and Deputy Mayor then a person will be appointed to take the chair by those present.

The Elected Mayor will take the chair at any meeting of a Committee appointed by the Cabinet or the Elected Mayor may appoint another Cabinet member to do so. In the absence of the Elected Mayor or Chair of a Cabinet Committee, then a Member will be appointed to take the chair by those present.

6. Quorum

A meeting of the Cabinet cannot begin until a quorum is present. The quorum for Cabinet is 3.

Co-opted Members will not be counted in determining any quorum.

If a quorum is not reached 15 minutes after the time appointed for the start of the meeting, the meeting will be reconvened on another date.

During any meeting if the Chair counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately.

Remaining business will be considered at a time and date fixed by the Chair. If the Chair does not fix a date, the remaining business will be considered at the next ordinary meeting.

7. Attendance at Cabinet meetings

Where the Overview, Scrutiny and Policy Development Committee or any of its sub-committees submits a report to the Cabinet, a nominee of that Committee/Sub-committee may attend to present the report to the Cabinet.

A non-member of the Cabinet attending a meeting of the Cabinet may be invited to speak on a matter by the person presiding, but may not vote.

Members of the public may attend meetings of the Cabinet subject to the provisions of Part 4.11 - Access to Information Rules of Procedure.

8. Extraordinary meetings

The Chief Executive as Head of Paid Service, the Chief Finance Officer or the Monitoring Officer may require the Head of Law to convene a meeting of the Cabinet in pursuance of their statutory duties.

Where any two of the Chief Executive, Chief Finance Officer and Monitoring Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may require the Head of Law to convene an extraordinary meeting of the Cabinet if there is no scheduled meeting of the Cabinet in time to deal with the issue.

9. Declaration of Interests in Meetings

Where a Cabinet Member attends a meeting of the Cabinet or one of its committees or sub-committees they must declare registerable and non-registerable personal interests as defined in the Members' Code of Conduct, in Part 8.2 Members' Code of Conduct, either at the start of the meeting, or otherwise as soon as the interest becomes apparent in the course of the meeting.

In addition, where in relation to any meeting a Member has declared a registerable or non-registerable personal interest in a matter, and the criteria contained in paragraph 17 of the Members' Code of Conduct apply, the Member must leave the room for the duration of the discussion on that matter.

10. Record of Cabinet decisions

After any meeting of the Cabinet, the Head of Law will produce, publish and distribute to all Members a record of every decision taken at that meeting within three working days of the date of the meeting. The record will include a

statement of the decision and the date it was made, the reasons for each decision, any alternative options considered and rejected at that meeting and any declarations of interest and details of any dispensations granted.

The decision may not be implemented for a period of five clear working days following the date of publication of the decision. During this period the decision will be available for call in, in accordance with the provisions of Part 4.9 - Call In.

Where it is considered that the decision is sufficiently urgent as to require it to be not subject to call in then the relevant provisions in relation to urgent decisions must be followed. See Part 4.8 - Urgent Decisions for more information.

11. Delegated decisions

Where the Elected Mayor or Cabinet delegates an individual decision to a Cabinet Member, officer or other person or body then the general provisions relating to decision making that apply to the Cabinet will apply to the Cabinet Member, officer or other person or body concerned.

Before making any delegated decision the person or body concerned must:

- a) receive a detailed report which identifies all relevant information including options, in order that the decision complies with the provisions of Article 13 - Decision Making;
- b) notify the Head of Law of any change to the period within which the decision is to be taken from that which had been identified and recorded on the Forward Plan.

Immediately following the decision being made, the person or body concerned must notify the Head of Law who will be responsible for preparing a formal record of the decision which will be published within 3 working days. The record will include the details set out in Section 10 above. The person or body concerned must at the same time provide a copy of the report and any supporting information on which the decision has been based. Any exempt or confidential material (as defined in Part 4.11 - Access to Information) that is included in this information will not be made publicly available.

The delegated decision may not be implemented for a period of five clear working days following the date of publication of the decision. During this period the decision will be available for call in, in accordance with the provisions of Part 4.9 - Call In.

Where it is considered that the delegated decision is sufficiently urgent as to require it to be not subject to call in then the relevant provisions in relation to urgent decisions must be followed. See Part 4.8 - Urgent Decisions for more information.

12. The Forward Plan

The Forward Plan is a document published by the Authority every week that provides details of the major decisions that are to be taken over the following four months by the full Council, the Cabinet, the Elected Mayor or individual Members of the Cabinet and officers taking major decisions. The purpose of the Forward Plan is, amongst other things, to provide an opportunity for people inside and outside the Authority to see when the main decisions are going to be taken, who will be taking those decisions and what information and consultation will contribute to these decisions.

The Authority is required to give at least 28 days notice of key decisions and such notice will usually be given in the Forward Plan (see Article 13 – Decision making for a definition of a key decision). However, the Authority may choose to include any decisions of the full Council, Cabinet or committees on the Forward Plan at its discretion. Where it chooses to do so then any decision included in the Forward Plan will be required to comply with all requirements of this and other related sections.

13. Publication of the Forward Plan

The Forward Plan will be published on a weekly basis and, subject to the Urgent Decisions Rules set out in Part 4.8, will give at least 28 days notice of major decisions to be taken by the Cabinet, full Council, the Elected Mayor or individual members of the Cabinet and decisions delegated to officers by Cabinet.

The Forward Plan will be published on the North Tyneside Council website (www.northtyneside.gov.uk) and will be available for inspection free of charge in all of the Authority's main offices and in all of the Authority's Libraries during their normal opening hours.

The Forward Plan will include the following information:

- a) details of decisions, including key decisions, to be taken by full Council, the Cabinet, the Elected Mayor or individual members of the Cabinet and officers taking decisions delegated by Cabinet;
- b) notice of the intention to exclude the public from any meeting, or part of a meeting, of the Cabinet together with reasons for this;
- c) the identity of the decision taker(s);
- d) the date, or period within which the decision will be taken;
- e) a list of those who it is likely will be consulted prior to the decision being taken and how the consultation will be carried out;
- f) details of how anyone who wishes to make observations about the decision can do so, including the time by which any such observations must be received;

- g) a list of any documents submitted to the decision maker(s) for consideration and an address from which the documents are available; and
- h) a statement to indicate that other documents may be submitted to the decision maker(s) and details of the procedure for requesting copies of them.

Detailed references to exempt and confidential information will not be included in a Forward Plan.

14. Decisions not included on the Forward Plan

The procedure rules governing how decisions not included in the Forward Plan are to be taken are set out in Part 4.8 of the Constitution (Urgent Decisions Rules).

If the Overview, Scrutiny and Policy Development Committee considers that an executive decision has been taken contrary to the Cabinet Rules of Procedure (Part 4.2 of the Constitution) or the Urgent Decisions Rules (Part 4.8 of the Constitution) it may require the Cabinet to submit a report to the Council.

15. Access to Documents by Members

Any Member may have access to an agenda, report or background document which is available to the public.

In addition, any document in the Cabinet's possession containing material relating to business to be transacted at a public meeting of the Cabinet will be available for inspection by any Member at least 5 clear days before the meeting. If a meeting is called at shorter notice or an item is added to the agenda, the document must be made available when the meeting is called or when the item is added.

Any document in the Cabinet's possession containing material relating to business transacted at a meeting of the Cabinet when the public were excluded from the meeting, or an executive decision made by an individual Cabinet member or an officer, will be available for inspection to all Members no later than 24 hours after the decision has been made.

The above provisions do not apply to documents which contain exempt information, unless the exempt information relates to a) the financial or business affairs of a particular person (except to the extent that the information relates to any terms proposed or to be proposed by or to the Authority in the course of negotiations for a contract) and b) proposals to give a notice or to make an order to impose requirements on a person.

16. Access to Documents by Members of the Overview, Scrutiny and Policy Development Committee and its Sub Committees

On request from a member of the Overview, Scrutiny and Policy Development Committee or one of its sub committees, the Cabinet must make available to them any material in its possession relating to business that has been transacted at a meeting of the Cabinet or an executive decision made by an individual Cabinet member or an officer as soon as reasonably practicable but no later than 10 clear days after the request was made.

Exempt or confidential information will not be provided unless it relates to an action or a decision that the member is scrutinising or it relates to a review contained within the Overview, Scrutiny and Policy Development work programme.

If the information is not provided, the Overview, Scrutiny and Policy Development Committee will be provided with a written statement as to the reasons why.

Part 4 Rules of Procedure

4.3 Overview and Scrutiny

A Overview and Scrutiny Co-ordinating and Finance Committee and Sub-committees

1. Membership

Any Member except Members of the Cabinet may serve as a Member of the Overview and Scrutiny Co-ordinating and Finance Committee and/or any sub-committee.

No Member may be involved in the scrutiny of any decision in which they have been directly involved, other than by virtue of their involvement in a decision of the full Council.

2. Co-opted Members

The appointment of co-opted Members is a matter reserved to the full Council. The Overview and Scrutiny Co-ordinating and Finance Committee can make recommendations to the Council on the appointment of co-opted members to the Committee itself and/or any of its sub-committees. In making such recommendations to the Council the Committee will specify the term of office to be applied in each case. The term of office for any appointed co-opted Member can only be extended with the express approval of the Council. Co-opted Members appointed by the Council can attend and speak at meetings of the Committee or sub-committee to which they are appointed but cannot vote, unless the Council approves a voting scheme.

3. Church and parent governor representatives

The following representatives will be included in the membership of the Overview and Scrutiny Co-ordinating and Finance Committee:

- a) one Church of England Diocesan representative;
- b) one Roman Catholic Diocesan representative;
- c) two elected representatives of parent governors; and
- d) one representative of other faiths/denominations should the Council consider this appropriate and make such an appointment at its Annual Meeting.

The appointment of the Church of England and Roman Catholic Diocesan representatives by the relevant Diocesan bodies will be reported each year at the Annual Council meeting.

The Council will, at its Annual Meeting, consider and determine whether or not it is appropriate to appoint any representative of other faiths/denominations to serve on the Overview and Scrutiny Co-ordinating and Finance Committee.

The parent governors' representatives will be appointed on a four-year term of office in accordance with the Officer Delegation Scheme.

These representatives will have full speaking and voting rights in respect of any matter that relates wholly, or in part, to any education functions of the Cabinet. They may speak, but not vote, on any other matter.

The Council will appoint all of these representatives to any sub-committee dealing with education matters and they will have the same voting rights as for meetings of the Overview and Scrutiny Co-ordinating and Finance Committee. These representatives will also be invited to attend meetings of any sub-committee where it is known that education matters are to be considered as part of any business for a meeting. At such meetings they will have the same voting rights as for meetings of the Overview and Scrutiny Co-ordinating and Finance Committee.

Church and parent governor representatives will be expected to regularly attend meetings of those committees and any other bodies to which they are appointed.

4. Meetings

Where possible, a programme of ordinary meetings of the committee and sub-committees will be set each year, usually by the full Council. Notice of meetings will be given to the public in accordance with Part 4.11 - Access to Information Rules of Procedure.

5. Extraordinary Meetings

Extraordinary meetings of a committee or sub-committee may be called, where possible following consultation with the Chair and Deputy Chair, where it is considered necessary or appropriate; or at the request of the Chair and Deputy Chair; or any three Members of the committee.

Other than in exceptional circumstances, the time of commencement of extraordinary meetings should be the same as for ordinary meetings.

6. Agenda

The Head of Law, in consultation with the Chair and/or Deputy Chair, will determine the agenda for meetings of the Overview and Scrutiny Co-ordinating and Finance Committee and its sub-committees.

The Head of Law will place an item on the agenda for a meeting of any overview, scrutiny and policy development committee or sub-committee at the request of any Member of that committee or sub-committee. This will be subject to the Member concerned providing sufficient information to enable the proper officer to include with the agenda a short explanatory report.

Any matters referred to the Overview and Scrutiny Co-ordinating and Finance Committee by either the Council or the Cabinet will be placed on the agenda

for the next available meeting of the Committee. The Committee will, at that meeting, determine the method and timetable for responding to any such referrals, taking into account the approved work programme.

The Head of Law will make provision on the agenda for any matters which require consideration by the Committee as a result of having been ‘called in’ under the arrangements set out in Part 4.9 of this Constitution.

The Head of Law will place an item on the agenda of the Overview and Scrutiny Co-ordinating and Finance Committee (or the nominated crime and disorder committee as appropriate) at the request of any Member where that item refers to a “Councillor Call for Action”. This must be a local government matter or crime and disorder matter affecting the ward of the Member concerned. The Committee will, at that meeting, discuss the matter and decide whether to make a report or recommendation to the relevant decision maker.

The Head of Law will ensure that any matters referred to a sub-committee by the Overview and Scrutiny Co-ordinating and Finance Committee are placed on the agenda for the next available meeting of the sub-committee concerned.

7. Chair

Meetings of the Committee and sub-committees will be chaired by the Chair or in the Chair’s absence a Deputy Chair. In the absence of the Chair and Deputy Chair(s), members of the committee present will elect from amongst themselves a Chair for the meeting.

Where the Council or Overview and Scrutiny Co-ordinating and Finance Committee have made no specific appointment to the positions of Chair and Deputy Chair at the time of the meeting, members of a sub-committee will appoint a Chair and, where considered appropriate, a Deputy Chair at its first meeting.

8. Quorum

A meeting of any Committee or sub-committee cannot begin until a quorum is present. The quorum for the Overview and Scrutiny Co-ordinating and Finance Committee and its sub-committees will be no less than one quarter of the membership or 3 members, whichever is the greater number. Please refer to the terms of reference of each committee for its quorum.

Parent governor and church representatives will not be counted in determining any quorum.

If a quorum is not reached 15 minutes after the time appointed for the start of the meeting, the meeting will be reconvened on another date.

During any meeting if the Chair counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately.

Remaining business will be considered at a time and date fixed by the Chair. If the Chair does not fix a date, the remaining business will be considered at the next ordinary meeting.

9. Declaration of Interests in Meetings

Where a Member attends a meeting of the Overview and Scrutiny Co-ordinating and Finance Committee or one of its sub-committees they must declare registerable and non-registerable personal interests as defined in the Members' Code of Conduct, in Part 8.2 Members' Code of Conduct, either at the start of the meeting, or otherwise as soon as the interest becomes apparent in the course of the meeting.

In addition, where in relation to any meeting a Member has declared a registerable or non-registerable personal interest in a matter, and the criteria contained in paragraph 17 of the Members' Code of Conduct apply, the Member must leave the room for the duration of the discussion on that matter.

10. Duration

Unless the majority of members of the committee or sub-committee present vote for the meeting to continue, any meeting that has lasted for 3½ hours will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If the Chair does not fix a date, the remaining business will be considered at the next ordinary meeting.

If the majority of Members vote for the meeting to continue no business shall be taken after a further 15 minutes beyond the initial 3½ hours.

11. Substitutions

Substitute Members may be appointed only in the following circumstances:

- a) to take the place of the ordinary member of the Overview and Scrutiny Co-ordinating and Finance Committee or any of its sub-committees where the ordinary member of the committee or sub-committee will be absent for the whole of the meeting. Such an appointment shall apply for the entire meeting, including where the meeting is reconvened after an adjournment; or
- b) where any member of the Overview and Scrutiny Co-ordinating and Finance Committee has signed a call in request to be determined by the committee and they cannot take part in the decision making; and
- c) after notifying the relevant Democratic Services Officer prior to the commencement of the meeting of the intended substitution and the appointment of the substitution being reported to the meeting at the commencement of business.

Once the meeting has commenced and the substitute is present and participating the appointed member of the relevant committee or sub-committee shall not be entitled to attend the relevant meeting as a member of the committee.

12. Voting

Any matter will be decided by a simple majority of those members of the committee or sub-committee voting and present in the room at the time the question was put.

If there are equal numbers of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.

Unless a ballot or recorded vote is demanded, the Chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting. The Chair will announce the numerical result of the show of hands immediately after the result is known.

The vote will take place by ballot if two Members of the committee or sub-committee present at the meeting demand it. The Chair will announce the numerical result of the ballot immediately the result is known.

If two Members of the committee or sub-committee present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot.

Where any Member of the committee or sub-committee requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting⁴.

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

13. Minutes

The Chair will sign the minutes of the proceedings at the next suitable meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record. Discussion of the minutes must be limited to their accuracy.

⁴ This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 1993.

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes⁵.

The effect of this is that minutes will not be submitted for approval to an extraordinary meeting.

14. Exclusion of Public

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4.11 of this Constitution or when causing a disturbance (see below)

15. Disturbance by the Public

If a member of the public interrupts proceedings, the Chair will warn the person concerned. If the person continues to interrupt, the Chair will order their removal from the meeting room.

If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared.

16. Attendance by Members and officers

The Local Government Act 2000 and accompanying regulations permit the Overview and Scrutiny Co-ordinating and Finance Committee and its sub-committees to require the attendance at a meeting of any Member of the Cabinet or officer in order to assist the Committee or sub-committee in its work. In such circumstances it is the duty of the Member or officer to attend.

In the interests of good working relations the committee or sub-committee should only use this power in exceptional circumstances.

Under normal circumstances where it is felt that the attendance of a particular Member of the Cabinet or officer would assist the Committee or sub-committee in its work then they will be invited to attend. In such circumstances, the Member or officer concerned should preferably be given at least 5 working days notice of the date and time of the meeting and the nature of the business to be discussed. In circumstances where it is not possible to give 5 working days notice, contact should be made at the earliest opportunity with the Member or officer concerned to establish their availability.

Where a Member of the Cabinet or officer who has been invited to a meeting is not able to attend, then the committee or sub-committee will consider

⁵ This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 1993. The language is constrained by that permitted in the regulations.

whether or not to defer consideration of the matter to enable the Member or officer to be present.

The work of the Overview and Scrutiny Co-ordinating and Finance Committee and its sub-committees is vital to the effective operation of the Authority and Members and officers should endeavour to assist Overview and Scrutiny Co-ordinating and Finance Committee in its work and make every effort to attend meetings when invited.

Where it is felt that written information from a Member or officer is necessary then this will be referred to in the invitation.

Members of the Cabinet and/or officers attending meetings of the committee and sub-committees will be treated with courtesy and respect.

(See also Part 8.2 - Members Code of Conduct)

17. Attendance at meetings by others

There are specific requirements on relevant NHS bodies and health service providers under the NHS Act 2006, and on 'responsible authorities' under the Police and Justice Act 2006, to attend scrutiny meetings if summoned.

With the agreement of the Chair and Deputy Chair, or the committee or sub-committee as a whole, people other than those referred to above may be invited to attend meetings where it is felt they can assist the committee or sub-committee in its work.

Those attending meetings of the committee or sub-committee in this capacity do so voluntarily and they will be treated with due courtesy and respect.

18. Involvement in the work of the Committee by the public, etc.

The Authority is committed to the involvement of the public and others in the work of the Overview and Scrutiny Co-ordinating and Finance Committee and its sub-committees.

Where members of the public and/or others have had an active role in the work of the Overview and Scrutiny Co-ordinating and Finance Committee or its sub-committees such involvement will be properly acknowledged. In addition, where this involvement has contributed to a particular study or examination, then the individuals and/or organisations concerned will be informed of any resulting conclusions and/or recommendations.

19. Reports of the Committee

Once it has formed recommendations, a Scrutiny Sub-committee will prepare a formal report and submit it to the Overview and Scrutiny Co-ordinating and Finance Committee for consideration. The Overview and Scrutiny Co-ordinating and Finance Committee will forward any recommendations of its own, and/or those it approves from a Scrutiny Sub-committee to the relevant

decision making person or body. The relevant decision making person or body may be the Cabinet, a Cabinet member, the Council or an external organisation such as an NHS Trust.

If members of an Overview and Scrutiny Co-ordinating and Finance Committee or sub-committee are not unanimous in agreeing a report, one minority report may be prepared and submitted for consideration by the Council or the executive along with the majority report.

Where a report is submitted to the Cabinet or a Cabinet Member with the required notice, a written response must be provided to the committee or sub-committee within a two-month period. The response should set out what, if any, action will be taken. The response will be reported to the next ordinary meeting of the relevant committee or sub-committee.

Where an exception to the above reporting mechanism is agreed for specific sub-committees this will be included in the terms of reference of the sub-committee as set out in Part 3 of this constitution.

20. The Party Whip

In meetings of the Overview and Scrutiny Co-ordinating and Finance Committee and its sub-committees there will be no whipping on voting.

21. Sub-Groups

The Overview and Scrutiny Co-ordinating and Finance Committee and its sub-committees may appoint sub-groups to undertake specific studies/examinations.

In appointing sub-groups the committee and sub-committees will:

- a) have regard to the approved work programme and advice from relevant officers on the overall capacity of the Authority to support such studies;
- b) determine the remit for each sub-group who will be bound by the terms of that remit.
- c) determine the membership of the sub-group to be drawn from non-Executive Members of the Council;
- d) invite the Church and Parent Governor representatives to serve on any sub-group appointed to examine any matter that relates wholly, or in part, to any education functions of the Authority;
- e) consider and either approve, amend or reject any reports and recommendations made by a sub group for submission to the Overview and Scrutiny Co-ordinating and Finance Committee, Cabinet, Council, an individual or outside organisation as appropriate.

The arrangements for the attendance of Members of the Cabinet and/or officers of the Authority applicable for meetings of the Overview and Scrutiny Co-ordinating and Finance Committee will also apply to sub-groups.

Sub-groups may seek the assistance of Members and officers of the Authority and/or outside organisations and individuals.

Part 4 Rules of Procedure

4.3 Regulatory and other Committees

Subject to the provisions of any specific legislation and/or regulations relating to their operation, all committees listed in Part 3 Responsibility for Functions – 3.5 Terms of Reference as a Regulatory and other Committee will conduct their proceedings in accordance with the following procedure rules.

1. Membership

Any Member including the Elected Mayor and Members of the Cabinet may serve as a Member of the committees covered by this section once they have completed the necessary training unless they are specifically excluded.

2. Co-opted Members

The appointment of co-opted Members to any of the committees covered by this section is a matter reserved to the full Council. Committees can make recommendations to the Council on the appointment of co-opted members to the Committee itself and/or any of its sub-committees. In making such recommendations to the Council the Committee will specify the term of office to be applied in each case. The term of office for any appointed co-opted Member can only be extended with the express approval of the Council. Co-opted Members appointed by the Council can attend and speak at meetings of the Committee or sub-committee to which they are appointed but cannot vote.

3. Meetings

Where possible, a programme of ordinary meetings of the committees will be set each year, usually by the full Council. Notice of meetings will be given to the public in accordance with Part 4.11 - Access to Information Rules of Procedure.

4. Adjournment of meetings

Where a meeting of a committee with a quasi-judicial role is adjourned and consideration of an item of business has not been completed, only those Members present at the point of adjournment may take part in the completion of consideration of that item at any reconvened meeting.

5. Extraordinary Meetings

Extraordinary meetings of a committee may be called, where possible following consultation with the Chair and Deputy Chair, where it is considered necessary or appropriate; or at the request of the Chair and Deputy Chair or any three Members of the committee.

Other than in exceptional circumstances, the time of commencement of extraordinary meetings should be the same as for ordinary meetings.

6. Agenda

The Head of Law, where possible in consultation with the Chair and Deputy Chair, will determine the agenda for meetings of committees.

At least five clear working days before a meeting, an agenda will be sent to every member of the committee to their usual place of residence (or such other address as has been notified to the Chief Executive).

The agenda will give the date, time and place of each meeting and specify the order of the business to be transacted and will be accompanied by such reports as are available.

Urgent reports on items of business may only be added to the agenda if the reasons for urgency can be sufficiently justified and the approval of the Chair of the Committee has been given. The reasons for urgency will be recorded in the minutes of the meeting.

Any matters referred to a committee by either the full Council or the Cabinet will be placed on the agenda for the next available meeting of the committee. The committee will, at that meeting, determine the method and timetable for responding to any such referrals.

7. Chair

Subject to any specific provisions in the terms of reference for any particular committee, meetings of any committee will be chaired by the Chair or in his/her absence the Deputy Chair. In the absence of the Chair and Deputy Chair, Members of the Committee present will elect from amongst themselves a Chair for the meeting.

8. Quorum

A meeting of any Committee or Sub-committee cannot begin until a quorum is present. The quorum for regulatory and other committees will be no less than a quarter of the membership or 3 members, whichever is the greater number. Please refer to the terms of reference for each committee for its quorum.

Co-opted Members will not be counted in determining any quorum.

If a quorum is not reached 15 minutes after the time appointed for the start of the meeting, the meeting will be reconvened on another date.

During any meeting if the Chair counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately.

Remaining business will be considered at a time and date fixed by the Chair. If the Chair does not fix a date, the remaining business will be considered at the next ordinary meeting.

9. Declaration of Interests in Meetings

Where a Member attends a meeting of a Regulatory or other Committee they must declare registerable and non-registerable personal interests as defined in the Members' Code of Conduct, in Part 8.2 Members' Code of Conduct, either at the start of the meeting, or otherwise as soon as the interest becomes apparent in the course of the meeting.

In addition, where in relation to any meeting a Member has declared a registerable or non-registerable personal interest in a matter, and the criteria contained in paragraph 17 of the Members' Code of Conduct apply, the Member must leave the room for the duration of the discussion on that matter.

10. Duration

Unless the majority of members of the committee present vote for the meeting to continue, any meeting that has lasted for 3½ hours will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If the Chair does not fix a date, the remaining business will be considered at the next ordinary meeting.

If the majority of Members vote for the meeting to continue no business shall be taken after a further 15 minutes beyond the initial 3½ hours.

11. Substitutions

A Member of a Regulatory or other Committee, other than the Licensing Committee, who is unable to attend any meeting of that committee may appoint a Member to act as a substitute at that meeting. Members will be required to complete specific training in advance of attending committees/panels in order to sit as a substitute member on the Authority's regulatory committees. Training must be completed annually in accordance with the Member Development programme.

In relation to the Appointments and Disciplinary Committee, Members of the Committee will be permitted to appoint substitutes when the Committee is undertaking functions in respect of disciplinary action where the Member has a conflict of interest in respect of the fulfilling of those functions. Guidance as to whether such a conflict of interest arises is available from the Monitoring Officer.

Substitute Members may attend the meetings listed above only in the capacity set out below:

- a) to take the place of the ordinary member of the committee or sub-committee;
- b) where the ordinary member of the committee or sub-committee will be absent for the whole of the meeting; and
- c) after notifying the relevant Democratic Services Officer prior to the commencement of the meeting of the intended substitution.

Appointments of substitute members will be reported to meetings of the committees at the commencement of business.

Once the meeting has commenced and the substitute is present and participating the appointed Member of the relevant committee or sub-committee shall not be entitled to attend the relevant meeting as a member of the committee.

Any substitution shall apply for the entire meeting including where the meeting is reconvened after adjournment.

12. Voting

Any matter will be decided by a simple majority of those Members of the committee voting and present for the duration of the discussion on the item in question.

If there are equal numbers of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.

Unless a ballot or recorded vote is demanded, the Chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting. The Chair will announce the numerical result of the show of hands immediately after the result is known.

The vote will take place by ballot if two Members of the committee present at the meeting demand it. The Chair will announce the numerical result of the ballot immediately after the result is known.

If two Members of the committee present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot.

Where any Member of the committee requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting⁶.

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

⁶ This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 1993.

13. Minutes

The Chair will sign the minutes of the proceedings at the next suitable meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record. Discussion of the minutes must be limited to their accuracy.

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes⁷.

The effect of this is that minutes will not be submitted for approval to an extraordinary meeting.

14. Exclusion of Public

Members of the public and press may only be excluded either in accordance with Part 4.11 - Access to Information Rules or when causing a disturbance (see below).

15. Disturbance by the Public

If a member of the public interrupts proceedings, the Chair will warn the person concerned. If the person continues to interrupt, the Chair will order their removal from the meeting room.

If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared.

16. Attendance by Members and officers

Under normal circumstances, where it is felt that the attendance of a particular Member or officer would assist the Committee in its work then they will be invited to attend. In such circumstances, the Member or officer concerned should preferably be given at least 10 working days notice of the date and time of the meeting and the nature of the business to be discussed. In circumstances where it is not possible to give 10 working days notice, contact should be made at the earliest opportunity with the Member or officer concerned to establish their availability.

Where a Member or officer who has been invited to a meeting is not able to attend, then the Committee will consider whether or not to defer consideration of the matter to enable the Member or officer to be present.

Where it is felt that written information from a Member or officer is necessary then this will be referred to in the invitation.

⁷ This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 1993. The language is constrained by that permitted in the regulations.

Members and officers attending meetings of a committee will be treated with courtesy and respect.

17. Attendance at meetings by others

With the agreement of the Chair and Deputy Chair, or the committee as a whole, people other than those referred to above may be invited to attend meetings of a committee where it is felt they can assist the committee in its work.

Those attending meetings of the committee in this capacity do so voluntarily and they will be treated with due courtesy and respect.

Part 4 Rules of Procedure

4.5 Standards Committee

A Standards Committee

1. Membership

The Standards Committee is made up from 9 members. The Authority's Independent Persons will be invited to attend meetings of the Committee. The role of the Independent Persons is described at Article 9 – The Standards Committee.

Any Member may serve as a member of the Standards Committee. Membership of the Committee is determined in accordance with the political balance of the Council and will be appointed by the Council annually, usually at the Annual Meeting of full Council.

2. Meetings

Where possible, a programme of ordinary meetings of the Committee will be set each year, usually by the full Council. Notice of meetings will be given to the public in accordance with Part 4.1 - Access to Information Rules of Procedure. The Standards Committee will meet at least three times each year.

3. Extraordinary Meetings

Extraordinary meetings of the Standards Committee may be called, where possible following consultation with the Chair and Deputy Chair, where it is considered necessary or appropriate (for instance for the purposes of consideration of an Investigation report or the hearing of a complaint), or at the request of the Chair and Deputy Chair or any three Members of the Committee.

Other than in exceptional circumstances, the time of commencement of extraordinary meetings should be the same as for ordinary meetings.

4. Agenda

The Head of Law, where possible in consultation with the Chair and Deputy Chair, will determine the agenda for meetings of the committee.

At least five clear working days before a meeting, an agenda will be sent to every member of the committee to their usual place of residence (or such other address as has been notified to the Chief Executive).

The agenda will give the date, time and place of each meeting and specify the order of the business to be transacted and will be accompanied by such reports as are available.

Urgent reports on items of business may only be added to the agenda if the reasons for urgency can be sufficiently justified and the approval of the Chair of the Committee has been given. The reasons for urgency will be recorded in the minutes of the meeting.

Any matters referred to the Committee by either the full Council or the Cabinet will be placed on the agenda for the next available meeting of the Committee. The Committee will, at that meeting, determine the method and timetable for responding to any such referrals.

5. Chair

Meetings of the Committee will be chaired by the Chair or in the Chair's absence the Deputy Chair. In the absence of the Chair and Deputy Chair, Members of the Committee present will elect from amongst themselves a Chair for the meeting.

6. Quorum

A meeting of the Committee cannot begin until a quorum is present. The quorum for the Standards Committee will be no less than one quarter of the membership or 3 members, whichever is the greater number.

If a quorum is not reached 15 minutes after the time appointed for the start of the meeting, the meeting will be reconvened on another date.

During any meeting if the Chair counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately.

Remaining business will be considered at a time and date fixed by the Chair. If the Chair does not fix a date, the remaining business will be considered at the next ordinary meeting.

7. Duration

Unless the majority of Members present vote for the meeting to continue, any meeting that has lasted for 3½ hours will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If the Chair does not fix a date, the remaining business will be considered at the next ordinary meeting.

If the majority of Members vote for the meeting to continue no business shall be taken after a further 15 minutes beyond the initial 3½ hours.

8. Declaration of Interests in Meetings

Where a Member attends a meeting of the Standards Committee they must declare registerable and non-registerable personal interests as defined in the Members' Code of Conduct, in Part 8.2 Members' Code of Conduct, either at the start of the meeting, or otherwise as soon as the interest becomes apparent in the course of the meeting.

In addition, where in relation to any meeting a Member has declared a registerable or non-registerable personal interest in a matter, and the criteria contained in paragraph 17 of the Members' Code of Conduct apply, the Member must leave the room for the duration of the discussion on that matter

9. Voting

Any matter will be decided by a simple majority of those Members of the committee voting and present in the room at the time the question was put. If there are equal numbers of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.

Unless a ballot or recorded vote is demanded, the Chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting. The Chair will announce the numerical result of the show of hands immediately after the result is known.

The vote will take place by ballot if two Members of the committee present at the meeting demand it. The Chair will announce the numerical result of the ballot immediately the result is known.

If two Members of the committee present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot.

Where any Member of the committee requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting⁸.

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

10. Minutes

The Chair will sign the minutes of the proceedings at the next suitable meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record. Discussion of the minutes must be limited to their accuracy.

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be

⁸ This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 1993.

treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes⁹.

The effect of this is that minutes will not be submitted for approval to an extraordinary meeting.

11. Exclusion of Public

Members of the public and press may only be excluded either in accordance with Part 4.11- Public Access to Information Rules or when causing a disturbance (see below).

12. Disturbance by the Public

If a member of the public interrupts proceedings, the Chair will warn the person concerned. If the person continues to interrupt, the Chair will order their removal from the meeting room.

If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared.

13. Attendance by Members and officers

The Standards Committee may request the attendance at a meeting of any Member, or any co-opted Member, or parent governor or church representative to assist the Committee in its work.

When the Standards Committee is meeting to deal with the investigation or determination of a complaint under the Members' Code of Conduct, it may require the attendance of any officer or Member to assist the Committee and it is the duty of those persons to attend. The Chair of the Standards Committee may invite any other person to attend a meeting of the Committee held for such purpose.

The Monitoring Officer (or their nominated representative) will attend the meetings of the Standards Committee.

14. Arrangements for dealing with complaints

The Standards Committee operates under the Authority's approved arrangements relating to how complaints that a Member has failed to follow the Members' Code of Conduct should be dealt with. Those arrangements include the opportunity for a complainant to seek a review by the Monitoring Officer, in consultation with the Independent Persons and Chair of the Standards Committee, of the decision of the Monitoring Officer not to refer a complaint for investigation and for a Member who is subject to such a complaint, to seek a review of a decision of the Committee where a breach of the Code has been found. Once a complaint has been dealt with and any

⁹ This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 1993. The language is constrained by that permitted in the regulations.

review process completed there is no further right of review or appeal available within the Authority.

Part 4 Rules of Procedure

4.6 Health and Wellbeing Board

1. Membership

The membership of the Board will comprise:-

- a) the Elected Mayor, if nominated by him/herself;
- b) five councillors to be nominated by the Elected Mayor;
- c) the Authority's Director of Public Health and Director of Services for Children and Adults
- d) a representative of the North Tyneside NHS Clinical Commissioning Group
- e) a representative of Healthwatch North Tyneside
- f) for the purpose of participating in the preparation of a Joint Strategic Needs Assessment or a Joint Health and Wellbeing Strategy, a representative of the NHS Commissioning Board; and
- g) such other persons as the Board thinks appropriate.

With the exception of those members falling within category a) and b) all other members will be non-voting co-opted members.

2. Meetings

Where possible, a programme of ordinary meetings of the Board will be set each year, usually by the full Council. Notice of meetings will be given to the public in accordance with Part 4.11 - Access to Information Rules of Procedure.

3. Extraordinary Meetings

Extraordinary meetings of the Board may be called, where possible following consultation with the Chair and Deputy Chair, where it is considered necessary or appropriate; or at the request of the Chair and Deputy Chair or any three Members of the Board.

Other than in exceptional circumstances, the time of commencement of extraordinary meetings should be the same as for ordinary meetings.

4. Agenda

The Head of Law, where possible in consultation with the Chair and Deputy Chair, will determine the agenda for meetings of the Board.

At least five clear working days before a meeting, an agenda will be sent to every member of the Board.

The agenda will give the date, time and place of each meeting and specify the order of the business to be transacted, and will be accompanied by such reports as are available.

Urgent reports on items of business may only be added to the agenda if the reasons for urgency can be sufficiently justified and the approval of the Chair has been given. The reasons for urgency will be recorded in the minutes of the meeting

Any matters referred to the Board by either the Council or the Cabinet will be placed on the agenda for the next available meeting of the Board. The Board will, at that meeting, determine the method and timetable for responding to any such referrals.

5. Chair

The Chair and Deputy Chair of the Board will be appointed by the Council.

Meetings of the Board will be chaired by the Chair or in his/her absence the Deputy Chair. In the absence of the Chair and Deputy Chair, Members of the Board present will elect from amongst themselves a Chair for the duration of the meeting.

6. Quorum

A meeting of the Board cannot begin until a quorum is present. The quorum for the Board will be no less than a quarter of the whole membership and at least two elected Members of the Council.

If a quorum is not reached 15 minutes after the time appointed for the start of the meeting, the meeting will be reconvened on another date.

During any meeting if the Chair counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately.

Remaining business will be considered at a time and date fixed by the Chair. If the Chair does not fix a date, the remaining business will be considered at the next ordinary meeting.

7. Declaration of Interests in Meetings

Where a Member attends a meeting of the Board they must declare any registerable or non-registerable personal interests as defined in the Council's Code of Conduct for Elected Members and Co-opted Members, before consideration of that item begins or, if later, when they become aware of that interest.

In addition, where in relation to any meeting a Member has declared a registerable or non-registerable personal interest in a matter, and the criteria contained in paragraph 17 of the Members' Code of Conduct apply, the Member must leave the room for the duration of the discussion on that matter.

8. Duration

Unless the majority of Members of the Board present vote for the meeting to continue, any meeting that has lasted for 3½ hours will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If the Chair does not fix a date, the remaining business will be considered at the next ordinary meeting.

If the majority of Members vote for the meeting to continue no business shall be taken after a further 15 minutes beyond the initial 3½ hours.

9. Voting

Where possible matters will be decided by a consensus of members of the Board present in the room at the time the question was put.

When a consensus cannot be reached on any matter then it will be decided by a simple majority of the Members of the Board entitled to vote who are present in the room at the time the question was put.

Unless a ballot or recorded vote is demanded, the Chair will take the vote by show of hands. The Chair will announce the numerical result of the show of hands immediately after the result is known.

The vote will take place by ballot if two Members of the Board present at the meeting demand it. The Chair will announce the numerical result of the ballot immediately the result is known.

If two Members of the Board present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot.

Where any Member of the Board requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

10. Substitutions

Any Member of the Board who is unable to attend any meeting may appoint a Member to act as a substitute at that meeting. Substitute Members may attend only in the capacity set out below:

- a) to take the place of the ordinary member of the Board;
- b) where the ordinary member of the Board will be absent for the whole of the meeting; and
- c) after notifying the relevant Democratic Services Officer prior to the commencement of the meeting of the intended substitution.

Appointments of substitute Members will be reported to meetings of the Board at the commencement of business.

Once notification of a substitute Member has been received (unless it is withdrawn prior to the commencement of the meeting) the appointed Member of the Board shall not be entitled to attend the relevant meeting as a Member of the Board.

Any substitution shall apply for the entire meeting including where the meeting is reconvened after adjournment.

11. Minutes

The Chair will sign the minutes of the proceedings at the next suitable meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record. Discussion of the minutes must be limited to their accuracy.

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

The effect of this is that minutes will not be submitted for approval to an extraordinary meeting.

12. Exclusion of Public

Members of the public and press may only be excluded either in accordance with Part 4.11 - Access to Information Rules or when causing a disturbance (see below).

13. Disturbance by the Public

If a member of the public interrupts proceedings, the Chair will warn the person concerned. If s/he continues to interrupt, the Chair will order his/her removal from the meeting room.

If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared.

Part 4 Rules of Procedure

4.7 Budget and Policy Framework

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 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.

4. Plans and Strategies (The Policy Framework)

The process described below aims to ensure that appropriate and effective consultation takes place with all Members and other stakeholders on the content of any of the major plans or strategies within the Policy Framework.

a) Initial proposals

At least 3 months before any plan or strategy needs 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; and
- (iv) proposals on the degree of changes to the plan or strategy that can be approved by the Cabinet during the life span of the plan or strategy.

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

b) Final proposals

The Cabinet Member 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 Cabinet Member is also under a duty to ensure that the final proposals for the plan or strategy concerned include reference to all recommendations of the Overview, Scrutiny and Policy Development Committee together with the Cabinet Member's responses to them.

The Cabinet Member will be authorised to finalise proposals in respect of the plan or strategy once the agreed consultation has been completed.

Details of the final proposals will be referred to the Overview, Scrutiny and Policy Development Committee together with the relevant background information on which the final proposals have been based. It is the responsibility of the relevant Cabinet Member and Head of Law/Director of Service to ensure that the Overview, Scrutiny and Policy Development Committee has sufficient background information to enable it to evaluate the final proposals against that background information.

Under normal circumstances the final 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 or the Cabinet may delegate this to the relevant Cabinet Member.

c) Submission to Full Council

The final 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 Cabinet's response to these.

Any Member(s) proposing objections to the Cabinet's final proposals, must submit these in writing to the Chief Executive or their nominee, by no later than 4.00 pm on the day prior to the 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 of 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.

d) After Full Council

- (i) Where the Full Council approves the Cabinet's proposals, a notice of this decision will be prepared by the Head of Law 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 the objections must be specified and a notice of the decision will be prepared by the Head of Law and published within three working days. A copy of the notice will also be given to the Elected Mayor.

e) 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.

f) Further Full Council Meeting

Before the expiry of this period, 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 will 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 plan or strategy. Where any proposal of the Full Council in respect of the plan or strategy does not accord with the Cabinet's proposals in that respect (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.

5. Decisions that contravene the Budget or the plans or strategies in the Policy Framework

North Tyneside Council's Financial Regulations contain provisions allowing virement. Subject to those provisions, the Cabinet, committees of the Cabinet, individual Members of the Cabinet and/or any Officers, joint committees or area committees discharging 'executive' functions ('decision makers') are only authorised to take decisions in line with the approved Budget and/or the approved plans or strategies in the Policy Framework. Only Full Council can take a decision that wholly or in part does not accord with the approved Budget or plans or strategies in the Policy Framework.

However, these constraints are subject to the division of responsibilities between Cabinet and Council. No plan or strategy agreed by Council can prevent or direct the Cabinet in fulfilling executive functions as required by legislation.

The Council Tax level agreed by Council provides a budgetary envelope within which Cabinet must fulfil its responsibilities.

Decision makers must take the advice of the Monitoring Officer and/or Chief Finance Officer where it appears to them that a decision they wish to make would be contrary to the approved plans or strategies in the Policy Framework or not wholly in accordance with the approved Budget. Where advice is given that the decision would be contrary to the approved plans or strategies in the Policy Framework or not wholly in accordance with the Budget then that decision must be referred to Full Council. If the decision is urgent then Part 4.8 - Urgent Decision Rules of Procedure must be followed.

6. In-year changes to the Budget and changes to the approved plans and strategies in the Policy Framework

Full Council is responsible for agreeing the policies in the Policy Framework. In approving policies in the Policy Framework, Full Council can specify the degree to which they may be changed by the Cabinet in-year (or during the term of a policy which is not set annually).

Any changes to the Budgetary envelope referred to above and/or policies in the Policy Framework will require a decision of Full Council.

Decisions of the Cabinet, a Cabinet committee, a Cabinet Member or officers, area committees or joint arrangements discharging executive functions must be in line with the policies set by Full Council insofar as they do not impede on or direct the delivery of executive functions. These decision makers may only make changes to any of the policies in the Policy Framework in the following circumstances:

- (i) where the Full Council has a budgetary constraint and changes are made to the policies in the Policy Framework to meet that constraint. This may involve the closure or discontinuance of a service;
- (ii) changes necessary to ensure compliance with the law, ministerial direction or government guidance;
- (iii) changes to a policy which would normally be agreed annually or periodically by the Full Council following consultation, but where the existing policy document is silent on the matter under consideration; or
- (iv) changes which relate to policy in relation to schools, where the majority of school governing bodies agree with the proposed change.

Part 4 Rules of Procedure

4.8 Urgent Decisions

1. Introduction

Most of the decisions made in the name of North Tyneside Council will be made by the Council itself, by the Cabinet, by one of the regulatory committees or by officers who have been given 'delegated' powers to make such decisions. (See Part 3.7 - Officer Delegation Scheme for details of such powers)

There are sometimes circumstances when a decision needs to be taken urgently where it is not possible to obtain the formal approval of full Council or the Cabinet or one of the regulatory or other committees.

The provisions for urgent decisions in respect of the regulatory or other committees are set out in the Officer Delegation Scheme

The procedure for urgent decisions in respect of Cabinet or Council are set out below.

2. **Executive Decisions taken by Cabinet, a Cabinet Member or an Officer and Decisions taken by Full Council that have not been subject to twenty eight days notice**

A decision can be taken on a matter that has not been subject to twenty-eight days' notice. Please see Parts 4.1 - Council Rules of Procedure and 4.2 - Cabinet Rules of Procedure for further information.

3. **Urgent Executive Decisions taken by Cabinet, a Cabinet Member or an Officer**

General Exception

A key decision on a matter that has not been subject to twenty-eight days' notice can only be taken by Cabinet, an individual Cabinet member or an Officer where:

- a) the Head of Law has notified the Chair of the Overview, Scrutiny and Policy Development Committee in writing of the matter to be decided;
- b) a copy of the notice is made available to the public and is posted on the North Tyneside Council website setting out the reasons why twenty-eight days' notice of the matter could not be given; and
- c) at least 5 clear days have elapsed between the notice being made available and the decision being made.

Special Urgency

A key decision can only be taken by Cabinet, an individual Cabinet member or an Officer with less than 5 clear days' notice where:

- a) agreement has been obtained from the Chair of the Overview, Scrutiny and Policy Development Committee, or if they are unable to act, the Chair of the Council, or if the Chair is unable to act the Deputy Chair of the Council, that the matter is urgent and cannot be reasonably deferred; and
- b) a notice setting out the reasons why the matter is urgent and cannot be reasonably deferred is published on the North Tyneside Council website.

In circumstances of General Exception or Special Urgency the relevant officer will be required to:

- a) provide the Head of Law with the reasons why the matter could not be subject to the required notice period or is urgent and cannot be reasonably deferred; and
- b) where appropriate, seek the agreement of the Chair of the Council, or if they are unable to act, the Deputy Chair of the Council, that in view of the urgency of the decision it should not be subject to call-in.

4. Urgent Decisions which contravene the Budget and Policy Framework that cannot be submitted to a meeting of full Council

For an explanation of the Budget and Policy Framework please see Article 4 The Full Council and Part 4.7 - Budget and Policy Framework Rules of Procedure.

The Cabinet, an individual Cabinet Member or an officer may take a decision which is contrary to the Budget and Policy Framework or not wholly in accordance with the approved Budget if the decision is urgent. However, the decision may only be taken:

- a) if it is not practical to convene a quorate meeting of the full Council;
- b) upon obtaining the advice of the Monitoring Officer and/or Chief Finance Officer; and
- c) upon obtaining the agreement of the Chair of the Overview, Scrutiny and Policy Development Committee that the decision is a matter of urgency.

The reasons why it is not practical to convene a meeting of the full Council and the Chair of the Overview, Scrutiny and Policy Development Committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision.

In the absence of the Chair of the Overview, Scrutiny and Policy Development Committee, the consent of the Chair of Council, and in the absence of both, the Deputy Chair of Council, will be sufficient.

A written record of the decision will be prepared and published by the Head of Law within 3 working days and will also be submitted to the next available meeting of the Council.

5. Record of Urgent Decisions

The Head of Law will maintain a record of all 'urgent' decisions and submit a report on these decisions at least annually to the full Council. The report will include a summary of the subject matter of the decisions taken.

Part 4 Rules of Procedure

4.9 Call In

1. Introduction

Call-in is essentially a process that operates as a safety net to ensure that decisions taken by the Cabinet are properly made. The Constitution has rules around the type of decisions that are made and how they are made.

The call-in process can only be used where it is felt that a decision has been taken where one of the following rules has not been complied with:

- a) Only full Council can make final decisions on the content of the major plans and strategies that are included in the Budget and Policy Framework. Similarly, only the full Council can make decisions on changes to these plans and strategies except in circumstances where the Council has specifically delegated the power to make particular changes; for example to the Elected Mayor, the Cabinet or an officer.
- b) Decisions of the Cabinet must follow the provisions of Article 13 Decision Making.

2. Submitting the Call In

Subject to the Urgent Decision procedures in Part 4.8 (where a decision may, for reasons of urgency, not be subject to call-in with the agreement of the Chair of the Council, or if the Chair is unable to act, the Deputy Chair of the Council) any final decision of the Cabinet may be called in to be considered by the Overview, Scrutiny and Policy Development Committee.

The power to request a Call-In is available to all councillors who are not members of the Cabinet.

All Call-In requests will be logged in a register that will identify the councillors who have requested the Call In, the Cabinet decision concerned and the decision on whether the request is determined as valid or otherwise.

For a Cabinet decision to be called in the following criteria must be met:

- a) at least 3 non Cabinet Members must sign the appropriate request form. The completed request form must be received by the Chief Executive within 5 working days of the publication of the Cabinet's decision(s); and
- b) the completed request form must clearly
 - i. identify the Cabinet decision concerned;
 - ii. specify how the decision does not fully comply with the principles of decision making set out in Article 13 – Decision Making; and/or

- iii. specify how the decision does not fully comply with the Budget and Policy Framework.

Validation of the Call In

Where, following consultation with the Monitoring Officer and/or the Chief Finance Officer, the Chief Executive determines that the request for a Call In has not complied with the approved criteria, the Chief Executive will notify the Councillors concerned immediately. Where time permits, the Councillors concerned may submit a subsequent amended request that will be considered against the approved criteria, however the time period for Call In will not be extended. Full responsibility for producing an amended request lies with the Councillors concerned and cannot be undertaken by officers on their behalf.

Where the Chief Executive determines that the request is valid, they will notify the Elected Mayor and relevant senior officers. The Chief Executive will arrange for a meeting of the Overview, Scrutiny and Policy Development Committee to be convened to consider the matter, where possible in consultation with the Chair and Deputy Chair of the Committee.

This meeting must be held within 10 working days of the call in request being validated. In the meantime, the Cabinet decision cannot be implemented.

3. Overview, Scrutiny and Policy Development Committee Meeting

The Overview, Scrutiny and Policy Development Committee will only consider the request where at least one of the Councillors who has signed the Call In request is present. Any Member of the Overview, Scrutiny and Policy Development Committee who has signed a Call In request may take part in the presentation of the reasons for the Call In, but may not take part in the decision making by the Committee on the Call In request. Members in this position may appoint substitutes in accordance with the Committee's rules of procedure (see Part 4.3).

4. Decisions available to the Overview, Scrutiny and Policy Development Committee

The Overview, Scrutiny and Policy Development Committee will consider the request and the Committee may only make the following decisions:

- a) to reject all or part of the request on the grounds that the alleged failure of the Cabinet to comply with the principles of decision making as set out in Article 13 or the Budget and Policy Framework has either not been proven, or any such failure is outweighed by the need to proceed with the decision. In such cases the Committee may, if it wishes, make appropriate recommendations to the Cabinet;
- b) to accept all or part of the request and (1) where the failure relates to the principles of decision making, refer the matter back to the Cabinet identifying the failure and the action needed

to address this; or (2) where the failure relates to the Budget and Policy Framework, refer the matter to Council for consideration.

6. Referral back to Council

Where a decision is referred to the Council on the grounds that the Cabinet has failed to fully comply with the Budget and Policy Framework, the meeting of the Council will be held within 10 working days.

In considering the referral, the Council will consider the advice of the Monitoring Officer and/or Chief Finance Officer and may only make the following decisions:

- a) to reject all or part of the referral on the grounds that the alleged failure has either not been proven, or any such failure is outweighed by the need to proceed with the decision. In such cases the Council may, if it wishes, make appropriate recommendations to the Cabinet;
- b) to accept all or part of the referral and (1) amend the decision of Cabinet to bring it into line with the approved Budget and Policy Framework; or (2) amend the Budget and Policy Framework to accommodate the Cabinet decision.

7. Referral back to Cabinet

Where a decision has been referred back to the Cabinet by the Overview, Scrutiny and Policy Development Committee on the grounds of failure to comply with Article 13 Decision Making, the Cabinet must reconsider its decision within 10 working days and ensure that its decision adheres to these principles. Following this the decision will be regarded as final, cannot be subject to any further call in and may be implemented immediately.

Part 4 Rules of Procedure

4.10 Officer Employment Rules of Procedure

1. Introduction

The Officer Employment Rules of Procedure set out the Authority's governance arrangements for the recruitment and dismissal of, and the taking of disciplinary action against, officers. They have been produced to comply with the requirements of the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended).

This section should be read in conjunction with Article 12 Officers and the Officer Delegation Scheme (Part 3.7).

2. General

The functions of appointment and dismissal of, and taking disciplinary action against, officers below the level of Assistant Chief Executive/Director of Service and excluding political or mayoral assistants, must be discharged by the Head of Paid Service, on behalf of the Authority, or by an officer nominated by them.

The Head of Paid Service has nominated the Assistant Chief Executive/all Directors of Service to exercise these functions. (See Part 3.7 - Officer Delegation Scheme for further information)

3. Recruitment and appointment

The Authority will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partners, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Member or officer; or of the partner of such persons.

No candidate so related to a Member or an officer will be appointed without the authority of the Assistant Chief Executive/ relevant /Director of Service or an officer nominated by them.

The Authority will disqualify any applicant who directly or indirectly seeks the support of any Member for any appointment with the Authority. The content of this paragraph will be included in any recruitment information.

No Member will seek support for any person for any appointment with the Authority.

Nothing in the above paragraphs precludes a Member from giving a written reference for a candidate for submission with an application for employment.

4. Recruitment

Where the Cabinet determines to appoint the Chief Executive or Assistant Chief Executive/Directors of Service the Cabinet will:

- a) draw up a statement specifying the duties of the officer concerned and any qualifications or qualities to be sought in the person to be appointed; and
- b) refer the matter to the Appointments and Disciplinary Committee.

Where such a referral to appoint the Chief Executive or Assistant Chief Executive/Directors of Service is received by the Appointments and Disciplinary Committee and it is not proposed that the appointment be made exclusively from among existing officers, the Appointments and Disciplinary Committee will:

- a) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- b) make arrangements for a copy of the written statement mentioned above to be sent to any person on request.

5. Appointments

The Appointments and Disciplinary Committee is responsible for the appointment of the Chief Executive and the Assistant Chief Executive/Directors of Service. The Appointments and Disciplinary Committee must include at least one member of the Cabinet.

The full Council must approve the appointment of an Officer designated as Head of Paid Service.

Where a candidate for the role of Chief Executive as Head of Paid Service* or Assistant Chief Executive/Director of Service has been selected for appointment, an offer of employment must not be made until:

- a) the Elected Mayor and each member of the Cabinet has been notified of the name of the person to whom the Committee wishes the offer of appointment to be made, together with any other particulars relevant to the appointment; and
- b) the Elected Mayor and all members of Cabinet have been advised of a deadline of two working days following such notification, by which time the Mayor (on behalf of him/her self and the Cabinet) must submit any objections to the appointment; and
- c) the Elected Mayor has either:
 - i) not objected to the appointment; or;

- ii) objected to the appointment but the Committee has determined that the objection is not material or is not well founded. This would require the Committee to reconvene to make such a determination.

The appointment of Officers below the level of Assistant Chief Executive/Director of Service (other than assistants to political groups and an assistant to the Elected Mayor) is the responsibility of Assistant Chief Executive/Directors of Service and may not be made by Members.

*NB the appointment of the Head of Paid Service is reserved to Council only based on a recommendation of the Appointments and Disciplinary Committee on the completion of the selection procedure discussed in paragraphs a), b) and c) above.

6. Political and Mayoral Assistants

The appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

The Authority may not appoint any post allocated to a political group until it has allocated a post to each group which qualifies for one. The Authority shall not appoint more than 3 assistants to political groups in total in each case for a period of up to 4 years.

No post will be allocated to any political group which does not qualify for one and no more than one post will be allocated to any particular group. (Section 9(5) of the Local Government and Housing Act 1989).

The Elected Mayor may appoint not more than one Mayoral Assistant in accordance with Regulation 3 of the Local Authorities (Elected Mayor and Mayor's Assistant) (England) Regulations 2002.

7. Disciplinary Action

Members will not be involved in the disciplinary action against any Officer below Assistant Chief Executive/Director of Service except where such involvement is necessary for any investigation or inquiry into alleged misconduct, through the Authority's disciplinary, capability and related procedures.

The Assistant Chief Executive/Director of Service may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay.

Disciplinary action (excluding dismissal – see below) may only be taken in respect of the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer in accordance with a decision of the Appointments and Disciplinary Committee following the receipt and consideration of a report made by an Independent Investigator.

8. Dismissal

Members will not be involved in the dismissal of any Officer below Assistant Chief Executive/Director of Service level except where such involvement is necessary for any investigation or inquiry into alleged misconduct, through the Authority's disciplinary, capability and related procedures.

A decision to dismiss the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer may only be taken by a meeting of the Full Council. Before making a decision to approve a recommendation of the Appointments and Disciplinary Committee to dismiss the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer, the Full Council must take into account in particular:

- i. any advice, views or recommendations of the Dismissal Advisory Committee (See Part 3.5 C. 1. Appointments and Disciplinary Committee);
- ii. the conclusions of the Independent Investigation into the allegations against the officer concerned; and
- iii. the representations from the officer who is the subject of the proposed dismissal.

Part 4 Rules of Procedure

4.11 Public Access to Information Rules of Procedure

1. Introduction

North Tyneside Council is committed to open government. In particular, North Tyneside Council commits itself to the following:

- a) Informing the public of its statutory rights to information.
- b) Making information available to the public on request unless there are clear legal reasons that prevent the Authority revealing the information.
- c) To respect fully the rights of individuals to their privacy and confidence.
- d) To ensure that information on which North Tyneside Council decisions are based is available to the public.
- e) To have clear procedures for handling requests for information and reviewing decisions about disclosure.
- f) To provide the public with reasons if it is decided to withhold access to information.

These procedure rules apply to all meetings of the Council and its Committees and Sub Committees and meetings of the Cabinet.

Members of the public may attend and record all Council, Cabinet and committee/sub-committee meetings subject to the exceptions in these rules.

2. Notices of Meeting

The Authority will give at least five clear working days notice, or as soon as is practicable, of any meeting by posting the details of the meeting will be posted on North Tyneside Council's website (www.northtyneside.gov.uk). A notice posting details of the meeting will also be displayed at Quadrant, Silverlink North, Cobalt Business Park. Meetings may however, in exceptional circumstances, be held with less than five clear working days notice.

3. Access to information before meetings

Access to information before meetings. The Authority will usually make copies of the agenda and reports available to the public for inspection at Quadrant, The Silverlink North, Cobalt Business Park, at least five clear working days before the meeting. Copies can also be inspected on North Tyneside Council's website.

If an item of business is subsequently added to the agenda, the revised agenda will be open to inspection from the time the item is added to the agenda. Where a

North Tyneside Council Constitution Part 4.11 Public Access to Information Rules of Procedure meeting is held with less than five clear working days notice being given, copies of the agenda and reports will be available to public inspection from the time the meeting is convened.

4. Reports not available to the public

Reports that contain information that is confidential will not be made available to the public.

Confidential information is information given to the Authority by a Government Department on terms that forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

Reports that contain information that is exempt from publication (referred to as “exempt information”) will not normally be made available to the public.

The Authority will make every effort to identify on the agenda for any meeting which reports contain confidential or exempt information.

The fact that a report is exempt from publication once does not necessarily mean it is exempt in perpetuity. Once a decision has been taken or the reason for exemption is no longer valid, the information may be available upon request.

5. Public Recording of Meetings of the Authority

Members of the public and media may take photographs, film, audio-record or report via social media the proceedings of any meeting of the Cabinet, Council, its Committees and Sub-Committees where the meeting is open to the public.

Any person whose recording activities are disruptive to the meeting may be required by the Chair to stop recording and may be removed from the meeting. (Please also see Part 8.13 Protocol on Reporting on Meetings of the Authority by Members of the Public).

6. Exempt Information

Exempt information means information falling within the following categories:

1. Information relating to any individual.
2. Information that is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, with trades unions and/or employees.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes:

- a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - b) to make an order or direction under any enactment.
7. Information relation to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Information falling within the above categories is exempt information if and so long as in all the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Exceptions to the above paragraphs are:

- a) information is not exempt if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992; and
- b) information falling within paragraph 3 is not exempt if it must be registered under the Companies Acts, Charities Acts, Friendly Societies Acts, Industrial and Provident Societies Acts or the Building Societies Acts.

7. Meetings closed to the public

The press and public may only be excluded from a public meeting where an item of business to be discussed is likely to lead to the disclosure of confidential or exempt information as set out above.

The committee must endorse a resolution to exclude the press and public and will specify the nature of the confidential and/or exempt information that justifies the exclusion.

Where decisions are made on any person's civil rights or obligations, or adversely affect their possessions, the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6 of the Act.

8. Copies of agenda, reports and minutes

The Authority will make the following documents available for inspection at Quadrant, The Silverlink North, Cobalt Business Park, for six years after any meeting:

- a) The minutes of the meeting, including a brief summary of any matter considered when the meeting was not open to the public.
- b) The agenda for the meeting.
- c) Reports relating to items when the meeting was open to the public.

All agenda, reports (which do not contain exempt information) and minutes of Council, Cabinet and committee meetings are available on North Tyneside Council's website (www.northtyneside.gov.uk) as soon as practicable after publication.

The Authority will supply copies of any documents which are open to public inspection to any person on request.

9. Background papers

The officer(s) responsible for preparing any report will set out in the report a list of all documents (called background papers) concerning the subject matter of the report which in his/her opinion:

- a) disclose any facts or matters on which the report or an important part of the report is based;
- b) which have been relied on to a material extent in preparing the report; but
- c) do not include published works or those which disclose exempt or confidential information (as defined above) and, in respect of reports to the Cabinet, the advice of a political assistant.

Members of the public can inspect any of the documents on the list of background papers at the offices of the officer responsible for the report, for up to four years after the date of the meeting. There is no requirement to make available for inspection any published works listed.

Background papers in relation to reports to Cabinet will also be available on North Tyneside Council's website.

Copies of these documents can be provided to any person on request.

10. Application of rules to Cabinet

See Part 4.2 (Cabinet Rules of Procedure) for further details of access to documents and meetings of the Cabinet.

Part 5 Petition Scheme

The Authority welcomes petitions and recognises that petitions are an important way in which people can let us know their concerns. This scheme sets out how local people can submit a petition to North Tyneside Council and how the Authority will respond. We will treat as a petition any written communication that is either identified as being a petition, or which seems to us is intended to be a petition and which is signed by at least 10 people.

What can my petition relate to?

A petition to the Authority should relate to:

- a matter which the Authority has responsibility for; or
- anything relating to the economic, social or environmental well being of the borough, as long as the Authority has a degree of influence over the issue.

If your petition is about something over which the Authority has no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body. The Authority works with a large number of local partners and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with North Tyneside Council policy), we will write to you explaining the reasons for this.

If your petition is about something that a different Authority is responsible for we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other Authority, but could involve other steps. In any event we will always notify you of the action we have taken.

What should I include in my petition?

Petitions submitted to the Authority must include:

- a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the Authority to take.
- the name, the address and post code within North Tyneside where they live, work or study and signature of any person supporting the petition.

Petitions must be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition.

If a petition does not follow the guidelines set out above, the Authority may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

Who can sign or submit a petition?

Anyone who lives, works or studies in North Tyneside, including under 18's, can sign or organise a petition.

How do I submit a petition?

Petitions must be sent to:

Head of Governace
North Tyneside Council
Quadrant (East)
Silverlink North
Cobalt Business Park
NE27 0BY

E-Petition Facility

Alternatively, you may submit a petition and obtain signatures electronically using the facility available on North Tyneside Council's website www.northtyneside.gov.uk

What will the Authority do when it receives my petition?

When the Authority receives a petition, an acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. This acknowledgement will tell you who is responsible for responding to your petition. We aim to respond to all petitions within 28 working days; however in some cases it may take longer than this. We will inform the petition organiser if there is any delay in responding to the petition. No additional signatures to a petition will be accepted once the receipt of the petition has been acknowledged.

The statement included in the petition, covering the subject matter and what action the petitioners wish the Authority to take, will be published on North Tyneside Council's website, except in cases where this would be inappropriate, for example where the petition includes personal information. The personal details of the petition organiser and signatories will not be published.

If the petition relates to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as Council tax banding and non-domestic rates, other procedures apply and therefore will not be considered under this scheme.

We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition. A petition may also be considered inappropriate if the matter relates to ongoing legal proceedings or targets

individual members of a community. The Authority's Monitoring Officer, in consultation with the Chief Executive, will be responsible for determining the appropriateness of petitions.

In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply.

A petition will not normally be considered where it is received within 12 months of another petition being considered by the Authority on the same matter (unless there has been a material change in circumstances).

How will the Authority respond to my petition?

The Authority will respond to all petitions. There are thresholds which need to be met to trigger certain responses (detailed below). To ensure that people know what we are doing in response to the petitions we receive, the Authority's response to all petitions submitted to us under this scheme will be published on our website, except in cases where this would be inappropriate. Whenever possible we will also publish all correspondence relating to the petition (all personal details will be removed).

All petitions received under this scheme will fall into one of the following 3 categories:

'Ordinary' petitions

Petitions which have less signatures than the set thresholds or do not request the action triggered by reaching the set thresholds will be classed as 'ordinary petitions'. In this instance one or more of the following actions may be taken:

- taking the action requested in the petition
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- writing to the petition organiser setting out our views about the request in the petition
- referring the petition to an Overview, Scrutiny and Policy Development committee

In addition to these steps, the Authority will consider all the specific actions it can potentially take on the issues highlighted in a petition.

A petition organiser can request that a petition be presented to a meeting of Full Council. This right applies regardless of the number of signatures; however, there will be no debate on the issue. The petition organiser can request to present an ordinary petition at Council by contacting Democratic Services on 0191 643 5318 at least 10 working days before the day of the Council meeting.

Full Council debates

Full Council can debate a petition if it has received 2000 or more valid signatures. This means that the issue raised in the petition will be discussed at a meeting which all Councillors can attend. If a petition has enough signatures to trigger this action, a letter to the petition organiser will confirm this, informing when and where the meeting will take place.

The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by Councillors for a maximum of 15 minutes.

The Council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. Where the issue is one on which North Tyneside Council's Elected Mayor and Cabinet are required to make the final decision, the Council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

Officer evidence

A petition can request that a senior officer give evidence at a public meeting in relation to the subject issue of the petition. This response will occur if such action has been requested in the petition and the petition has 1000 or more valid signatures. The public meeting will be a meeting of North Tyneside Council's Overview, Scrutiny and Policy Development Committee. If a petition has met the requirements to trigger this response, this will be confirmed in writing, informing the petition organiser when and where the meeting will take place. A petition which is requesting a senior officer to give evidence at a meeting of the Overview, Scrutiny and Policy Development Committee will not be debated by Full Council.

Your petition may ask for a senior officer to give evidence about something for which the officer is responsible as part of their job. For example, your petition may ask a senior officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision. The Chief Executive and Assistant Chief Executive/Directors of Service can be requested to attend a meeting of the Overview, Scrutiny and Policy Development Committee. A list of job titles of the relevant senior officers can be found in Part 10 of the Authority's Constitution – Management Structure.

You should be aware that the Overview, Scrutiny and Policy Development Committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. The Committee may also decide to call the relevant Councillor to attend the meeting. Committee members will ask the

questions at this meeting, but you will be able to suggest questions to the Chair of the Committee by contacting Democratic Services on 0191 643 5318 up to three working days before the meeting.

What can I do if I feel my petition has not been dealt with properly?

If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that North Tyneside Council's Overview, Scrutiny and Policy Development Committee review the steps that the Authority has taken in response to your petition. It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the Authority's response is not considered to be adequate.

The Committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the Committee determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the Elected Mayor and Cabinet and arranging for the matter to be considered at a meeting of the Full Council.

Once the appeal has been considered the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on our website.

If you require this document in an alternative format such as Braille, audiotape, large print or in an alternative language please contact us on (0191) 643 5359 or via email: democraticsupport@northtyneside.gov.uk

Part 8 Codes and Protocols

1.1 Introduction

The purpose of these protocols is to help guide members and also officers in their respective roles within the Authority, in their dealings with each other and others they come into contact with.

Given the variety and complexity of those roles and relations, the protocols are not prescriptive and may not cover all situations. They provide guidance on situations that commonly occur. They are in part a written statement of good current practice and convention, but aim to promote greater clarity and certainty. They also aim to address those particular issues arising from the relationship between senior officers and members with special responsibilities, Cabinet members, Chairs of Committees and Scrutiny Committees.

In effective high performing authorities officers and Members work well together with trust and mutual respect for their respective roles. Elected Members and Council officers fulfil different but complementary roles.

One important feature which underpins the activities of all Members when acting in their official capacity is the *ethical framework*. The basis of this is that people expect Authorities and Council Members to maintain high standards of conduct when carrying out their responsibilities.

The Localism Act 2011 places a statutory obligation on the Authority to promote and maintain high standards of conduct by its elected Members and co-opted Members. As a result the Authority has adopted a Code of Conduct for Elected Members and Co-opted Members ("Members' Code of Conduct"). The Code is part of the Authority's Constitution and can be found in Part 8.2.

By keeping to the spirit, as well as the letter, of the Code members can be confident of maintaining the standards of conduct expected of them. It is also important that everyone involved with the Authority's work, including members of the public, Council staff, or representatives of other organisations, embrace the Code, and also accept that it may sometimes determine the way members can deal with particular issues.

The guidance in the protocols will help members to keep within the Code. In addition to that it also sets out protocols to promote effective working.

The Authority will periodically review the guidance to make sure it keeps pace with changes in the law or common practice.

In general terms, if Members are not sure about the action to take in any circumstance there is a very simple rule to follow - ask first, act later! The Monitoring Officer will be pleased to give advice and guidance to members on any part of the Code or the protocols.

Part 8 Codes and Protocols

8.2 Code of Conduct for Elected Members and Co-opted Members

1. Introduction

With effect from 4 July 2012, the Authority adopted a new Code of Conduct for Elected Members and Co-opted Members attached at Appendix 1. The purpose of the Code is to govern the behaviour of elected, independent and co-opted Members of the Council.

Members, upon election/appointment, must agree to abide by the Code. If a Member fails to comply with the requirements of the Code a complaint can be made. Details of the procedure for making a complaint and the complaint form are available on the Standards Committee's section of the Authority's website (www.northtyneside.gov.uk) or direct from:

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

Telephone: 0191 643 5339

The Authority's Code of Conduct for Elected Members and Co-opted Members is supported by the principles of public life recommended by the Nolan Committee, the North Tyneside Councillors' Charter and the relevant protocols and procedures of the Authority.

2. Principles of Public Life

The principles of public life are set out in the Localism Act 2011 and in the members' Code of Conduct at Appendix 1. For ease of reference the principles are set out below with an explanation of their meaning*:

1. **Selflessness**

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

2. **Integrity**

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

3. **Objectivity**

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and

benefits, holders of public office should make choices on merit.

4. **Accountability**

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

5. **Openness**

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

6. **Honesty**

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

7. **Leadership**

Holders of public office should promote and support these principles by leadership and example.

*The Committee on Standards in Public Life have defined the seven principles of public life. These principles are required by the Localism Act 2011 to be incorporated into any Members' Code of Conduct.

3. **North Tyneside Councillors' Charter**

As elected representatives of North Tyneside Council, we recognise that we have important responsibilities to discharge. We must listen to the needs of our constituents. We must be impartial and fairly adjudicate upon those issues brought before us. We must uphold the highest possible standards of propriety and fairness.

We aim to serve and be worthy of the trust that has been placed in us, and seek to forge a new and vibrant North Tyneside in which everyone can take pride.

There are key duties which all Councillors will aim to undertake.

We will:

- (i) Collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions.
- (ii) Contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision-making.
- (iii) Make decisions based on the overall needs of the Borough.

- (iv) Deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances fairly and impartially.
- (v) Balance different interests identified within the ward and represent the ward or electoral division as a whole.
- (vi) Participate in the governance and management of the Authority.
- (vii) Be available to represent the Authority on other bodies.
- (viii) Maintain the highest standards of conduct and ethics.

In carrying out these tasks we will strive to ensure that we meet the highest possible standards of propriety. The public has an absolute right to expect that of us and we will try not to let them down. We will comply at all times with the Code of Conduct for Members.

4. Supporting protocols and procedures

The following documents should be read in conjunction with the Members' Code of Conduct.

- Protocol on Member/Officer relations which sets out the respective roles of Members and Officers and how they should expect to be treated by each other.
- Code of Conduct for Employees which forms part of the Authority's conditions of service and is designed to help staff work in a way that will bring credit to themselves and the Authority.
- Whistleblowing Policies to enable employees and Members to raise concerns about issues of conduct without fear of reprisal.

Should there be any conflict between any of these documents in relation to Members' conduct, the Members' Code of Conduct will take precedence.

5. Personal Responsibility

Councillors accept that they have a duty to act within the law. Councillors have a personal responsibility to ensure that they are aware of the rules of personal conduct and that they comply with them.

Councillors will ensure that they regularly review their personal circumstances to ensure that they do not breach any of the high standards that they have agreed to uphold. Councillors recognise that they represent the whole community and not just those who voted for them. In deciding how to vote and act Councillors are aware that they are personally responsible for their actions.

Councillors are influenced by the opinions of others, and a Councillor's political party will be a strong influence but because they are personally

responsible for what they do, Councillors will make up their own minds about how to act and vote.

Councillors agree they must be able to justify their actions to the public. Councillors recognise that they have a duty to foster and develop the public's faith in the honesty of the Authority and its Councillors.

6. Committees

Councillors agree not to seek to be members of a committee if their private interests are likely to mean that they would frequently have to withdraw from the committee's consideration of issues. A Councillor also agrees that they will not seek to be elected mayor or a chair of a committee if they or a body they are associated with has a substantial financial interest in the activities of the Authority or a particular committee.

7. Bodies outside of the Authority

Councillors agree to apply the standards and rules they observe in Authority meetings to their behaviour at all the meetings they attend as a representative of the Authority unless the Code of Conduct of that other body is in conflict with the Authority's Members' Code of Conduct, in which case the Code of Conduct of the external body shall take precedence.

For more information on bodies outside of the Authority please see Part 3.6 - Bodies outside of the Authority.

8. Whistleblowing

Councillors' conduct is also covered by the Authority's Whistleblowing Procedure for Employees. Through this policy officers may confidentially refer a concern about a breach of the Members' Code of Conduct to a designated officer, rather than making the complaint themselves through the Members' Code of Conduct Procedure.

North Tyneside Council

Code of Conduct for Elected Members and Co-opted Members

North Tyneside Council (“the Authority”) has adopted the following code which has effect from 4 July 2012 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.

This means the code applies whenever you (a) conduct the business of the Authority (including the business of your office as an elected councillor or co-opted member) or (b) act, claim to act or give the impression you 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. Those Principles are not part of this Code but are set out in full at Annex 1 for information.

Part 1 - General Conduct

1. You must treat others with respect, including Authority officers and other elected members.
2. You must not bully any person (including specifically any Authority employee) and you must not intimidate or improperly influence, or attempt to intimidate or improperly influence, any person who is involved in any complaint about any alleged breach of this code of conduct.
3. You must not do anything which compromises or is likely to compromise the impartiality of anyone who works for or on behalf of the Authority.
4. You must not conduct yourself in a manner which could reasonably be regarded as bringing the Authority, or your office as a member of the Authority, into disrepute.
5. You must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person any advantage or disadvantage.
6. You must comply with any Protocol adopted by the Authority which seeks to regulate the conduct of its elected members or co-opted

members and which the Authority has specifically declared should fall within the provisions of this code of conduct and which is listed in Annex 4 to this Code.

7. When using or authorising the use by others of the resources of the Authority, you must act in accordance with the Authority's reasonable requirements (as set out in such protocol as it may adopt from time to time for these purposes) and must ensure they are not used for party political purposes.
8. You must not prevent, or attempt to prevent, another person from gaining access to information to which they are entitled by law.
9. You must not disclose information which is given to you in confidence, or information which you believe or ought reasonably to be aware is of a confidential nature, unless:
 - (a) You have the consent of a person authorised to give it; or
 - (b) You are required by law to do so; or
 - (c) The disclosure is made to a third party for the purpose of obtaining professional advice, provided that the third party agrees not to disclose the information to any other person; or
 - (d) The disclosure is reasonable and in the public interest and made in good faith.
10. Where you have been involved in making any decision by the Authority which is subsequently subject to scrutiny by an Overview, Scrutiny and Policy Development committee of the Authority, you must not take part in that scrutiny process except to the extent you may be invited by the committee to give evidence to, or otherwise assist, it. In this paragraph, '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.
11. You must not do anything that would cause you to breach any equality laws. For example, you must not make sexist and/or racist remarks.
12. You must report any suspicion you have or any intelligence/information you have received on any safeguarding issue regarding children or vulnerable adults, including potential or actual sexual exploitation, to the Authority and where appropriate the Police.

Part 2 - Registration of interests

13. You must register in the Authority's Register of Members Interests information about your registerable personal interests. In this code of conduct 'your registerable personal interests' means:

- (a) any Disclosable Pecuniary Interest as set out in Annex 2;
- or
- (b) any other interest held by you as set out in Annex 3.

You must register information about your registerable personal interests by giving written notice to the Monitoring Officer, who maintains the Register, within 28 days of:

- your appointment as a member of the Authority; and
- any change taking place in your registerable personal interests.

(Note: Failure without reasonable excuse to register a Disclosable Pecuniary Interest is a criminal offence under section 34 Localism Act 2011 as well as being a breach of this code.)

- 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.

Part 3 – Non-registerable interests

- 15. You will have a non-registerable personal interest when you attend a meeting of the Council or Cabinet, or one of their committees or sub-committees, 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 well being or financial position, or the well being 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.

(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).

17. When you attend a meeting of the Council or Cabinet, or one of their committees or sub-committees, 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 and you are aware 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.)

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

Selflessness

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Holders of public office should promote and support these principles by leadership and example.

Annex 2 to Code of Conduct

Disclosable Pecuniary Interests

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 relevant authority) made or provided within the relevant period in respect of any 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 which is made between the relevant person (or a body in which the relevant person has a beneficial interest) 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 - 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 in which the relevant person has a beneficial interest.

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:

- (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) 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 the relevant person has 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 –

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“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 Personal Interests

The other interests which you must register under paragraph 11(b) of the code are:

1. Any body of which you are a member (or in a position of general control or management) to which you are appointed or nominated by the Authority;
2. Any body which (i) exercises functions of a public nature or (ii) has 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);
3. 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 Code of Conduct

Associated Protocols

The Authority has adopted the following Protocols which are intended to regulate the conduct of its 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]

Part 8 Codes and Protocols

8.3 Planning Code of Practice for Members and Officers

1. Introduction

“Planning is a subject that excites strong passions; frequently creates winners and losers; involves the rights of others over individual property rights; and can involve decisions which have enormous financial consequences.”

(Extract from Nolan Committee report on Standards of Conduct in Local Government)

“The purpose of planning is to help achieve sustainable development.... Sustainable development is about change for the better, and not only in our built environment ... it is about positive growth – making economic, environmental and social progress for this and future generations. The planning system is about helping to make this happen.”

(Extract from Ministerial Forward National Planning Policy Framework)

“Planning is a complex area for everyone to engage in. Elected Members have an essential role to play in delivering a planning system that, if engaged with effectively, can deliver both the needs of the current and future communities in their area.”

(Extract from Elected Members’ Planning Skills Framework – Planning Advisory Service, Improvement and Development Agency)

“Planning must not be seen merely as a regulatory function. It is a positive activity which can facilitate the right development in the right locations to stimulate the economy, protect the environment and make lives better.”

(Extract from Local Government Association Guidance – Planning at the Heart of Place-Shaping – The Planning White Paper and Local Development Frameworks)

The first Planning Code of Practice was adopted in the late 1990s and has been revised on a number of occasions since to reflect such documents as the Nolan Committee report, Part III of the Local Government Act 2000, and the local Code of Conduct for Councillors and co-opted members adopted by the Council in 2012.

This latest edition of the Planning Code of Practice has been revised to reflect the local Code of Conduct for Members, updated guidance from the Local Government Association and Improvement and Development Agency and supplementary advice issued since the last edition.

The Code of Practice supplements the Authority's local Code of Conduct. However, whilst the Code of Practice and the Code of Conduct overlap they have different purposes. The Code of Conduct is concerned primarily with individual probity and other aspects of conduct across the whole range of a Councillor's duties. The Code of Practice is concerned with the integrity of the planning system and the conduct of Councillors and officers in its processes and procedures.

The Code of Practice also supplements the [Royal Town Planning Institute's Code of Professional Conduct](#)

There has been much discussion and some case law on the implications for the planning system of the introduction of the Human Rights Act 1998 and, in particular, compliance with Article 6 of the European Convention on Human Rights. Compliance with the good practice detailed in this Code, and the availability of an appeal procedure through the Planning Inspectorate and procedurally through the courts, should ensure that the Authority's planning procedures comply with the requirements of the Act.

The Authority has adopted a comprehensive Equalities Policy which provides a framework for developing equality within services delivered and within employment. The policy seeks to ensure compliance with relevant legislation and operate within the Local Government Equality Standard and Best Value Performance Indicators.

Members and Officers must not do anything which may cause the authority to breach any equality laws.

Although the Code is of particular relevance to Members of the Planning Committee it applies to all Members and Officers of the Authority. Members and Officers should therefore have due regard to the principles contained in the Code when involved in planning and other development matters. Failure to follow the Code could be taken into account in investigations into possible maladministration against the Authority and/or have implications for the position of individual Members and Officers.

The Code will continue to be reviewed on a regular basis to ensure that it reflects current legislative requirements, guidance and advice.

2. Glossary of Terms

Appeals - rights of appeal to the Planning Inspectorate can be exercised by applicants in respect of the refusal, non-determination or conditional grant of various types of application.

Conservation Areas - an area of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance. (There are 17 in North Tyneside).

Delegated Powers - powers delegated by Planning Committee to designated planning officers to determine planning and other applications as specified under the Officer Delegation Scheme.

Departure - a decision made which is not in accordance with the policies and provisions of the Development Plan can be subject to “call in” by the Secretary of State.

Development Plan – comprises (a) the Regional Spatial Strategy (RSS), (b) the Authority’s Local Development Framework (LDF). (The LDF is a suite of documents comprising the Local Development Scheme, Statement of Community Involvement, Core Strategy, Area Action Plans and Supplementary Planning Documents) and (c) the Unitary Development Plan (saved policies). The Development Plan sets out proposals for the development and use of land in the borough.

Listed Building - a building protected because it is of special architectural or historic interest.

Local Planning Authority - North Tyneside Council which is responsible for discharging statutory duties under the Town and Country Planning Act 1990 (as amended), Planning (Listed Building and Conservation Areas) Act 1990, and Planning (Hazardous Substances) Act (1990).

National Planning Policy Framework – sets out the Government’s planning policies for England and how these are expected to be applied.

Planning Conditions - may be imposed on the grant of planning permission, requiring the carrying out of works, or regulating the use of land in the control of the applicant in connection with the development authorised by a permission.

3. Consideration and Determination of Planning Applications

“There can be no doubt that the setting of planning policy is, or can be, a political act, and that the various political parties rightly accommodate a broad spectrum of views on policy issues. In development control, however, Councillors should look at the merits of a planning issue and consider these alongside all other material factors, coming to a balanced decision having weighed up all of the factors. The clear rules of probity which govern development control activity rule out party political involvement in decisions on planning applications. Applicants and objectors alike are entitled to trust in the independence of thought of planning committee members, and the knowledge that they will come to a decision on the basis of planning considerations only”.

(Extract from Elected Members’ Planning Skills Framework, Planning Advisory Service, Improvement and Development Agency)

There are a number of principles which should be applied when planning decisions are made:

1. All planning applications must be considered fairly, openly and without prejudice.
2. All planning applications must be determined in accordance with the Development Plan for the area, unless there are material reasons for determining otherwise in which case such material reasons will be clearly stated and recorded. The NPPF introduces a presumption in favour of sustainable development and advises in relation to decision-taking that this means:

Approving development proposals that accord with the development plan without delay; and

Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- Specific policies in this Framework indicate development should be restricted.

(Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, NPPF (2012) Para, 14).

3. Planning decisions should be made on planning considerations and not based on immaterial considerations.

In preparing reports and recommendations for consideration by Council Members, Officers will, as far as possible, identify all relevant material planning considerations and advice will be given on matters which are considered to be immaterial.

An outline of material and immaterial considerations is attached as Appendix 1.

4. The Role of Councillors

“Councillors exercise, quite properly, two roles in the planning system. They determine planning applications, arriving at a decision on granting or refusing permission by using planning criteria and by excluding non-planning considerations. They also act as representatives of public opinion in their communities”.

(Nolan Committee report on Standards of Conduct in Local Government).

“As a local Councillor involved in planning matters, whether as a member of your authority’s executive helping to draw up the spatial plan for your area, as a member of the planning committee deciding planning

applications, or as a ward member, you have a crucial role to play in both making the new planning systems work and ensuring the best possible outcomes for your community.”

(Extract from “Positive Engagement – a Guide for Planning Councillors” – Office of the Deputy Prime Minister and Local Government Association)

North Tyneside Council has delegated its powers to make decisions on planning applications to its Planning Committee and, in certain circumstances, to Planning Officers.

Members are appointed to Planning Committee to represent the interests of the whole community in planning matters. The basis of the planning system is the consideration of private proposals against wider public interests and Members must balance the needs and interests of individual constituents and those of the wider community and wider public interest.

Councillors serving on the Planning Committee should not prejudge any planning application, nor give any indication that they or the Authority has a closed mind on an application before that application is considered by the Planning Committee (see also paragraph 10 on Lobbying).

In particular, Members should not discuss planning applications in political group meetings in order to decide how to vote on such applications.

All other Members of the Council should apply these principles when dealing with planning matters and in particular should avoid any suggestion that the Authority may have pre-determined an application.

Council Members should not act as “agents” (i.e. represent or undertake any work) for people pursuing planning applications.

Any Council Member who has substantial property interests or any other interests which may prevent them from voting on a regular basis, should not serve on the Planning Committee.

5. Disclosure of Interests

Council Members should observe the Members’ Code of Conduct (see Part 8.2) in terms of the disclosure of interests at meetings.

Council Members may have other interests which may influence their decisions which will not amount to a declarable interest. In order to maintain the integrity of the planning system, Members should be careful to ensure that such interests do not unduly influence their decisions and that they approach every decision with an open mind.

Members of the Planning Committee need to be particularly cautious in considering whether or not they have an interest in a planning application as failure to declare an interest can leave the decision open to legal challenge. The Members’ Code of Conduct requires that if you have a registerable or

non-registerable personal interest in the matter being discussed at a meeting, you must declare that you have that interest and the nature of that interest as soon as it becomes apparent to you. You should then apply the 'proximity test' (paragraph 18 of the Members' Code of Conduct) to determine whether you can remain in the room and vote on the matter.

Members who are unsure as to whether they have an interest which needs to be declared or whether such an interest meets the 'proximity test' should seek the advice of the Authority's Monitoring Officer although the decision on whether to declare the interest rests individually with each Member. Where in doubt Members should consider what the public perception might be and, as a general rule, err on the side of caution and declare the interest.

Particular reference is made to lobbying and contact with interested parties in paragraph 10 below.

From time to time, fact-finding site visits will be undertaken by the full Planning Committee where it is considered that such visits will assist in the determination of planning applications. A separate guidance note on the conduct of site visits is at Appendix 2.

6. Skills and Competencies of Members of Planning Committee

The Planning Advisory Service of the Improvement and Development Agency has developed a set of competencies to recognise the skills that local Elected Members in all roles within the planning system use to deliver the best outcomes for the new spatial planning system.

The following information indicates some of the exceptional competencies which the Planning Advisory Service suggest should desirably be held by Councillors occupying the roles of Planning Committee Chair, Planning Committee Member and Ward Members:

Planning Committee - Chair

a) Community leadership.

Taking authority-wide decisions and creating/following authority-wide policy

Example: the effective committee chair will ensure that if a planning decision is taken which does not conform with council policy, that the reasons for doing so, and the implications of the decision, are well understood.

b) Regulating and monitoring.

Chairing skills; operating consistently and without bias; understanding committee procedures; time management; ability to delegate; diplomacy; discipline; transparency.

Example: whilst taking a leading role at committee, the effective chair will ensure that each person present plays a clear role and that proceedings are carried on with mutual respect.

c) Scrutiny and challenge.

Ability to provide challenge to opinions and advice; ability to separate major issues from minor ones.

Example: the effective committee chair will ensure that the “bigger picture” is foremost at all times and will not allow meetings to become embroiled in parochial matters.

d) Communication skills.

Working sensitively with people inside and outside committee; explaining decisions clearly; listening to and balancing advice; articulate; interpersonal skills; ability to communicate “unpopular” decisions without losing credibility; assertiveness; patience.

Example: the effective chair will be satisfied that each person leaving a committee meeting will understand how decisions have been reached at that meeting.

e) Working in partnership.

Team building and loyalty; negotiating skills; obtaining consensus; discretion; understanding and withstanding pressure; encouraging and developing new councillors.

Example: recognising that councillors, officers and the public all play key roles in making good planning decisions, the effective chair will ensure that each is listened to, understood and treated with respect.

f) Political understanding.

Objectivity; understanding varied agendas; balancing interests; judgement.

Example: the effective committee chair will be able to understand, and to guide fellow committee members with impartiality, as to the weight and value to be attached to all arguments raised for and against development proposals.

g) Understanding the spatial planning system.

Understanding policy and its linkages to decision making; keeping up with national, regional and local agendas; interpreting and evaluating specialist advice.

Example: the effective committee chair will not allow ad hoc planning decisions to be raised based on public opinion rather than an understanding of policy and long-term strategy.

h) Development management.

Linking development control with spatial planning and wider sustainability issues.

Example: the effective committee chair will give clear and unambiguous guidance to fellow members who agree that, for example, increased housing densities are in principle a good thing, but are not appropriate “in my patch”.

i) Understanding the development process.

Achieving goals via understanding complex processes not all of which are within the authority’s control.

Example: the effective committee chair will be aware of the advantages and limitations of working pro-actively with a developer to achieve legitimate “planning gain”.

The effective committee chair will easily understand the link between individual planning decisions and the authority’s bigger picture, with an ability to listen and to balance conflicting information, but also to be decisive. They will have a working knowledge of the technical and statutory background to planning, as well as the performance agenda for decision making.

Planning Committee Member

a) Scrutiny and challenge.

Confidence to challenge opinion and advice whilst respecting the source.

Example: the effective committee member will absorb and analyse all information presented to help in the determination of planning applications, and will question this if it is not understood.

b) Communication skills.

Articulate, credible; evidence-based; ability to listen; ability to advocate views and present evidence.

Example: the effective committee member will when speaking engender confidence that all issues have been understood and balanced, before reaching a decision on how to vote.

c) Working in partnership.

Taking evidence from variety of sources; understanding and withstanding pressures; respect and trust.

Example: even when statements are made which cause concern or doubt, the effective committee member will listen with respect and understand the reasons lying behind the statements.

d) Political understanding.

Recognising and understanding different agendas; balancing interests; consistency; displaying courage in difficult situations.

Example: the effective committee member will understand the emotion and involvement which many people expend upon planning matters, but their impartiality will not be swayed.

e) Understanding the spatial planning system.

Balancing key issues; listening to and balancing advice; understanding the importance of policy; identifying and evaluating considerations and evidence; asking relevant questions; analysing complex information, understanding enough about the planning system to be able to “do the homework on key applications”.

Example: the effective committee member will understand how to identify and give weight to the material considerations which, when balanced, will lead to a planning decision.

f) Development management.

Understanding wider spatial planning and sustainability issues in the context of planning proposals; ability to move from micro to macro; ability to read plans.

Example: whilst planning committee members are not expected to have detailed knowledge of planning legislation, familiarity with basic concepts (outline planning permission, use classes) should be gained, together with an ability to understand plans and drawings.

g) Understanding the development process.

Understanding the role and limitations of the council; recognising the interests and motives of development proponents and opponents.

Example: development raises high emotions and can involve large profits and losses; the effective committee member understands these facts but does not allow them to take priority over effective decision making.

The effective committee member will always balance local detail against an understanding of policy, and will have a working knowledge of the statutory planning framework and the performance agenda. They will possess sound judgement and where necessary will challenge information received from multiple sources.

Ward Member

- a) Community leadership.

Acting as advocate; knowledge of “the patch”

Example: the effective ward member will bring relevant local knowledge to the planning decision making process

- b) Scrutiny and challenge.

Ability to research and challenge; finding alternative and effective outcomes.

Example: the effective ward member will find out the true facts rather than believing without challenge all information received.

- c) Communication skills.

Articulate; listening; credible; persuasive; ability to use diverse techniques including, where appropriate, passion.

Example: the ward member will be ineffective in planning matters if unable to communicate important issues comprehensibly.

- d) Working in partnership.

Community engagement; building relationships.

Example: a ward member who makes enemies in the process of advancing a partisan view is not acting effectively on behalf of the whole community, even at a local level.

- e) Political understanding.

Balancing interests; identifying and engaging community focus.

Example: every planning application has supporters and opponents; an effective ward member listens to and understands “both sides” and will be able to work with both again in the future.

- f) Understanding the spatial planning system.

Understanding policy so as to articulate and challenge it or use it constructively.

Example: a ward councillor who continually objects to planning proposals for unsustainable reasons unrelated to planning, will not operate effectively and will lose respect.

g) Understanding the development process.

Working within the process to achieve, influence and understand outcomes.

Example: the development process is complex and rarely allows for simplistic solutions; an effective ward member begins to understand these processes and the effectiveness of negotiation in order to achieve results.

“The effective ward member, engaging in the planning process, will have sufficient understanding of that process to be able to focus on relevant issues, and will be able to articulate local concerns in a persuasive way whilst recognising the wider policy picture. They will understand that it is important not to raise expectations unduly but have the ability to utilise the planning process and policies for their community’s benefit”.

(Source: “Elected Members’ Planning Skills Framework” - Planning Advisory Service, Improvement and Development Agency)

The above document also indicates some of the exceptional competencies which the Planning Advisory Service suggest should desirably be held by Councillors occupying the role of Cabinet Member within the planning system.

The document argues that the effective Cabinet Member will be someone who can work at the Authority’s highest level of policy making, able to articulate a vision and to integrate the portfolio into the Authority’s wider set of priorities. They will have a sound understanding of the statutory planning system with particular reference to the policy framework and possess the skill to ensure that planning is a key player in implementing the Authority’s agenda.

7. Officer Advice

In reaching decisions on planning applications, Council Members should pay particular attention to the comprehensive reports and recommendations from Officers together with any professional advice given at meetings.

Written reports, supplemented by verbal advice, will seek to identify all of the material planning considerations, including any Development Plan criteria which may apply to the application concerned. The recommendation in the report will represent a professional judgement of the weighting to be applied to the planning considerations associated with the application concerned.

From time to time, Members of the Planning Committee will attach different weighting to the various planning considerations associated with an application and, as a result, may reach a decision which differs from the

recommendation contained in the written report. In such cases, the Committee will clearly state the reasons for reaching such a decision.

The careful formulation of reasons for refusal of an application contrary to officer advice is crucial to the chances of success on any appeal and should not be treated lightly. The reasons must be clear, concise, based on material planning considerations and able to be substantiated by sound evidence.

8. Application by Council Members and Officers

North Tyneside Council has a policy through which any planning application submitted by a Councillor, Senior Officer of the Authority or any other officer who through their employment has a direct involvement in the planning process, must be determined by the Planning Committee rather than being determined by Planning Officers using their delegated powers.

Such applications will be determined in line with the high standards applied to any other planning application. In particular, a Member or Officer submitting an application should not seek improperly to influence a decision about the matter and they should take no part in the processing or determination of their application.

9. Applications submitted by the Authority or the Authority in partnership with any other organisation or in relation to land owned by the Authority

Any application in respect of a proposal for development by the Authority; by the Authority in partnership with any other organisation; or on land owned by the Authority will be considered in accordance with Regulations 3 and 4 (as appropriate) of the Town and Country Planning General Regulations 1992. On occasion this may require the application to be referred to the Secretary of State for final determination.

Any application involving a service area of the Authority acting as an agent for another organisation (for example a voluntary organisation) will be considered in exactly the same way as any application from a private developer.

10. Lobbying etc.

“Probity issues do not mean that Members cannot take a view on applications and lobby on behalf of the best interests of their community. This is perfectly proper and a legitimate role for local democratic representatives and it is quite common for applicants to wish to discuss and seek the support from their Councillor – for or against a proposed development – before a planning matter is decided. Lobbying is an integral part of the planning process and should not be denied to Members. Both applicants and objectors should have access to their representatives. However, such lobbying can, unless all parties exercise care and common sense, lead to the impartiality and integrity of a Member being called into question.”

(Extract from Guidance on Member Engagement and Planning Matters – Local Government Association, Quarry Products Association and the Association of Council Secretaries and Solicitors)

Lobbying is an integral part of Local Government. Care must be taken, however, in relation to planning applications and the following simple rules are designed to assist all Council Members in that regard.

From time to time, all Members of the Council will be approached by people with an interest in a planning application whether they be developers, applicants or objectors. All Members of the Council should exercise care in dealing with these approaches and Members of the Planning Committee must be particularly cautious.

The information provided by lobbyists is likely to represent an incomplete picture of the relevant considerations in respect of a planning matter. The representations of consultees, neighbours and others and the assessment of the case by Planning Officers all need to be considered, before a Member is in a position to make a balanced judgement on the merits of the case. The time for individual members of the Planning Committee to make a decision on a proposal is at the Committee meeting when all available information is to hand and has been duly considered.

It is perfectly proper for Council Members to listen to views expressed by people with an interest in an application and Members can express a view, (in support or otherwise), on an application prior to the matter being considered by the Planning Committee. However, it is important that Members approach the decision at committee with an open mind and ensure they take account of all relevant matters before reaching a decision.

Members should always encourage those who approach them to contact the relevant Planning Officers in writing to ensure that their views are recorded and taken into account in the written report to the Planning Committee meeting.

In particular, any correspondence received in relation to a planning application should be copied to the Planning Officer so that reference can be made to it in the report to the Planning Committee.

If, as a result of approaches regarding an application, a Council Member has concerns or questions regarding that application, it is important to raise these matters with Planning Officers so that further information can be provided to assist them in their subsequent decisions.

If any Member considers that they want to publicly support or oppose an application prior to a meeting of the Planning Committee, then they should ensure that the Planning Officers are informed in order that their views can be properly recorded and included in the report to the Planning Committee.

Members of Planning Committee are entitled to have and express their own views on applications, as long as they keep an open mind and are prepared to

reconsider their position in the light of all the evidence and arguments and they determine the application in accordance with the development plan, unless material planning considerations indicate otherwise. Members of Planning Committee, or those acting as a substitute, must not give the impression that nothing will change their mind, the fact that a Member may have campaigned against a proposal is not proof that they are not open-minded.

Members may occasionally be invited to take part in discussions with potential applicants or developers. A special guidance note has been prepared to assist Members in such situations (Appendix 3).

Officers of the Council should restrict any approaches in connection with an application, or potential application, to relevant technical, professional or other appropriate matters.

11. Planning Appeals

When a planning application is refused by the Authority, the applicant can appeal to the Planning Inspector and an appeal can be dealt with either in writing, by an informal hearing or by a public inquiry. In the majority of situations the Authority's case will be presented by appropriate officers.

Occasionally it may be considered necessary or appropriate to call upon a Member of the Council to give evidence in support of the Authority's case in a public inquiry and should this occur, appropriate officers will provide a full briefing for the Member concerned.

Any Member who wishes to give evidence at a public inquiry should always contact the relevant Planning Officer who will ensure that appropriate technical and procedural advice is given to support the Member in presenting his/her evidence.

Costs associated with a public inquiry can be high as applicants generally employ legal and technical experts to represent their case and it is important, therefore, that the involvement of Council Members and officers is co-ordinated to reduce any cost risks to the Authority.

12. Training for Members and Officers

“Planning is now such an important and high profile issue, and the risks for Councils (and Councillors) who do not do the job properly are so great, that it is essential for any Councillor who is going to become involved in the planning process, to receive training.” (Extract from “Elected Members’ Planning Skills Framework – Planning Advisory Service, Improvement and Development Agency)

The importance of Council Members and officers receiving training in the planning system has been widely recognised and is acknowledged by the Authority.

There is an annual programme of training events for all Members and appropriate officers. A selection of training events are held each municipal year on individual planning topics. Members are required to have undertaken basic training through the Authority's member induction programme, on election or re-election, and refreshed annually, before they can serve on or act as a substitute for Planning Committee.

In addition, a tour of development sites throughout the Borough may be organised for Planning Committee Members when a sample of implemented planning permissions are visited as a review of the quality and consistency of decision making.

All Members of the Council and new Members in particular should take advantage of this training, to ensure that they are kept up to date with changes in legislation and procedures.

Members of the Council, and in particular Members of the Planning Committee, should contact officers in Democratic Services and the Planning Section if there are any particular training needs they have or if they require particular information to assist them.

13. Complaints

“The Council aims to respond positively to all complaints and other representations so that it can help resolve individual issues and learn from experience how to improve services. We aim to provide comprehensive complaint services which are widely understood and easily accessible to all. The whole Council, staff and Members, are committed to effective complaint handling and problem solving as an integral part of customer focussed services and responsive performance management.” (Extract from the Council's Complaints Service Annual Report 2011/2012)

Council Members may be approached by individuals who are unhappy with the outcome of a planning decision. An applicant whose planning application has been refused can appeal to the Secretary of State. Objectors to a planning application which has been granted do not have a similar right of appeal. If they wish to pursue a complaint they must be able to demonstrate some procedural or administrative irregularity associated with consideration of the application.

Any Member of the Council who is approached about a complaint concerning a planning application should seek advice from an officer in the Information Governance team in Law and Governance or the appropriate Democratic Services Officer.

Material Planning Considerations

1. General

The principles upon which decisions on planning applications are based are effectively the same as for all Authority decisions – i.e. arrived at as a result of consideration of all matters that should be considered and ignoring matters that should not be considered.

With planning applications this is frequently referred to as taking account of “material” planning considerations and ignoring “immaterial” matters.

Those matters which are regarded as “material” are generally defined in the Town and Country Planning Act 1990 together with associated Government planning guidance notes and decisions in relevant Court cases.

The following note outlines some of the principal material considerations together with an indication of the type of issue which would be regarded as immaterial.

It is important to emphasise that this is not an exhaustive list. Reports on individual planning applications will seek to identify all relevant material considerations.

It is also important to bear in mind that there will be occasions where there is conflict between material considerations. In these circumstances it is necessary to “balance” the considerations in reaching a decision.

2. Material Planning Considerations

- a) The relevant development plan is one of the prime material planning considerations.

The development plan consists of the Regional Spatial Strategy produced by the North East Assembly and the saved policies from the Unitary Development Plan produced by North Tyneside Council, which will in time be replaced by development plan documents as outlined in the Council’s Local Development Scheme. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states “if regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

Conversely, applications which are not in accordance with relevant policies in the plan should not be allowed unless material considerations justify granting a planning permission. Material considerations must be genuine planning considerations, i.e. they must be related to the purpose of planning legislation which is to regulate the development and use of land in the public interest. The considerations must also fairly and reasonably relate to the application concerned.

- b) Government guidance through the National Planning Policy Framework, other strategic planning guidance, circulars and ministerial announcements are material planning considerations. The NPPF is a material planning consideration and embodies a presumption that planning permission will be granted for development unless any adverse impacts of granting planning permission significantly and demonstrably outweigh the benefits of the scheme, when assessed against the policies contained in the NPPF as a whole.
- c) Statutory duties relating to conservation areas, listed buildings, etc are material considerations.
- d) Responses received from statutory consultees together with responses from other persons making representation are material planning considerations provided that they relate to the use and development of land.
- e) Non-statutory planning policies determined by the Authority from time to time are material planning considerations.
- f) Where the Authority is considering an application which affects a listed building or its setting, the Authority is required to have “special regard” to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- g) In addition, as far as buildings or other land in a conservation area is concerned, the Authority must pay “special attention” to the “desirability of preserving or enhancing its character or appearance”.
- h) Section 143 of the Localism Act 2011 states that in dealing with planning applications regard should be had to local financial considerations. These can be a grant or other financial assistance that has been or will or could be, provided to a relevant authority by a Minister of the Crown, including, for example, New Homes Bonus.

3. Immaterial Matters

- a) Personal considerations and financial considerations (other than those outlined above) are not, on their own, material. However, in exceptional circumstances they may be considered as material. Where this is the case they will be identified in the Planning Officer’s report to the Planning Committee.
- b) The commercial interests of individuals and businesses are not regarded as material planning considerations.
- c) Local opposition or support for a proposal is not, in itself, a ground for refusing or granting planning permission unless either the opposition or support is based on planning reasons which can be substantiated.

4. Balanced Decisions

Having identified all of the material planning considerations and put to one side all of the immaterial considerations, members must come to a carefully balanced decision which can be justified if challenged on appeal.

Planning Applications: Fact Finding Through Site Visits **Guidance Note**

There are occasions when it is considered appropriate to undertake a fact-finding exercise through a site visit prior to determination of a particular planning application. However, a site visit can cause delay to the planning process and it should, therefore, only occur in exceptional circumstances where the nature of the application or the application site is such that only through a visit would it be possible to give full consideration to such issues. Where a Member of the Council requests a site visit and such request is not agreed the reason for that decision will be recorded.

In all circumstances the site visit will involve the full Planning Committee together with appropriate officers. Relevant Ward Councillors will be notified and will be welcome to attend.

The following paragraphs are designed to provide an operational framework for such visits.

1. Any Member of the Council may request a site visit where they consider that consideration of the planning application concerned will benefit substantially from such a visit.
2. Members are encouraged to make the request as early as possible and preferably before the date of the Planning Committee at which the relevant planning application is to be considered. Any such requests will be considered by the Chair and Deputy Chair of the Planning Committee. This is to allow for the visit, if agreed, to be undertaken before the Planning Committee meeting so that the planning application can still be considered at that meeting, thus avoiding any possible delay in the planning process. There will, of course, be instances where a request for a site visit is made at the Planning Committee. Where the Committee agrees to such a request, consideration of the application will be deferred, usually to the next meeting to permit the visit to take place.
3. Democratic Services will make arrangements for the visit, in consultation with the Chair and Deputy Chair of the Committee, and will generally provide for all relevant Members and officers to be given notification of the visit at the earliest opportunity. The notification will include a copy of this Guidance Note together with all papers submitted to the Planning Committee in relation to the application and any additional papers which it is considered will assist Members involved in the visit.
4. The site visit will involve the full Planning Committee together with appropriate officers. Relevant Ward Councillors will be notified and will be welcome to attend. As the aim of the visit is solely to allow Planning Committee Members to undertake a fact-finding exercise, neither the applicant nor members of the public will be invited to attend. It may be necessary, on occasions, for the

applicant to be present to allow the Planning Committee access to the site but the applicant would only be invited for that reason. Members of the public who have a material planning interest in the outcome of a planning application and have already submitted written representations can request to speak at Planning Committee when the application is under consideration.

5. On assembling at the site the Planning Officer will explain, at the outset, the purpose and procedures of the site visit so that all parties are aware that it is a fact finding exercise only and that no decision will be taken until the Committee meeting.
6. The visit will be conducted as a single, corporate meeting so that Members and all participants are able to hear all of the discussion. Participants should not split off into smaller groups.
7. Council Members involved in the site visit will apply the principles contained in the Authority's General Code of Practice on the determination of planning applications, i.e. Members who will ultimately be involved in determining the application will not express a firm view during the course of the site visit.
8. At the conclusion of the site visit the officer from Democratic Services will give details of the date, time and place at which the application will be considered by the Planning Committee.
9. The Democratic Services representative will keep only a short note (not minutes) of the visit, recording the names of those present and an outline of any significant issues raised.
10. Following the site visit, the original report of the Planning case officer on the application will be submitted to the next available meeting of the Planning Committee together with a report from Democratic Services in order that the Planning Committee can determine the application.

Meetings with Developers etc. - Guidance Note

“Discussions between a potential applicant and the Council prior to the submission of an application can be of considerable benefit to both parties... However, it would be easy for such discussions to become or be seen (especially by objectors) to become, part of a lobbying process. In order to avoid such problems, pre application discussions should take place within clear guidelines.”

(Local Government Association Guidance Note)

By its nature, the planning and development control processes bring “developers” into regular contact with the Authority’s Planning Officers. These officers are able to provide proper advice and assistance consistent with the appropriate Development Plan documents.

Exceptionally, Council Members and other officers of the Authority may be approached by “developers”. The following paragraphs are therefore designed to provide guidance on how to respond to any such approaches.

For the purposes of this note, the term “developer” is used to describe any person proposing to develop land, any person with an interest in land which may be the subject of development proposals and anyone acting on behalf of such persons.

1. Information

Council Members should be cautious about initiating meetings with developers as such approaches may be misconstrued. Where they do take place Members should apply the principles contained in this Code of Practice.

Before agreeing to meet with developers, Council Members should consider whether or not such a meeting might prejudice their ability to consider the matter through the formal decision making process, or equally importantly, might be perceived as having prejudiced such ability.

Council Members should always seek and consider fully advice from the Director of Regeneration, Economic Development prior to responding to any approach.

All discussions between developers and Members/Officers, which may affect the Authority in the exercise of its responsibilities as local planning authority must be conducted within the context of the Development Plan and with regard to all material planning considerations. A Planning Officer of the Authority should be present at such discussions to ensure that such relevant considerations are presented and noted. Where exceptionally this does not occur in all cases a note of the discussions must be produced and passed to the Planning Officer and retained in any subsequent planning case file. This is to ensure transparency and openness in the Authority’s involvement.

Should the potential development of an area of land involve competing developers, all parties involved will be treated equally.

Members must comply with the provisions of the Members Code of Conduct in their dealings with developers.

In general, as far as land development proposals are concerned, Council Members have no authority to speak on behalf of the Authority and no impression to the contrary should be given to any developer. For example, no Member can indicate that planning permission will or will not be given.

If doubt exists concerning an approach by a potential developer, the advice of the appropriate Director of Service should be followed.

Non-planning Officers of the Authority should direct any approaches from developers to the appropriate Planning Officer and should apply the principles outlined above in respect of any meetings they may have with developers.

Part 8 Codes and Protocols

8.4 Protocol on Member Access to Information and the Authority's Documents

1. Introduction

- 1.1 It is a key feature of effective working and decision making in local authorities that Members should have access to necessary information in a form which is accessible and provided to them in a timely manner. North Tyneside Council has a general practice of openness and transparency about the information it holds. This is subject to some legal rules that affect the disclosure of information in some circumstances, and guidance about access is set out below.
- 1.2 If Members need information to assist them with a particular enquiry or piece of work, it is helpful if the request is made at the earliest opportunity. This will enable Officers to provide the information within a reasonable time scale. It will not always be possible to respond immediately to requests for information. If matters are particularly urgent it is helpful if that is made clear. Where a request for information is pursued through the Members' Enquiry System then the system's response times will apply. Where a request for information is pursued outside of the system then the Officer must agree a reasonable response time with the Member concerned.
- 1.3 Thought should also be given to the nature and scope of any information being requested. Where that information might not be easily and readily available, or might take considerable time or effort or expertise to collate and provide, an initial discussion with the relevant Officer (i.e. prior to any formal request) is both sensible and reasonable.
- 1.4 A Member can ask any Service Area to provide information on that Service Area's work if the Member needs that information to carry out that role as a Member. For example, general information about activities or specific information wanted by a constituent.
- 1.5 The Information Governance team will assist Members in approaching the Service Areas for information, either through the Members' Enquiries system or by directing Members to the right source.
- 1.6 The Authority has targets for responding to Members under the Members' enquiries system. If a response to an enquiry is not received in the target time the issue will be raised with the Assistant Chief Executive/relevant Director of Service and thereafter the Chief Executive. Lack of a response will ultimately be referred to the Chair of the Overview, Scrutiny and Policy Development Committee.
- 1.7 Members will have access to much information to help in their role. However, some of it will be subject to data protection, confidential, sensitive, possibly personal, or potentially damaging to the Authority's interests or those of other people and organisations if it is not handled with care. Because of this, everyone

with access to the Authority's information must ensure it is used only for the purpose it was provided for. Under the Code of Conduct a Member must not reveal confidential information received unless permission has been given to do so. Also, Members must not prevent others from getting information to which they are entitled.

2. Statutory Rights

- 2.1 A Member can inspect any of the Authority's documents, including reports and background papers, that contain material relating to any business discussed at a council, cabinet, committee, board or panel meeting (whether or not they are a Member of the cabinet, committee, board or panel concerned). This right also applies to members of the public.
- 2.2 However, this right does not apply to documents relating to certain items that appear on the private part of the agenda for any meeting. This is a statutory rule. The types of information that should not be revealed are basically those set out in the Local Government Act 1972 (as amended). These enable or require the council to remove the public and the press from meetings (for example, personal matters relating to staff or applicants for services, details of negotiations on industrial relations, contractual, business or legal matters). Details of these are set out in Part 4.11 - Access to Information.
- 2.3 Any Members who have access to information of this nature on the private part of the agenda should not release it publicly or to the press. (See Part 8.2 - Code of Conduct for Elected Members)
- 2.4 If there is any doubt about whether information should be revealed, Officers can take advice from the Head of Law. If a Member is unhappy with any refusal of information on these grounds, this should be raised with the Head of Law who will explain the position and answer any questions. In addition the Authority has a Whistleblowing Policy to protect Members and Officers who wish to disclose matters raising serious concerns about the conduct of the Authority, Officers or Members. This policy is available on the Authority's website. Advice and guidance on the operation of the policy is available from the Head of Law.

3. The 'Need to Know'

- 3.1 The right a Member has in common law to request and receive information is based on the principle that any Member has a right to inspect the Authority's documents if this is reasonably necessary in order to perform his or her duties as a Member. This principle is commonly known as the 'need to know principle'.
- 3.2 A Member can have information or see documents if it can be shown that there is a 'need to know'. Although the Authority has a general policy of openness relating to information, the Authority's information is held for the purpose of performing its functions, and there is no right for anyone to examine documents out of curiosity. If a Member wishes to have information it must be needed to carry out the Member's public duties.

- 3.3 In some circumstances (for example, if a Member is a Member of a cabinet or committee and wishes to see documents relating to that cabinet or committee's work), it is assumed that there is a 'need to know'. In other circumstances, particularly if information is confidential, the Member will have to show a good reason for the request.
- 3.4 The term 'Authority's document' is very broad and includes a document produced with the Authority's resources. However, a Member from one political group will have no right to see a document which forms part of the internal working of another political group.
- 3.5 The Authority has to keep to the rules in the Data Protection Act, which prescribe how information is handled. For example, Members cannot receive personal information that would usually breach the Act unless the person the information relates to has given their written permission for the information to be released.
- 3.6 Similarly, if a Member wishes to have access to confidential information about a constituent's circumstances, that constituent must give his or her permission in writing before that information can be provided. The Information Governance team can provide a model letter to use when asking for permission from a constituent.
- 3.7 An Officer should not, without reference to the Assistant Chief Executive/ appropriate Director of Service, provide information to a Member which is not available to the public and which the Member does not need to know in order to carry out their duties as a Member.
- 3.8 However, there may be circumstances where, despite being able to establish a need to know, the resources it would take to provide the information in the form required would make it unreasonable to expect the Authority to provide it. An example of this would be a request for a hard copy of every record of highway maintenance undertaken over a period of two years. The Chief Executive, with the advice of the Monitoring Officer, will resolve any disagreement on this and if no agreement can be reached and the information requested by a Member is not provided, the Chief Executive will give a written explanation of the reasons. The referral will be acknowledged within 48 hours with a final decision being made within 5 working days.

4. Freedom of Information Requests

- 4.1 In addition to the above the Freedom of Information Act 2000 provides a general right of access to recorded information held by the Authority to members of the public including Members. The general right of access to information under the Act is subject to exemptions. There are 23 categories of exemptions, some of which are absolute and others that are not.
- 4.2 If an absolute exemption applies then the Authority need not disclose the information. Most of the absolute exemptions are designed to carve out from disclosure under the Act information whose availability is governed by some more specialised set of rules, and that may be accessible to the applicant by

some other means. For example, personal data of which the applicant is the data subject will be dealt with under the Data Protection Act 2018, disclosure of information that is subject to a duty of confidence at common law will be governed by common law principles, and disclosure of information in court documents is a matter for the rules of the Court concerned. In these cases, the exemption is made absolute not to place it beyond the public gaze, but to prevent a potentially uncomfortable interaction between two specialised and potentially incompatible regimes for its disclosure.

- 4.3 If a non-absolute exemption applies, then information is only exempt from disclosure if in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Examples of such exemptions are law enforcement, audit functions or where the Authority considers that disclosure would prejudice the effective conduct of public affairs.
- 4.4 Applications for information to be released under the Freedom of Information Act 2000 should be made to the Freedom of Information Officer.
- 4.5 It is not anticipated that Members would usually need to use the Freedom of Information Act 2000 to access information held by the Authority as any information Members would usually seek access to would be available to Members through the other mechanisms detailed above.

Part 8 Codes and Protocols

8.5 Protocol on Roles of the Elected Mayor and Chair of North Tyneside Council

This protocol provides guidance for the Elected Mayor, Chair, Councillors and Officers of North Tyneside Council, specifically:

- An explanation of the different roles, responsibilities and functions of the offices of Elected Mayor, Chair, Cabinet Member and Councillors.
- Advice for local organisations and Authority staff seeking civic representation at their events.
- Advice for staff supporting the various Offices.
- Advice for resolving differences between the Elected Mayor and Chair.

	Elected Mayor	Chair	Cabinet Member	Councillor
Appointment	Elected by popular vote of electorate of North Tyneside.	Elected by the Councillors of North Tyneside Council at the Annual Council Meeting.	Appointed by Elected Mayor.	Elected by popular vote of electorate within a ward.
Function	<p>To be the political leader of the Authority.</p> <p>To be the Authority's principal public spokesperson.</p> <p>To give political direction to the Authority.</p> <p>To appoint the Cabinet and Deputy Mayor.</p> <p>To decide on the scheme of delegation for Cabinet functions.</p>	<p>Presiding over the meetings of full Council.</p> <p>Ensuring the Authority complies with the principles of decision-making.</p> <p>Ensuring as far as possible that Council meetings provide a forum for debate of matters of concern to the local community and provide opportunities for Cabinet to be held to account by other Councillors.</p> <p>To be responsible for upholding and promoting the purposes of the Constitution.</p>	<p>Being a Member of the Authority's Executive decision-making body at the heart of the day to day decision-making process.</p> <p>Bringing forward draft or initial proposals for the budget and plans in the policy framework.</p> <p>All the functions as Councillor.</p>	<p>Participate in the governance and management of the Authority.</p> <p>Collectively be responsible for approving the policies of the Authority, as set out in the Budget and Policy Framework.</p> <p>Make decisions taking into account the best interests of North Tyneside as a whole.</p> <p>Representing the Authority on other bodies as required.</p> <p>Contributing to the good governance of the area.</p>

	Elected Mayor	Chair	Cabinet Member	Councillor
Function cont.	<p>To chair meetings of the Cabinet.</p> <p>To represent the Authority on such external executive bodies as the Elected Mayor decides.</p> <p>Promoting the economic, environmental and social well-being of the area.</p> <p>Representing their constituents and the various interests of the Borough and dealing with individual casework, acting as an advocate and balancing different interests fairly and impartially.</p> <p>Encouraging community participation and citizen involvement in decision making as appropriate.</p> <p>Maintaining high standards of conduct and ethics.</p>			<p>Promoting the economic, environmental and social well-being of the area.</p> <p>Representing their constituents and the various interests of their Ward and dealing with individual casework, acting as an advocate and balancing different interests fairly and impartially.</p> <p>Encouraging community participation and citizen involvement in decision making as appropriate.</p> <p>Maintaining high standards of conduct and ethics.</p>

	Elected Mayor	Chair	Cabinet Member	Councillor
Term of Office	<p>Normally four years until next Mayoral election.</p> <p>There is no provision for the foreshortening of this term other than by:</p> <ul style="list-style-type: none"> • resignation • death • becoming disqualified from office. 	<p>The Chair holds office from one Annual Council meeting until the next.</p> <p>There is no provision for the foreshortening of this term other than by:</p> <ul style="list-style-type: none"> • resignation • death • becoming disqualified from office. 	<p>Members of the Cabinet hold office for such a period as determined by the Elected Mayor.</p>	<p>Normally four years until next relevant election. There is no provision for the foreshortening of this term other than by:</p> <ul style="list-style-type: none"> • resignation • death • becoming disqualified from office. <p>In the case of a by-election, the term of office will be for the remainder of the term of the outgoing Member.</p>
Civic and Ceremonial	<p>With the Chair of Council to promote the Authority as a whole and act as a focal point for the community.</p>	<p>With the Elected Mayor to promote the Authority as a whole and act as a focal point for the community.</p>	<p>To promote the work and status of the Authority in the community in their particular portfolio area.</p>	<p>To promote the work and status of the Authority in the community.</p>

Guidance on the Role and Duties of the Elected Mayor and Chair

1. General

The Chair of Council is elected each year by the Authority from among the Elected Members. In an Authority which has an Elected Mayor and Cabinet as in North Tyneside, the Elected Mayor is elected every four years directly by the people of the Borough and they have a direct mandate from the local electorate.

Both the Elected Mayor and the Chair have an important role in promoting the interests and profile of the Authority and this will involve in part, participation in civic and ceremonial occasions. The Elected Mayor has precedence. It is however recognised that because of the level of work involved in undertaking the role of political leader of the Authority, it is not expected that s/he will discharge a significant proportion of civic duties and the majority will fall to be undertaken by the Chair.

2. Attendance at Events

The responsibility for issuing an invitation for a Member of the Authority to be involved in an event lies with the particular organisation.

However, in making any such invitation, the organisation may wish to take the following into account:

- a) the roles and responsibilities of the various office-holders;
- b) the nature of the task for which the invitation is to be issued;
- c) in the case of a speech or contribution on a particular policy issue or a matter related to the political leadership of the Authority – the Elected Mayor should be invited;
- d) in the case of a visit where the reason for the visit is for the organisation to make representations to the Authority about particular policies or procedures, or the matter relates, for example, to economic regeneration or the social, economic or environmental well being of the area - the Elected Mayor should be invited;
- e) in the case of a visit where the reason for the visit is about ‘goodwill’ or ‘personal celebration’ (e.g. 100th birthday) - the Chair of the Council may be most appropriate;
- f) in the case of a formal opening of a social event (e.g. a fayre or gala) - the Chair of the Council should be invited.

Where the nature of the event is such that invitations might be issued to a number of office-holders (e.g. the opening of a major new facility which has involved the Authority – policy, procedural, finance – in its development), organisations will wish to think through the particular roles that they may wish invitees to perform.

For example

- a) the Elected Mayor might be invited to speak about how the facility will contribute to the social, economic or environmental health of the Borough;
- b) the Chair might be invited to perform the official opening (e.g. cutting the ribbon); and
- c) the relevant Cabinet Member and local ward councillors might simply be invited to be present.

If the event is internal to the Authority, the Assistant Chief Executive/Director of Service wishing to invite a Member of the Authority to be involved in a particular event should take account of the advice given to local organisations (above).

At its simplest:

- if the event is about policy communications, then the appropriate person to invite to contribute may be the Elected Mayor; and
- if the event is 'ceremonial' (e.g. presenting awards) then it may be most appropriate to invite the Chair.

N.B. The Elected Mayor and Chair as appropriate may nominate appropriate Members to substitute if they are unable to attend.

Invitations (in writing or otherwise) should be forwarded to the offices of the Elected Mayor and/or Chair at Quadrant. If there is any uncertainty about who might be most appropriate to invite, then the Assistant Chief Executive can be contacted to provide guidance.

3. Royal Visits

Royal visits to the Borough occur on average once each year. Such visits are subject to particular protocols and the Royal Prerogative and the detailed arrangements will be determined through the Lord Lieutenant's Office who is the representative of Her Majesty The Queen in the Borough.

4. Statements on Behalf of the Authority

- a) The Elected Mayor and Cabinet Members are responsible for policy formulation and implementation. These roles are political and, as long as there is no breach of their legislative obligations, they are entitled to speak about the Authority's policy and any changes that might be contemplated.
- b) The Chair's primary responsibility is to ensure the Authority complies with its own principles for decision making. In undertaking any civic or ceremonial functions, the Chair should seek to avoid making politically controversial statements.

5. Resolving Differences

If, for whatever reason, there is any dispute about whether a particular civic responsibility should be undertaken by the Elected Mayor or Chair (or Cabinet Member or Councillor), guidance will be sought from the political group leaders who will seek to provide unified advice.

6. Guidance for the staff supporting the Offices of Elected Mayor, Chair, Cabinet and Councillors

It is important that all staff, whichever office they principally work to support, should at all times offer guidance and assistance in line with the guidance set out in this document.

It should always be remembered that the primary responsibility for issuing invitations rests with the particular organisations. Where appropriate, organisations should be assisted to reach a decision in line with the guidance.

Support staff should never seek to promote one office against another. The roles, responsibilities and functions of each office are different but not in competition. If, at any time, there is genuine uncertainty, staff should seek guidance from their line managers.

A regular meeting of the relevant support staff will be convened by the Information Governance Manager to review and determine upon all invitations falling within the terms of this protocol.

Part 8 Codes and Protocols

8.6 Protocol on Member/Officer Relations

This section provides general guidance for Members and Officers in their relations with one another. It reflects the basic principles underlying the respective rules of conduct that apply to Members and Officers. This protocol cannot cover every eventuality nor is it prescriptive. Its intention is to offer guidance on some of the issues that commonly arise.

Members and Officers are all public servants who depend on each other in carrying out their work. Members are responsible to the people of the Borough who they serve for as long as their term of office lasts, while Officers are responsible to the Authority. Their job is to give impartial advice to the Elected Mayor, Cabinet and Council, as well as individual Members, and to carry out the Authority's work. The responsibility for decision making in relation to the Authority's work is set out in Part 3 of the Constitution. The Elected Mayor and Cabinet therefore provide direction to the Authority's Officers in relation to Executive responsibilities and the Full Council, its Committees and Sub Committees will similarly provide direction in relation to areas of work that are non-Executive responsibilities.

Mutual respect between Members and Officers is essential to good local government. Mutual respect and courtesy should prevail in all meetings and contacts (both formal and informal) between Members and Officers. To be most effective Members and Officers will work closely and cohesively together. However, close personal familiarity between individual Members and Officers can damage this important relationship.

The relationship has to operate without any risk of compromising the ultimate responsibilities of Officers to the Authority as a whole, and with due regard to such technical, financial, professional and legal advice that Officers can legitimately provide to Members.

The following broadly set out the respective roles of Members and Officers. A description of the role of the Elected Mayor is set out in the Protocol on Roles of the Elected Mayor and Chair of North Tyneside Council but the key roles are to be the political leader of the Authority, the Authority's principal public spokesperson and to give political direction to the Authority.

1. Roles of Members

1.1 Members have many different roles:

- a) Members are the policy makers and carry out a number of strategic and corporate functions collectively approving the Authority's policy framework, strategic plans and budget.
- b) Developing and reviewing policy and strategy.

- c) Monitoring and reviewing policy implementation and service quality.
- d) Members express political values and support the policies of the political party or group to which they belong (if any).
- e) Representing their communities and bringing their views into the Authority's decision making processes, thus becoming advocates for their communities.
- f) Dealing with individual case work and representing constituents in resolving concerns and grievances.
- g) Balancing different interests in their ward and representing the ward as a whole.
- h) Being involved in partnerships with other organisations as community leaders.
- i) Representing the Authority on other bodies and acting as ambassadors for the Borough of North Tyneside.
- j) Members act in a quasi-judicial capacity when involved in regulatory committees such as licensing and planning.
- k) Members may have roles relating to their position as members of Cabinet, Overview, Scrutiny and Policy Development Committees or other committees and sub committees of the Council.
- l) Members of the Cabinet can have individual delegated powers, however implementation of their decisions is an officer responsibility.
- m) Members serving on Overview, Scrutiny and Policy Development Committees monitor the effectiveness of the Authority's policies and services, develop policy proposals and examine community issues. They also monitor local health service provision.

2. Roles of Officers

2.1 Officers' main roles are as follows:

- a) Providing advice to the Elected Mayor and Members to enable them to fulfil their roles.
- b) Managing and providing services for which they are responsible.
- c) Being accountable for ensuring those services are efficient and effective.

- d) Advising the Elected Mayor, Cabinet, Council and individual Members in respect of those services.
- e) Initiating proposals for policy development.
- f) Implementing the Authority's policies.
- g) Ensuring the Authority acts lawfully.
- h) Representing the Authority on external organisations.

3. Respect and Courtesy

- 3.1 An essential ingredient to the Authority's business being conducted effectively is ensuring mutual respect, trust, courtesy and even-handedness in all meetings and contacts between Officers and Members. This plays a very important part in the Authority's reputation and how it is seen by the public.

4. The Authority's Reputation

- 4.1 Members and Officers both have an important role in engendering a good reputation for the Authority. In particular they should:
- a) protect and promote the legitimacy of democratic local government;
 - b) promote a positive relationship between Members and Officers and be careful not to undermine it;
 - c) avoid criticism of the Authority when formally representing it; and
 - d) avoid personal criticism of other Members and Officers.

5. Undue pressure

- 5.1 In any dealings between Members and Officers neither should try to take advantage of their position.
- 5.2 In their dealings with Officers, Members should be aware that it is easy for Officers to be overawed and feel at a disadvantage. This can be even more so where Members hold leading roles. However, it is also possible for Members, particularly newer Members to be overawed by Officers. Members and Officers must always be mutually respectful regardless of their role within the Authority.
- 5.3 Members must not pressurise any Officer to do things s/he has no power to do, or to work outside of normal duties or hours.
- 5.4 Apart from decisions that are clearly illegal, Officers should usually carry out decisions of Cabinet and Council. However, instructions should never be given to Officers to act in a way that is unlawful as ultimately this could damage the Authority's interests. Officers have a duty to express their reservations in this

sort of situation, and the Monitoring Officer or Chief Finance Officer may get involved as they have a statutory duty to intervene where illegality or maladministration is possible. To assist Members in decision making they should be informed of all legal and financial considerations and be warned of the consequences even if it is unpopular. If a Member has a concern that an Officer is not carrying out a particular Cabinet or Council decision, the Member concerned should draw this to the attention of the Chief Executive.

- 5.5 In similar terms, Officers should not use undue influence to pressure an individual Member to make a decision in his/her favour, nor raise personal matters to do with their job, or make claims or allegations about other Officers to Members.
- 5.6 The Authority has procedures for consultation, grievance and discipline and there is a right to report actions of concern under the Authority's Whistle Blowing Policy.
- 5.7 As mentioned above, the Authority has adopted separate Codes of Conduct for Members and Officers. One shared aim of the codes is to improve and maintain the Authority's reputation and so they demand very high standards of conduct.
- 5.8 Under the Members' Code of Conduct Members must promote equality, treat others with respect and not do anything that compromises the unbiased nature of those who work for the Authority. In particular, Members should never act in a way which an independent observer might consider to be bullying, harassment or trying to get special treatment.

6. Personal and Business Relationships

- 6.1 Members and Officers must work together closely to effectively undertake the Authority's work. This inevitably leads to a degree of familiarity. However, close personal relationships between individual Members and Officers can be damaging to mutual respect.
- 6.2 It is important not to allow any personal or business connection or relationship with any other Members or Officer to affect the performance of official responsibilities, taking action or making decisions. It is also important in these circumstances to be wary of passing confidential information to anyone who should not have access to it.
- 6.3 Members and Officers should always consider how any relationship or connection could be interpreted by anyone outside the Authority, or by any other Member or Officer, and avoid creating any impression of unfairness or favouritism.
- 6.4 Members should take account of any relationship or connection they have with any other Member or Officer when considering whether or not they need to register or declare a personal interest.

6.5 It would usually be inappropriate for a Member to have special responsibilities in an area of activity in which someone with whom s/he has a close personal or business relationship is a senior officer. If this situation arises, the Member should take appropriate action to avoid a potential conflict of interest.

7. Officers' Advice to the Elected Mayor and Members

7.1 Members are entitled to ask the Chief Executive, Assistant Chief Executive or Directors of Service for such advice and information as they reasonably need to help them in discharging their role as a Member of the Council. This can range from general information about some aspect of the Authority's activities, to a request for specific information on behalf of a constituent.

7.2 Similarly the Elected Mayor is entitled to receive such advice and support as s/he reasonably requires to enable them to fulfil their role as the political leader of the Authority and the Authority's principal public spokesperson.

7.3 It is important for the Chief Executive, Assistant Chief Executive and Directors of Service to keep Members informed both about the major issues affecting the Authority and about issues affecting the areas s/he represents. Members shall be kept informed about proposals affecting their ward and be invited to Authority initiated events within or affecting their ward. Although issues may affect a single ward, where they have a wider impact, a number of local members will need to be kept informed.

7.4 Advice or information sought by Members should be given in a timely manner. It should be provided by the relevant service provided it is within the service's resources. Resources are finite and Members should act reasonably in the number and content of the requests they make. (see also Part 8.4 Protocol on Members Access to Information and the Authority's Documents and Part 4.11 the Public Access to Information Rules in the Constitution).

7.5 Officers serve the whole Authority and must be politically neutral in their work. In providing advice and support to the Authority's Executive, i.e. the Mayor and Cabinet, and/or the Council, and when implementing the lawful decisions of Cabinet and Council, it must not be assumed that an Officer is supportive of a particular policy or view or is being other than politically neutral in implementing such decisions. Political neutrality in carrying out their work ensures that Officers are able to act impartially in the best interests of the Authority. Special legal rules exist which limit the political activities of senior Officers. All senior posts are 'politically restricted', which means that the Officers in those posts are not allowed to speak or write in such a way that could affect public support for a political party. However, they can speak or write in a way which is necessary in order to perform their duties properly. More information about this is set out below and a list of politically restricted posts is available through the Authority's Chief Executive.

7.6 If Members have any concerns that an Officer is not acting in a politically neutral manner, they should refer their concerns to the relevant Director of Service, Assistant Chief Executive or Chief Executive, or in the case of the Chief

Executive the Elected Mayor (see section 14 'Interpretation, complaints and allegations of breaches' below). Allegations that an Officer has not acted in a politically neutral way are serious and could be damaging to his/her reputation.

- 7.7 Officers can advise on matters relating to the Authority's business. However, the Officer may need to tell his or her manager about the discussions, if that is necessary to enable a matter to be properly dealt with.
- 7.8 Officers can usually give information confidentially unless doing so would not be in the Authority's best interests (for example, if it went against their obligation to protect the Authority's legal or financial position). Any information a Member receives confidentially in one capacity (for example, as a Cabinet Member) cannot be used when acting in a different capacity (for example, when representing his/her ward). Confidential information can only be given to those entitled to see it. It is best to check with the Officer giving the information whether it is appropriate to pass it on to others.
- 7.9 Members should make sure that when they are getting help and advice from Officers they only ask for information to which they are properly entitled. There is more detail about the information to which Members are entitled below. Members' rights to inspect documents are contained partly in legislation and partly at common law and are described in the Protocol on Member Access to Information.
- 7.10 If a Member asks for information or advice relating to the work of a particular service, and it appears likely or possible that the issue could be raised or a question asked at a subsequent meeting on the basis of that information, the relevant Cabinet Member, or Chair of the Committee should be advised about the information provided.
- 7.11 Any Member can seek advice or assistance in confidence from the Chief Executive and Assistant Chief Executive/Directors of Service to address a ward issue.
- 7.12 Officers are required to serve the Authority as a whole. They are responsible to the Chief Executive, Assistant Chief Executive/Directors of Service, and not to individual Members whatever office they may hold.

8. Politically Restricted Posts

- 8.1 There are a number of rules which apply to Officers who occupy politically restricted posts under the Local Government and Housing Act 1989. In summary such Officers are prevented from:
- a) being a Member of Parliament, a Member of the European Parliament or a local authority member;
 - b) acting as an election agent or sub agent for a candidate for any of those bodies;

- c) being an officer for a political party or branch, or a committee if that role is likely to involve participation in the management of the party or branch, or to act on its behalf in dealings with other persons;
- d) canvassing on behalf of a political party or an election candidate;
- e) speaking in public in support of a political party; and
- f) publishing written or artistic works affecting support for a political party.

9. Member Briefings and Political Group Briefings

- 9.1 General matters of the Authority's policy, development, and performance as well as specific policy issues will usually be the subject of all-party briefings.
- 9.2 There is statutory recognition of political groups. It is common practice for political groups to give preliminary consideration to matters of Authority business before the matters are considered by the relevant decision making forum.
- 9.3 Senior Officers may be asked to attend political group meetings called to address Authority business. All requests for briefings of political groups should be directed to the Chief Executive. If attendance is requested the Chief Executive's agreement must be obtained and s/he will determine the appropriate Officer to attend and all groups must be offered the same facilities if they so request.
- 9.4 Where officers do attend political group meetings certain matters need to be understood by Members and Officers about this process:
 - a) Officer support in these circumstances will be to provide information and advice and to answer questions about matters of Authority business;
 - b) these meetings are not decision making meetings and conclusions reached at them are not the Authority's decisions;
 - c) where Officers provide information and advice at these meetings this is not a substitute for providing all necessary information and advice to the decision making forum;
 - d) if the meeting includes non-Councillors, Officers may not be able to provide the information and advice they would to a meeting of Councillors to prevent disclosure of confidential information to non-Councillors; and
 - e) Officers should not be asked for, or give advice or comments on political business, and should not expect to be present at meetings or parts of meetings when matters of political business are to be discussed.

- 9.5 The requirements as to declaring interests apply to political group meetings. The meeting should keep to the requirements of declaring personal and prejudicial interests, including the requirement to record any declared interests in the record of the meeting, and any person with a prejudicial interest should leave the meeting.
- 9.6 Officers should respect the confidentiality of any discussions at which they are present with Members in this context. They may however have to brief the Chief Executive on the nature of issues raised at the meeting.
- 9.7 It is accepted that a Member of one political group will not have a need to know and has no right to inspect a document, which is confidential to another political group.
- 9.8 When responding to questions at a political group meeting Officers will need to bear in mind the rules as to access to information, and where appropriate the need for Members to show that they have a 'need to know'.
- 9.9 It is recognised that political groups may have in attendance party representatives who are not elected Members of the Authority. At his/her discretion, the Chief Executive may permit an Officer to give a political group briefing when such representatives are likely to be present. The Chief Executive's decision is final. In any event, if such representatives are present, they (1) must comply with the requirements relating to the declaration of any interests and take any necessary consequent action, (2) must not receive any documentation that contains confidential or exempt information, and (3) must not be present when any confidential or exempt information is considered. Members should be aware that where political group meetings are arranged to deal with non Authority business, particularly matters of a purely party political nature, and which may be attended by non-Councillors, the Chief Executive may consider the meeting to be a political meeting and therefore provision of the Authority's resources and attendance by Officers to be inappropriate.
- 9.10 It must not be assumed that an officer is supportive of a particular policy or view considered at a political group meeting simply because he/she has attended or provided information to the meeting.
- 9.11 Officers will respect the confidentiality of any political group discussions at which they are present and, unless requested to do so by that political group, will not relay the content of such discussions to another political group or to any other members. This shall not prevent an officer providing feedback to other senior officers on a need-to-know basis.
- 9.12 In their dealings with political groups, officers must treat each group in a fair and even-handed manner.
- 9.13 Officers should not attend nor be asked to attend political group meetings at any pre-election period (the time between the election being announced and election day).

- 9.14 At any other meeting arranged by a political group or individual Member, Officers can only attend to provide information which is publicly available. Whether an Officer can attend will be a decision for the Assistant Chief Executive/Director of Service in accordance with directions from the Chief Executive. If an Officer who is invited to attend a public meeting is concerned that the meeting is or is becoming a political meeting the Officer will withdraw from the meeting as soon as reasonably practicable to ensure that the political neutrality of the Officer is seen to be maintained. No such meetings should be arranged or held during the pre-election period to the Authority's elections.
- 9.15 It is acknowledged that some Authority staff (e.g. those providing dedicated support to Executive members or the Mayor) may receive and handle messages for members on topics unrelated to the Authority. Whilst these will often concern diary management, care should be taken to avoid the Authority's resources being used for private or party political purposes.

10. Chief Executive

- 10.1 The Chief Executive's responsibility is to the Authority as a whole and not to any political group.
- 10.2 The Chief Executive as Head of Paid Service is expected to work closely with the Elected Mayor and Cabinet. This is subject to maintaining his/her position as politically neutral.
- 10.3 Everyone should respect the political neutrality of the Chief Executive. S/he should not be asked to play any role or undertake any task which is likely to prejudice that neutrality or make it difficult for him/her to continue to serve successive administrations of whatever political persuasion.
- 10.4 The Chief Executive is able to give advice on a confidential basis about procedural matters to any Member. All Members of the Authority have access to the Chief Executive.
- 10.5 The following principles govern the relationship between the Chief Executive and political groups:
- a) It is proper for the Chief Executive to develop a working relationship with all political groups on the Authority.
 - b) The Chief Executive is free to provide information and answer procedural inquiries to Members of any group. S/he will not advise as to the policies which any group should pursue.
 - c) The Chief Executive will draw the attention of the Cabinet to any case where consideration should, in his opinion, be given to affording information, consultation, or representation to the opposition groups.

10.6 When the Chief Executive attends a meeting of any political group, s/he will ensure that the part s/he plays in the proceedings is consistent with his/her political neutrality.

11. Assistant Chief Executive/Directors of Service

11.1 The foregoing principles apply similarly to the Assistant Chief Executive/all Directors of Service, who shall act under the general direction, and after seeking the advice of, the Chief Executive.

12. Correspondence

12.1 When a Member sends any letter, fax or e-mail to an Officer, if s/he is also sending a copy to another person s/he should make this clear to the Officer. Similarly, if an Officer sends information to a Member and copies that information to any other person, s/he should make that clear to the Member concerned.

12.2 Communication between Members and Officers will normally be confidential and should not be disclosed to third parties unless there are overriding obligations to disclose it to protect the Authority's interests.

12.3 A Member may however disclose information to a constituent if the information deals with a ward matter which the constituent has raised, provided the information is not confidential and that disclosure will not harm the interests of the Authority or another party. As a general rule personal information about a third party will be confidential. It is best to seek advice if there is any doubt as to whether information can be disclosed. Where information is provided to Members through the Members' Enquiry System, it is accepted that this will normally be made available to third parties. Where the Officer providing the information considers that the whole or any part of the information should be treated as confidential then this will be indicated, and Members will respect that position.

12.4 A summary of the issues raised by and enquiries made by Members, organisations and Members of the public may, from time to time, be given to the relevant cabinet Member.

12.5 Other than in the case of information sent by Members in their capacity as ward councillors, official letters sent on behalf of the Authority should normally be sent out in the name of the appropriate Officer rather than in the name of a Member. In certain exceptional circumstances (for example, when making representations to a Government Minister or writing to the leader of another local authority) it may be appropriate for a letter to be issued in the name of the Elected Mayor.

12.6 Members should not send letters which appear to create obligations, accept or deny any liability, or give instructions on behalf of the Authority. An Officer must always send any such letter.

13 Members' access to documents and information

13.1 Members may request senior officers to provide them with such information, explanation and advice as they may reasonably need to assist them to discharge their roles as Members. Members should refer to the Public Access to Information Rules in the Authority's Constitution and also the Protocol on Member Access to Information and the Authority's Documents for further guidance on information to which they are entitled to enable them to fulfil their role.

14. Interpretation, complaints and allegations of breaches

14.1 This part of the protocol should be read in conjunction with the Authority's "whistleblowing" policy which may be found on North Tyneside Council's intranet.

14.2 Members or officers with questions about the implementation or interpretation of any part of this protocol should seek the guidance of the Monitoring Officer.

14.3 A Member who is unhappy about the actions taken by, or conduct of, an officer should endeavour wherever possible to:

- avoid personal attacks on, or abuse of, the officer,
- ensure that any criticism is well founded and constructive,
- avoid making criticism in public, and
- take up the concern with the officer privately.

14.4 If direct discussion with the officer is inappropriate (e.g. because of the seriousness of the concern) or fails to resolve the matter, the Member should raise the issue with the officer's manager or the relevant senior officer.

14.5 A serious breach of this protocol by an officer may lead to an investigation under the Authority's disciplinary procedure. There are special rules that apply to the Authority's Chief Executive (Head of Paid Service), the Chief Finance Officer (Section 151 Officer) and the Monitoring Officer and these can be found in the 'Officer Employment Rules of Procedure' in the Constitution.

14.6 An officer who believes a Member may have acted other than in accordance with this protocol should raise his/her concern with the Monitoring Officer. He/she will consider, in consultation with the Chief Executive, how the complaint or allegation should be dealt with. At a minor level, this may be no more than informally referring the matter to the leader of the relevant political group. More serious complaints may involve alleged breaches of the members' code of conduct and may be referred to the Authority's Standards Committee.

Part 8 Codes and Protocols

8.7 Protocol on Use of the Authority’s Resources and Support for Members

Introduction

The Authority does not have the power to provide resources, including Officers, other than use for the Authority’s business. It does not have the power to provide resources for party political¹⁰ purposes.

The Authority’s business relates to a Member’s duties as an elected Ward Councillor, a Cabinet Member, as a member of a committee, sub-committee or working party/task group or as the Authority’s representative on another body.

The Authority’s resources include:

1. any equipment,
2. office/premises or stationery, and
3. the Authority’s Officers.

Special rules¹¹ apply to the use of the Authority’s resources in relation to publicity. The Authority is not able to publish or arrange for the publication of party political material. Publicity is defined as ‘any communication in whatever form addressed to the public at large or to a section of the public’. This definition therefore includes press releases, ward bulletins and letters to the media etc but does not include letters to individuals, unless this was on a scale which could constitute ‘a section of the public’.

¹⁰ The Oxford English Dictionary (OED) defines politics and politicking – to engage in political activity especially in order to strike political bargains or seek votes. The OED also defines political – to belong to or take a side of an individual, organisation etc; supporting particular ideas, principles or commitments in politics; relating to, affecting or acting according to, the interests of status or authority in an organisation etc, rather than matters of principle.

¹¹ Section 2 of the Local Government Act 1986 provides that:

- (1) A local authority shall not publish or arrange for the publication of, any material which, in whole or in part, appears to be designed to affect public support for a political party.
- (2) In determining whether material falls within the prohibition regard shall be had to the content and style of the material, the time and other circumstances of publication and the likely effect on those to whom it is directed and, in particular, to the following matters:
 - a. Whether the material refers to a political party or to persons identified with a political party or promotes or opposes a point of view on a question of political controversy which is identifiable as the view of one political party and not of another;
 - b. Where the material is part of a campaign, the effect which the campaign appears to be designed to achieve.
- (3) A local authority shall not give financial or other assistance to a person for the publication of material which the authority are prohibited by this section from publishing themselves.

Section 2 applies to all publicity produced by the Authority but by Section 2(3) is applicable to the support provided to Members in relation to the materials/newsletters that Members produce.

General Principles for the use of the Authority’s Resources

There are a number of general principles that are applicable irrespective of the type of Authority resource that is being utilised:

- The Authority’s resources may only be used in accordance with the Authority’s Code of Conduct for Members¹², this protocol and the law;
- The use of the Authority’s resources must always be able to be justified;
- Apply common sense – it is likely to be a good barometer of what is likely to be acceptable and what is not; and
- If you are concerned always seek advice particularly where use could be considered to be on the margins of what is acceptable.

Further information in relation to the use of the Authority’s resources can be found in the guidance note issued to support this protocol.

Main resources available to Members:

1. The Information Governance Team

1.1 The Information Governance Team provide a dedicated service for Members making enquiries on behalf of a constituent or organisation. The Authority also has a computerised Members’ enquiries system through which enquiries on various issues are referred to service areas for response within particular predetermined time scales. The Information Governance Team also work closely with the Members’ Support Group.

1.2 The Information Governance Officer’s role includes:

- a) the provision of certain support services to help Members in carrying out their roles. The support services they provide include carrying out research, providing information, administrative support, and making travel and conference arrangements;
- b) support in ward work including arranging Members’ surgeries, including hiring premises, producing booklets and posters to advertise the surgeries. Information Governance Officers cannot provide support for any party political work;
- c) acting as a contact point for Members’ general enquiries; and
- d) maintaining the Members’ enquiries system.

1.3 Officers from the Information Governance Team can only undertake work that relates to the Authority’s business. Where there is any concern in relation to

¹² The Authority’s Code of Conduct for Members states that a Member must, when using or authorising the use by others of the resources of the Authority: “act in accordance with the Authority’s requirements”.

requests for support and assistance that might be considered to be for political purposes this will be referred to the Monitoring Officer for determination.

1.4 The Members’ Support Group

The Members’ Support Group exists to consider the support provided by officers in the Information Governance Team to all Elected Members of the Authority and to act as a consultative group for other matters affecting the Authority’s Members.

It will also oversee, monitor and help progress delivery of the Member Learning and Development Programme to meet individual and corporate needs and achieve value for money.

It will ensure that all Members are supported so that they are able to deliver the Authority’s statutory and corporate obligations, objectives and priorities and provide them with the tools they need to fulfil their roles to the best of their ability for the benefit of the community and the Authority.

The Group is not a formal decision making body, although mutual agreement on issues can be made. In principle, it can only make recommendations that are to be fed into other processes.

2. Authority Stationery, Printing/Photocopying and Mail

- 2.1 It is important to make sure that any stationery provided for Members to use when carrying out their duties as a Member (or a Member of Cabinet, a committee or sub-committee) including headed note paper is used only for those duties and not for other purposes.
- 2.2 Members are permitted to generally sign their correspondence using their name, their party group membership and their ward. Where a Member holds a particular office or position they may also use the appropriate title, specifically, Mayor, Cabinet Member, Group Leader, Chair or Deputy Chair of a particular committee where appropriate.
- 2.3 The copyright of photographs taken by the Authority is owned by the Authority. Such photographs may be used in Authority publications and Members wishing to use the photographs may do so only with the agreement of the Authority. To avoid concerns arising that the Authority is providing resources for political publications, on occasions when photographs are provided by Members for use in Authority publications such photographs must not subsequently be used by Members in other publications without the Authority’s consent.
- 2.4 Where Members produce a Ward newsletter for distribution, provided reference to the party group to which the Member belongs is used only with their name and Ward on a single occasion in the newsletter and no other ‘banner’ reference to a political party is used it is permissible to include the Member’s Authority contact details (i.e. the Authority’s e mail address, mobile and land

line numbers). In addition, such a newsletter must not contain ‘party political’ or election campaign material.

3. Members’ Allowances

- 3.1 The Authority has made provision for Members in its Members’ Allowances Scheme for the payment of travelling and subsistence allowances to its Members, including any co-opted Members.
- 3.2 The Regulations that govern the payment of travelling and subsistence allowances provide that such allowances may be paid for the following only:
1. The attendance at a meeting of the Authority or of any Committee or Sub-Committee of the Authority, or of any other body to which the Authority makes appointments or nominations, or of any Committee or Sub-Committee of such a body.
 2. The attendance at any other meeting, the holding of which is authorised by the Authority, or a Committee or Sub-Committee of the Authority, or a Joint Committee of the Authority and at least one other local authority within the meaning of section 270(1) of the Local Government Act 1972, or a Sub-Committee of such a Joint Committee provided that:
 - (i) where the Authority is divided into two or more political groups it is a meeting to which members of at least two such groups have been invited, or
 - (ii) if the Authority is not so divided, it is a meeting to which at least two members of the Authority have been invited.
- 3.3 The attendance at a meeting of any association of authorities of which the Authority is a member.
- 3.4 The attendance at a meeting of the executive or a meeting of any of its Committees, where the Authority is operating executive arrangements.
- 3.5 The performance of any duty in connection with the discharge of any function of the Authority conferred by or under any enactment and empowering or requiring the Authority to inspect or authorise the inspection of premises.
- 3.6 The performance of any duty in connection with arrangements made by the Authority for the attendance of pupils at any school approved for the purposes of Section 342 of the Education Act 1996 (approval of non-maintained Special Schools).
- 3.7 The carrying out of any other duty approved by the Authority, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the Authority or of any of its Committees or Sub-committees (other than political meetings), including:

- the attendance at a meeting of a Working Group or Panel of the Authority.
- the attendance at site visits and inspections.
- the attendance at ward surgeries.
- the attendance at meetings with tenants or community groups.
- the attendance at meetings with officers.
- the attendance at meetings as invited observers or attendees officially recognised as such in the official invitation list e.g. Citizenship Ceremonies, Civic Events, hospitality functions, exhibitions, open days or similar events.
- the attendance at meetings in some other formal representational capacity e.g. at the specific request of local residents to represent their views.
- the attendance at formal or informal briefings/presentations about matters related to the functions and work of the Authority.
- the attendance at training events for Members arranged as part of the Member Development programme.

4. Data Protection Legislation

- 4.1 The legislation on data protection applies to everyone who processes, stores or uses personal information. It is important to be aware of its requirements and how it affects individual Members as not keeping to the act is a criminal offence, and it could also break the Code of Conduct for Members.
- 4.2 Members’ responsibilities under the legislation flow from the usage that Members may make of the Authority’s systems in the discharge of their role as a Councillor. These responsibilities are covered by the Authority’s data protection registration in the same way as they apply to the Authority’s Officers. For this reason, it is important to keep to the Authority’s policies and procedures.
- 4.3 Members have additional responsibilities under the legislation in relation to any information they hold on their own systems concerning constituents. Members are required in relation to this information to register themselves with the Information Commissioner as data controllers. Advice in relation to registration with the Information Commissioner is available from the Monitoring Officer. The cost of registration and renewal with the Information Commissioner is met by the Authority.
- 4.4 Members should note that where the Authority’s information is transferred outside the secure environment of the Authority’s ICT systems, for example by sending an email from a Member’s Authority email account to a private email

account, the responsibility for the security of that information rests with the Member. In that regard Members should encrypt the information before it is released outside the Authority’s secure environment. Please also refer to section 6.6 of the ICT Security Policy regarding the use of email.

- 4.5 In order to safeguard against breaches of the legislation, Members should seek advice from the Monitoring Officer before disclosing confidential information. Generally personal information cannot be released without the consent of the person to whom it relates. Improper disclosure can put the Member and the Authority at legal and financial risk.

5. The Authority’s Rooms

- 5.1 Members can use committee rooms and other rooms to help them carry out their duties (for example, to hold meetings with constituents) when they are available.

6. Information Technology and other Equipment

- 6.1 The Authority provides ICT equipment for Members to help them carry out their duties more effectively and efficiently. The Authority will provide support for Members in the operation of Authority supplied equipment so that it can be used to the best effect. In general terms, a Member can use the equipment providing that it is used in line with the Information Computer Security policy. Members should note that the Authority has an obligation to investigate misuse of Authority supplied equipment. Indeed any criminal activity would require referral to the Police for investigation. Furthermore, the Authority is required to supply information requested under the Freedom of Information Act and the Data Protection Act that is held by the Authority on its systems. If a request for information is submitted and it appears that information held on the Authority’s systems may be disclosable and is held by a Member, the Member will be advised in advance and requested to supply the information. Other information may be held by Officers that has been provided by Members and this may be disclosable subject to statutory exemptions. Members will be advised where any such disclosure is anticipated. Members may also be required to search private e-mail accounts and provide information if the Authority’s information may be held there and is not held elsewhere. Further information on the requirements of the Freedom of Information Act is provided in the guidance that supports this protocol.

- 6.2 Equipment supplied by the Authority, which includes Authority systems that a Member may access remotely via their own ICT equipment is not available for use for political purposes. The following sets out some basic guidance:

- The Authority’s equipment is for work relating to his/her duties as a Member. Use of the equipment is exclusive to the Member, it is not for use by other members of their household. Where Members share domestic arrangements joint use of the equipment is permitted. Sharing

of user accounts is NOT permitted. Members should use the ICT equipment responsibly.

- Any use of ICT equipment must conform with the Authority’s Information Computer Security Policy – this can be found on the Authority’s Intranet using the following link:

http://november.northtyneside.gov.uk:7777/intra/security-policy/secpol_ver6.html

- ICT equipment is valuable. Members should act responsibly while equipment is in their possession to prevent loss or damage.
- Members should ensure that where ICT equipment is allowed to be used for personal purposes, all personal use is paid for in accordance with the Authority’s procedures.
- Each Member will be given a user code and password to allow access to computer facilities. These must not be disclosed to another person. The individual Member will be responsible for any consequences arising from the use of the code or password by another person.
- It is important to consider the effect of an e mail message and be careful to avoid sending e mails which could be regarded as vulgar, abusive, sexist, racist, anonymous or likely to damage a person’s reputation. If a Member sends any inappropriate e-mail the Authority, may withdraw e-mail facilities.
- In relation to the above the Authority’s security software automatically monitors and examines material stored on its systems or sent across its networks.
- When using the computer facilities Members should be conscious of the fact that some information held on the computer systems is confidential and releasing it could lead to legal action being taken against the Member involved or the Authority.
- Where Authority information is transferred outside the secure environment of the Authority’s ICT systems, for example by sending an email from a Member’s Authority email account to a private email account, the responsibility for the security of that information rests with the Member. In that regard Members should encrypt the information before it is released outside the Authority’s secure environment. Please also refer to section 6.6 of the ICT Security Policy regarding the use of email.
- Members should ensure that where equipment such as mobile telephones are allowed to be used for personal purposes, all personal use is paid for in accordance with the Authority’s procedures.

6.3 ICT Equipment Options:

- Provision of access to Authority computer systems via:
 - Thin Client Device, Monitor & Printer;
 - Thin laptop (no remote printing) & Anytime key-fob;
 - Anytime key-fob to use with own IT equipment;
 - Use of a device in Authority premises.

6.4 It should be noted that the options for accessing the Authority’s computer systems remotely can be combined i.e. if you have a thin laptop you can also access the systems via your own equipment using the key-fob.

6.5 Access to Authority systems is through “Anytime Access” (sometimes referred to as “Citrix”). Anytime Access is a secure method of accessing the Authority’s systems and also ensures that information and documents are stored in a safe and secure way, and that information is not stored on local drives, for example on personal computers. By using Anytime Access you are not restricted to a particular device, and this therefore enables flexibility to work at different locations. To use this Anytime Access a small piece of client software must be added to your internet browser, this is installed automatically on Authority provided equipment and can be downloaded for use on personal desktops and laptops. It is not permitted to add additional software to Authority provided equipment.

- Provision of a mobile phone:
 - Basic mobile phone
 - Smart Phone (PDA) - subject to available budget.

All of the above options can be demonstrated to Members via workshops.

ICT Support is provided by ICT Services. Contact details are as follows:

- ICT Help Desk – 0191 643 5444
- Sending an email to ict.help@northtyneside.gov.uk – email must be sent from an Authority email address only.

6.7 The following sets out in table form details of the provision of ICT equipment. The first four columns relate to the provision of Authority ICT equipment. The final column relates to the provision of a keyfob that provides remote access to the Authority’s systems via a Member’s own ICT equipment.

6.8 Members should note that when using their own ICT equipment (which for these purposes includes programmes on Members’ own equipment such as e mail) to undertake their own private business or political activities the restrictions detailed in this protocol and the Information Computer Security Policy do not apply. These restrictions and requirements only apply to a Member where they are accessing remotely the Authority’s system via a keyfob and are using their own ICT equipment.

Description	Thin Client solution	Thin Laptop solution	Access to kit in Authority premises	PDA / Smart phone	Keyfob for accessing Authority systems
(1) The equipment is the property of North Tyneside Council.	✓	✓	✓	✓	✓
(2) At the end of the period as an elected Member, the equipment is to be returned to the Authority in full working condition.	✓	✓	✓	✓	✓
(3) The equipment must be installed by an ICT Officer of the Authority.	✓		✓	✓	
(4) Members are required to undergo training provided by the Authority in the use of equipment.	✓	✓	✓	✓	✓
(5) The services, including access to the internet and Email system, are provided for use as a Member only. However, personal use is permitted provided it does not conflict with official business, but political use is not permitted. Please refer to sections 06 (use of email) and 21 (Use of the Internet) of the Authority’s Information Computer Security policy for more detail.	✓	✓	✓	✓	✓
(6) The installation of software is only carried out by the ICT Service.	✓	✓	✓	✓	✓
(7) No unauthorised software or software not related to Authority business is to be installed. ICT Services is authorised to remove all such software.	✓	✓	✓	✓	✓
(8) The copying of licensed software and data is illegal and prohibited.	✓	✓	✓	✓	✓

Description	Thin Client solution	Thin Laptop solution	Access to kit in Authority premises	PDA / Smart phone	Keyfob for accessing Authority systems
(9) Software and data files are to be checked for viruses before being loaded on the Authority’s equipment.	✓	✓	✓	✓	✓
(10) Members must not attempt to repair equipment themselves.	✓	✓	✓	✓	✓
(11) It is a Member’s responsibility to save data he or she wishes to keep. All data saved on the corporate network is backed up centrally.	✓	✓	✓		✓
(12) It is a Member’s responsibility to save data he or she wishes to keep and ensure the data is backed up on a memory card. Any device that is used to store confidential, sensitive or personal information must store the information in an encrypted format.				✓	
(13) Members should only use the official Authority e-mail address for Authority business, and should only ask officers to e-mail them Authority information via the Authority e-mail address.	✓	✓	✓	✓	✓
(14) Members are required to sign and keep an up to date inventory of all equipment supplied to them.	✓	✓		✓	✓

Description	Thin Client solution	Thin Laptop solution	Access to kit in Authority premises	PDA / Smart phone	Keyfob for accessing Authority systems
<p>(15) Security:</p> <ul style="list-style-type: none"> • Passwords are not to be disclosed to anyone. • The use of someone else’s password is not permitted. • Passwords should conform to recommended formats. <p>Please refer to section 14 (password Controls) of the Authority’s Information Computer Security policy for more detail.</p>	✓	✓	✓	✓	✓
<p>(16) Members should have regard to the privacy of other Members and should not access another Member’s Authority e-mail or Authority data.</p>	✓	✓	✓	✓	✓
<p>(17) Insurance:</p> <ul style="list-style-type: none"> • The Authority maintains insurance on the equipment provided to Members. However, all reasonable care must be taken to prevent loss and damage so that all items are to be secured as far as practical. • Portable devices such as thin laptops and smartphones / PDA’s must not be left unattended or unsecured wherever they may be. • Please ensure portable equipment is transported in their carry case and never left on display in a vehicle. Laptops should be carried in the boot of a vehicle where practical. • Any loss or damage to equipment must be reported as soon as possible. 	✓	<p>✓</p> <p>✓</p>	✓	<p>✓</p> <p>✓</p>	<p>✓</p> <p>✓</p>

Description	Thin Client solution	Thin Laptop solution	Access to kit in Authority premises	PDA / Smart phone	Keyfob for accessing Authority systems
(18) When returning portable devices such as thin laptops and Smartphones / PDA’s for repairs it shall be returned in the carrying case together with all accessories provided.		✓		✓	
<p>(19) Information Computer Security Policy: Members must comply with the Authority’s Information Computer Security Policy. In particular Members’ attention is drawn to the particular sections: Section 06 – Use of Email</p> <ul style="list-style-type: none"> • The sender of an email is responsible for the communication and does not contain any libellous or defamatory statements. • Automatic forwarding of Authority emails to personal accounts is prohibited. Emails that are of a personal nature or received of a party political nature can be individually forwarded to be dealt with away from the Authority arena. Members should encrypt emails before they are released outside the Authority’s secure environment. • Under no circumstances should an Authority email address have an auto-forwarding facility set up to forward all emails to an external / personal email account. 	✓	✓	✓	✓	✓

Description	Thin Client solution	Thin Laptop solution	Access to kit in Authority premises	PDA / Smart phone	Keyfob for accessing Authority systems
<p>Section 21 – use of the Internet: Users must not:</p> <ul style="list-style-type: none"> • Access or transmit any offensive, obscene or indecent images. • Receive or transmit material that is designed or is likely to cause inconvenience or distress. • Create, receive or transmit any defamatory material. • Transmit any material that infringes the copyright of another person. • Transmit any unsolicited, commercial or advertising material to any other person or organisation. <p>Members should note that references to email here include sms text messages and that rules about the internet apply to access via mobile phones, or any other mobile device, PC or Thin Client device.</p>					
<p>(20) If a Member has chosen to use his or her own PC or other IT device, the Authority will provide software for Authority business via remote access facilities (keyfob). At the end of the period as an elected Member, access will be revoked and the keyfob returned to the Authority.</p>					✓

Part 8 Codes and Protocols

8.8 Protocol on Press, Publicity and Publications

1. Introduction

Communication with the media can be an important Member function.

There are some legal constraints that Members need to be aware of, for example around communications during the period of an election or referendum. A national Publicity Code, produced by the government, sets down national guidelines for all local authorities to follow.

The Authority has produced its own guidance describing how communications including in relation to press, publicity and publications - is to be implemented in North Tyneside Council. This includes information covered in North Tyneside Council's Corporate Communications Guidelines for Officers and is available from the Corporate Communications team.

If a Member is unsure about the circumstances of an issue, or wishes to seek some guidance he/ she should contact the Corporate Communications team.

2. Corporate Communications Team

The Authority's Corporate Communications team serves the whole Authority and provides internal and external communications support to all service areas.

Its role is to communicate the Authority's policies, priorities, decisions and services. This includes providing information to help residents get involved in the democratic process.

Officers in the team may also provide practical advice and guidance to Members on communications, for example providing contact numbers for local press, or providing a simple 'how to' guide on a number of topics.

The Corporate Communications team also has a responsibility for the reputation of the Authority - ensuring that the public information about the organisation is factually correct.

The Publicity Code permits the Authority to correct inaccurate information in publicity produced by third parties, so long as it is done in an even-handed and objective way.

3. Members and communications/publicity

The Authority's communications may include information from Members - including their views and details about projects they have contributed to delivering. In practice, this will generally be restricted to Members with special responsibility, eg Elected Mayor, Chair of Council, Cabinet members, Chairs of Committees. However, the government guidance also accepts it is appropriate to consider including Members who have been the 'face' of a particular campaign.

The decision on who should be included in Authority communications will be considered on an individual basis. It will take account of how best the Authority can inform, explain and justify its actions and decisions to its residents and stakeholders.

However, in all instances publicity material must not seek to affect public support for an individual Member or political party.

Members are able to undertake their own publicity and this can involve speaking directly to the media. It is the responsibility of Members to ensure the information they give is correct and is not misleading.

4. Members and the pre-election period

The Code of Recommended Practice for Local Government Publicity requires the Authority - its officers and Members - to follow additional guidance around periods of heightened sensitivity. This includes the period in the run up to a referendum or election.

This period, sometimes referred to as 'the pre-election period', imposes additional restrictions on what the Authority can include in its publicity and who can and cannot be included.

The full approach officers will implement during these periods is detailed in the Corporate Communications Guidelines for officers and will be the subject of specific additional advice by the Monitoring Officer in the run up to these periods.

5. The Authority's resources and press, publicity and publications

It is not permitted for the Authority's resources to be used for party political purposes.

If a Member wishes to publish information that supports or promotes the views of a political party, the information must be published by the Member or the political party concerned. The information cannot be published by the Authority.

Similarly photographs produced by the Authority cannot be used by Members for political purposes.

Where resources are made available for Members to support their engagement with residents e.g. street visit cards and letter-headed paper, this will be required to meet the corporate identity guidelines.

Part 8 Codes and Protocols

8.9 Protocol on Members' Role as a Local Representative

1. Introduction

In responding to constituents Members will want to be informative and helpful. However, Members should be careful not to give the impression that the Authority will do something unless the Authority has already agreed to do it. Members may first want to discuss certain enquiries with an Officer in the relevant service area.

2. Enquiries

Members should not normally pursue an enquiry in which s/he would have a prejudicial or personal interest if the Authority were to consider the matter formally. A prejudicial interest is one in which a member of the public who knows the relevant facts would reasonably think is so significant that it is likely to affect the Member's judgement of what is in the public's best interests. A Member has a personal interest in a matter if it affects that Member; his/her relatives or friends more than it would affect other people in the community. Members should consult the Code of Conduct for Members for further guidance on interests.

If an enquiry is personal to a Member (for example, about the Member's Council Tax bill or application for an improvement grant), the enquiry should be made in the same way as a member of the public would enquire. If the issue might need to be handled by a Member, then another Member should do that.

If a constituent asks a Member to make an enquiry which is not personal to the Member, but in which the Member has a prejudicial or personal interest (for example, if it concerns an application for social services help for a close family member) the constituent should be told how to make the enquiry as a member of the public and be referred to another Member if s/he wants to be represented.

Members will normally take forward the case or concerns of an individual constituent or organisation through a Member's enquiry.

3. Representation of Authority Officers

As Members are the collective employers of Authority Officers, Members should not represent Officers in matters relating to their employment. If a constituent, who is employed by the Authority, raises employment issues with a Member, they should be referred to the formal procedures the Authority has in place for settling these matters. If the constituent wants to be represented, refer him or her to the relevant trade union or an independent representative (for example, an advice centre or solicitor).

4. Representation of Constituents

Members may be asked to be involved in a constituent's or organisation's case relating to an area where the Authority can use its discretion (for example, when exceptional circumstances justify re-housing tenants without following the normal lettings policy). In such circumstances Members may pass the case to an Officer with relevant responsibilities.

Members may be quite forceful in their representation as these issues will be important to constituents, but they should always show respect for the people they are dealing with and never act in a way which could be seen as bullying, threatening, harassing or trying to get special treatment which would not be available to any other constituent in the same circumstances.

Members should be careful not to give a constituent the impression that the Authority will do what the Member is advocating.

If there could be a legal dispute between the Authority and a constituent or organisation being represented by a Member, the Member must take care to not reveal any confidential information which s/he has received and which could affect the Authority's position. Certain actions could affect insurance relating to particular events. Members should get advice on these issues from the Monitoring Officer.

5. Being a Representative on Voluntary and Community Organisations

The Authority has representatives in a wide range of outside organisations. These representatives, who are usually Members but can also be members of the public, can serve on outside organisations as company directors, trustees or committee members.

Members may also be approached to serve on an outside organisation as a result of their position in the community and so not as a representative of the Authority.

If Members represent the Authority particularly on trusts and in companies, they must apply their own independent judgement which must be in the interests of the organisations in which they are involved. Although Members need to tell the organisation that they are acting as a representative of the Authority, they should clearly state that, when considering any items of business, they will keep to the overriding duty to act in the interests of the organisation. Members may need to take account of the Authority's aims, but it is vital that their final judgement is their own personal opinion. In relation to other types of body, Members should make sure they are entirely clear as to the intended nature of their role and responsibilities and whether they are nominated by the Authority to represent and promote the Authority's views and interests through their participation.

If Members consider that they may have a conflict of interest in any issue which arises in this context because of their roles with the Authority and the

other body, they should seek advice and may need to withdraw from decision making in relation to the matter in question.

Amongst other issues, Members need to consider the following matters when thinking about whether or not to accept a position in an outside organisation.

- a) The responsibilities involved.

Only accept the position if Members have the time and capability to carry out the necessary duties.

- b) Consider whether there could be any significant conflict of interest between the role in the outside organisation and the role as an Authority Member.

If there could be a conflict of interest, a Member should not accept the position.

- c) The risk of becoming personally responsible if things go wrong.

Matters to consider include the organisation's functions and the amounts of money it holds or deals with. Given the wide range of organisations on which the Authority is represented, risks may vary considerably. Before a Member accepts a position s/he needs to be comfortable with the role. If in any doubt do not accept the position.

- d) The responsibilities and potential liabilities.

When offered a position in an outside organisation, obtain information on the actual responsibilities and any liabilities that could arise. These details should be available from the organisation's documents (such as their Articles of Association or Constitution). For some positions it may be necessary to consider responsibilities under company law or laws governing charities and management committees.

- e) Insurance cover.

Make sure that the outside organisation has appropriate insurance cover for any risks associated with the position. If the organisation does not have appropriate insurance, it may be willing to take it out. If there will be no insurance cover, carefully consider any decision to accept or turn down the position. Obviously, the need for insurance cover will depend on the organisation involved and the particular role.

Other important issues to consider are as follows.

- a) Indemnity insurance provided by the Authority.

The Authority's indemnity insurance cover can only protect Members from legal liability in respect of their duties with outside organisations in

certain circumstances. If the role is not covered by the Authority's indemnity policy, the Member or the outside organisation will become liable for the Member's actions. Members should check that the body involved has got appropriate insurance cover for them. The Chief Executive can advise you about circumstances when the Authority's insurance will cover you.

b) Dealings with the Authority.

When deciding whether or not to accept a position Members should remember that they will need to give the Authority and the organisation involved details of any significant dealings between them and the Authority.

6. Public Meetings and Officers

Whenever the Authority organises a public meeting to consider a local issue, all the Members representing wards affected by that issue must be invited to attend the meeting. Similarly, whenever the Authority consults people about local issues, the ward Members must be told in advance about the consultations.

Members should avoid giving the impression that the Authority will take a particular course of action unless the Authority has already agreed it.

Part 8 Codes and Protocols

8.10 Protocol on Members' Role as Decision Maker and Regulator

1. Planning

The Authority has adopted a Code of Practice to be followed by Members in the handling of planning matters. Please see Part 8.3 - Planning Code of Practice for Members and Officers.

In the guidance there are requirements for Members as ward councillors, but some refer just to the roles and responsibilities of those on Planning Committee.

2. Licensing

Members involved in deciding upon licensing matters should ensure their judgement is reasonable and based on licensing laws and relevant policies and guidance.

Decisions of the Licensing Committee must be:

- a) consistent (which means taking a similar approach in similar circumstances to achieve similar results after considering the necessary facts);
- b) proportionate (so the action taken must be appropriate to the risk and seriousness of the issue concerned); and
- c) fair (where action is focused on those who have a legal duty and that personal circumstances do not influence the choice of action taken).

It is not unreasonable for a committee Member to have a view on an application before the committee meeting. However, s/he must consider carefully whether his/her particular interest in an application could be seen to reduce his/her ability to make a balanced judgement based on relevant facts. If this is the case, then s/he should not speak or vote on the application.

The Authority has adopted principles, policies and practices relating to licensing. All Members, whether or not a member of the Licensing Committee, must take care not to do anything which would affect the Committee's proper decision making responsibilities or the discretion authorised Officers can use.

3. Contracts and Contractors

The Authority's contracts for goods and services are entered into following the Authority's procedure rules on granting contracts. These are the Contract Standing Orders and are appended to the Constitution (See Part 7)

These procedure rules exist to make sure that, as far as possible:

- a) the Authority gets value for money;
- b) Officers are (and the Authority as a whole is) protected against allegations of favouritism or corruption; and
- c) the Authority gets the goods or services it needs under a soundly based contract.

Members' role in the process is to approve the procedure rules themselves and to making certain decisions through Cabinet on reports received from Officers. There are also certain circumstances where Officers must consult particular Members before making decisions. However, any decision made following consultation, is the responsibility of the Officer.

Officers are obliged to act in line with the procedure rules and no Officer can break those rules. To do so can lead to disciplinary action.

4. Selling Land and Property

When public bodies sell land, there is a sometimes a lot of public interest. It is important that potential purchasers and the general public know that there are clear procedures which must be consistently followed when the Authority sells land or property. It is also important that the decision making process is open.

When the Authority is considering selling land or property, it must compare the advantages against the disadvantages in each particular case. Selling land or property can produce significant funds which the Authority can use to provide services, reduce its debts, and achieve other goals. On the other hand, the sale will obviously result in the Authority losing control and future use of the land and, sometimes, a source of income.

Ward Councillors must be notified of all land sales by the Authority in their ward. Members may become involved in the selling process:

- a) as a local Member being told about possible sales in a ward;
- b) as someone who could buy the land or property;
- c) by representing or supporting a community group or organisation involved in buying land or property;
- d) as a result of lobbying from someone wanting to buy the land or property; or
- e) as a Cabinet Member involved in approving the selling of land and property.

Members have an important role to play in each of these circumstances. However, in the interests of fairness, and to protect Members, their role in the process must be clear to everyone.

If a Member has a personal interest in any proposed sale or purchase of land, they must report the interest to the Monitoring Officer. They must also keep proper written records of all dealings with the Authority and ensure that any other Officers contacted in connection with the matter are aware of the interest.

The Member should state whether the interest is personal and whether s/he is pressing the case for or against sale/purchase as a result of being lobbied by constituents.

Members should not be directly involved in negotiating the terms under which land or property is sold; this should be left to Authority Officers.

Cabinet Members involved in approving the terms under which land or property is sold, or seeing reports on any proposed sale, should know that the financial terms and other commercial conditions about any offer to buy are confidential and must not be revealed to anyone.

Under section 123 of the Local Government Act 1972, local authorities should accept the best offer made when selling land and property. There are particular circumstances in which the Authority can consider selling land and property at less than the highest price that could reasonably be paid.

5. Appeal Committees and Panels

Members may sometimes be asked to be a Member of an appeal committee or panel. Some appeal committees (for example, in Education and Social Services) are set up by law, others are set up under policies agreed by the Authority.

A Member should not hear an appeal if s/he knows someone involved in the case. Members should also consider whether it is prudent to hear an appeal in respect of a constituent.

If a Member serves on an appeal committee, when s/he is considering and determining any issue s/he can use his/her discretion as long as:

- a) the Authority has the legal power to do a particular thing;
- b) s/he has taken account of all relevant facts and ignored any irrelevant information; and
- c) s/he has given careful consideration to the matter to make a decision that is well thought out and rational.

The relevant facts which need to be taken into account are limited and tightly defined by law.

If Members do not take account of the relevant facts defined by law, any decision made could be challenged in the courts. If Members are not sure what is relevant or irrelevant, always get advice from the Head of Law or his/her representative at the meeting concerned.

If an appeal committee is sitting in a 'quasi-judicial capacity' (that is, if it is acting as a decision making body dealing with an application), it is essential that it strictly follows any procedure that applies and keeps to the principles of fair play. Again, not doing so will mean that any decision could be challenged.

If during the course of a hearing Members are contemplating following a course of action which is not in line with the legal advice being given, the hearing should be adjourned to enable comprehensive legal advice on the implications of not doing so to be given.

Part 8 Codes and Protocols

8.11 Protocol on Members' Role as a Corporate Employer

1. Recruitment

Members are responsible for appointing the Chief Executive, Assistant Chief Executive and Directors of Service. All other positions are appointed in line with the Officer Delegation Scheme. Every appointment must be made purely on merit.

Members must not try to influence:

- a) any appointment made by Officers; or
- b) any appointment made by a panel of which s/he is not a member.

When Members and Officers are being appointed, a Member must:

- a) Never ask colleagues to support a particular candidate.
- b) Resist any attempt by others to get support for any candidate.
- c) Tell the Chief Executive about any attempt to influence an appointment.
- d) Not take part in the recruitment process if friends or relatives are applying for the post.

Members do not have an automatic right to information about:

- a) any person applying for an Authority job;
- b) any person who is an Authority Officer (this includes details of grade and pay, and any disciplinary, grievance or other employment issue that involves a particular Officer); or
- c) consultations or negotiations about any matter relating to industrial relations.

When Members are acting as the corporate employer they must keep to all relevant laws and may be held personally responsible for decisions which discriminate against someone because of their sex, race or disability. Their actions may also subject the Authority to liabilities.

2. Employment Matters

Officers, who are constituents, may raise issues with their Ward Councillor. However, employees should not ask Members to get involved in personal employment matters. If that happens Members should refer the matters to the

Assistant Chief Executive or relevant Director of Service to be dealt with in line with the Authority's agreed management and representative procedures.

All Members have to act in the role of corporate employer and may be given specific employer roles on particular committees.

In the interests of being fair and open, and to protect the credibility of the joint agreements between the Authority and its Officers, it is essential that all matters relating to industrial relations are dealt with in line with the agreed framework. Also, confidential information should be respected and not disclosed to anyone not entitled to see it.

If Members consider Officers are not performing adequately, or have concerns about a particular Officer, it is not appropriate to criticise the individual Officer. The concerns should be raised with the Assistant Chief Executive/Director of Service. Not following the correct procedure could result in the Authority facing a claim of constructive dismissal from the Officer.

Similarly, Officers should avoid criticising Members. If Officers have problems arising from their contact with Members they should raise the issue with their Director of Service/Assistant Chief Executive who will endeavour to resolve the issue.

Officers also, if they consider that a Member has breached the Members' Code of Conduct, can make a complaint to the Standards Committee themselves.

3. Trades Unions and Professional Bodies

If a Member is a member of a trade union or professional body s/he must inform the Monitoring Officer, who will record this in the register of interests.

There are legal restrictions on Members who are members of a trade union that has Members who are employed by the Authority. These restrictions prevent that Member from being involved in negotiations on matters concerning industrial relations.

Members with a personal, trade union or professional interest should avoid being involved in relevant consultations or negotiations.

Part 8 Codes and Protocols

8.12 Protocol for Members with Special Responsibilities and Senior Officers

1. Introduction

It is a characteristic of high performing authorities that leading Members and Chief Officers work together with mutual respect and trust towards clear shared objectives. The most successful organisations are those that invest in maximising the effectiveness of the leadership team.

2. Leadership

Leadership in a local authority environment is particularly complex because there are, in effect, two top teams – leading Members and Chief Officers. Whilst the Constitution can clarify Member and Officer roles, it cannot address either the strategic or practical interface between leading Members and senior Officers. Getting this right is crucial to effective performance.

Leading Members, whilst remaining strategically focused, need be aware of the practical implications of decisions they take as they will be held politically accountable for anything that results. The day-to-day pressures and challenges from other councillors, local people and organisations are very often focused on the practical implications and outcomes of such decisions.

Chief Officers have to act as independent advisers, often advising in public, and they are liable to be called to account for the quality and viability of the advice they give. They are also responsible for the implementation of decisions. At the same time, they will be working alongside leading Members to help them develop, define and achieve their strategic aims.

There are also various individual interfaces between Cabinet Members and Chief Officers. The relationship between the Elected Mayor and the Chief Executive is particularly important, as it is likely to set the style, tone and parameters for the relationships between the teams generally.

Effective working between individuals and groups of people does not just happen, it has to be worked at and developed.

Commitment to common goals can override sectional interests and differences in style when things are going well, but the tensions tend to surface under pressure. The development of good corporate behaviour will help in those situations.

Traditional styles of leadership and management are too slow and unresponsive to be effective in a successful organisation. Decisions, and the actions that flow from them, need to be timely and well informed. This requires devolution and delegation of responsibility and accountability. Capacity and a learning approach have to be built into the Authority so that it is ready to take advantage of

opportunities and deal with challenges as they arise. The Authority will do this through its performance management framework.

However, so far as the councillors with special responsibilities and senior Officers are concerned, the Authority expects and will achieve:

- a) individual Chief Officers taking up development opportunities to maximise individual effectiveness;
- b) individual leading Members taking up developmental opportunities to maximise individual effectiveness; and
- c) a regular review of the delivery and outcomes of the Authority's investment in these activities.

3. Roles and Responsibilities

Some Members are appointed by the Elected Mayor or the Authority to positions of special responsibility (e.g. Cabinet Members, chairs of statutory or regulatory committees, chair of a scrutiny committee).

In these roles, they have particular responsibilities to the Authority and the community. They will be expected to:

- a) provide effective strategic leadership to the Authority;
- b) ensure that the Authority successfully discharges its overall responsibilities for the activities of the organisation as a whole;
- c) individually provide strategic leadership in the functions for which they have been given special responsibility; and
- d) ensure that the development, decision making and delivery of particular policies and functions comply with the vision and values of the North Tyneside Council Plan.

Additionally, the Elected Mayor and Cabinet determine Authority policy, unless it is a matter to be decided by full Council.

Chief Officers have, in broad terms, the following main roles:

- a) Managing and implementing the services for which the Authority has given them responsibility, taking responsibility for the efficiency and effectiveness of those services and for proper professional practice in discharging those responsibilities.
- b) Initiating policy proposals for the consideration of Members as well as implementing agreed policy.
- c) Professional advisers to the Authority.

- d) Ensuring that the Authority always acts in a lawful manner.

Further, Chief Officers have delegated powers to make decisions and to implement decisions of Council, Cabinet and committees.

4. Working Relationships

It is important that there should be a close working relationship between Cabinet Members, committee chairs and Chief or other senior Officers of any service which report to Cabinet or to a committee.

The precise nature of those working relationships will undoubtedly be coloured by personality; however, they should always be guided by:

- a) the requirement for mutual respect;
- b) an understanding of each other's roles and responsibilities;
- c) the need to build a healthy day-to-day working relationship; and
- d) an expectation of openness in discussion so that there is a proper understanding of the issues under consideration, there are no surprises, and a shared understanding of priorities and deadlines.

However, such relationships should never be so close, as to bring into question the Officer's ability to deal impartially with other Members or political groups, or with others.

It is inappropriate for a Member to have special responsibilities in an area of activity where s/he has a close personal relationship with a senior Officer in the same area of activity.

It is important for portfolio-holders and senior Officers to avoid any conduct that could be construed as bullying or harassment.

If any problem between a portfolio-holder and senior Officer cannot be resolved by discussion and agreement, it should be referred to the Chief Executive and the Elected Mayor for resolution.

5. Performance and Conduct

Chief Officers are responsible for Officers within their particular services. Cabinet Members should report any concerns about the conduct or performance of Officers to the Chief Executive.

Similarly, if a Cabinet Member is concerned about the performance or conduct of a Chief Officer, s/he should raise the matter with the Chief Executive.

The Cabinet has a responsibility to monitor the performance against the Authority's performance plan. In this respect the North Tyneside Council Plan and Service

Business Plans determine the goals and targets for the Senior Management Team and their services' performance against the plans is reported to Cabinet.

6. Agendas and reports

The Elected Mayor, Cabinet Members and other chairs will be consulted about the agenda for meetings of Cabinet and committees and the contents of reports before they are finalised. A Chief Officer will be responsible for the contents of any report submitted in his/her name.

Long-term agenda planning, particularly in relation to significant policy matters should be jointly discussed.

A committee chair can require or approve the inclusion of an item on a committee agenda. However, the issues should normally have been subject to advance consultation with the Chief Officer.

Relevant professional advice should be taken in the preparation of reports. Members must recognise that senior Officers will be under an obligation to offer such advice on the report at the meeting as they feel appropriate and necessary.

7. Access to Staff

Officers are responsible to Chief Officers. They should always seek to assist a Cabinet Member. Officers must take care not to go beyond the bounds of whatever authority they may have been given by their Chief Officer.

All Members can use the Members Enquiries system to help them have appropriate access and direct responses to issues of concern. The Assistant Chief Executive/Directors of Service should also make sure there is sufficient Officer support to Cabinet Members working with a particular service area to assist them in their roles. It is appropriate for councillors to approach the Assistant Chief Executive/Directors of Service if they are experiencing problems/concerns with the identified Officers.

Good close working relationships require mutual respect, common sense and flexibility. In this context, it is usually best to make prior arrangements for meetings between Cabinet Members and Officers.

8. Access to Premises

Cabinet Members should generally have access to premises within the remit of their portfolio (subject to health and safety procedures relevant to any specific building).

However, access to individual offices or premises (i.e. beyond that to which there is normally public access) should be by appointment.

Access to premises should be limited to normal working hours unless it is for an agreed appointment outside those hours.

9. Access to Information

The position as to Member access to information is set out in the Protocol on Access to Information. Basically, all Members have a right to information that they need to carry out their role, so long as it is available or can be produced without unreasonable difficulty.

Cabinet Members, by virtue of their office, may have a right in particular circumstances to information beyond that which another Member may ordinarily be entitled to receive.

Officers will usually be prepared to provide information to individual Members on a confidential basis; however, this cannot be done where there is an over-riding Authority interest (for example, protecting the Authority's legal or financial position).

Information received confidentially by a Member in one capacity (e.g. as a Cabinet Member) cannot be used in a different capacity (for example, to pursue a ward interest). Councillors must not disclose confidential information to a person not entitled to receive it.

A proper, working relationship between a Cabinet Member and a Chief Officer is likely to be built on openness in information. Care must be taken by both parties to ensure that information received in confidence is not improperly disclosed.

10. Differences of View

There will be occasions when, having properly considered all the issues relating to a particular matter, a Cabinet Member and a Chief Officer will disagree about the approach to or action to be taken on the issue.

Having a difference of view, or a disagreement about appropriate action to achieve the Authority's ambitions, is not unhealthy.

The important things to remember are:

- a) respect the different roles and responsibilities of Cabinet Members and Chief Officer;
- b) take time to understand why there is a difference – a period of reflection may produce agreement - but do not overly delay reaching a decision about action;
- c) if appropriate, seek advice or comments (formally or informally) from colleagues;
- d) do not allow the disagreement to become personal; and
- e) wherever possible, jointly plan what you are going to say and do about the difference when it is presented to others for resolution.

Part 8 Codes and Protocols

8.13 Protocol for Members of the Public Wishing to Report on Meetings of North Tyneside Council

North Tyneside Council is committed to the principles of openness and transparency in the way it conducts its meetings.

Members of the public are entitled to report on meetings of Council, Committees and Cabinet, except in circumstances where the public have been excluded as permitted by law.

Reporting means:-

- filming, photographing or making an audio recording of the proceedings of the meeting;
- using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later if the person is not present.

Anyone present at a meeting as it takes place, is not permitted to carry out an oral commentary or report. This is to prevent the business of the meeting being disrupted.

The following will be displayed inside the Chamber/meeting room:

“Please note: this meeting may be filmed or an audio recording made for live or subsequent broadcast by either the Authority or members of the public/press in attendance.

Generally the public seating areas are not to be filmed/recorded. However, by entering the meeting room and using the public seating area, you are consenting to you being filmed or your voice recorded and to the possible use of those images and sound recordings for live or subsequent broadcast.

If you have any enquiries regarding this please contact the representative of the Head of Law present at the meeting prior to the start of the meeting.”

Anyone wishing to attend and report on a meeting is asked to notify Democratic Services (email democraticsupport@northtyneside.gov.uk). This is to enable the Authority’s Officers to guide anyone choosing to report on proceedings to an appropriate place from which to be able to report effectively.

Members of the public/press are asked to remain seated throughout the meeting as standing up and walking around could distract from the business in hand.

If, during the proceedings, the Chair of the meeting considers that filming or recording has become inappropriate, such use must stop. If such use continues, the Chair has the discretion to exercise the provisions of the Authority's Constitution relating to disturbance by the public.

In order to avoid accidents, the Authority regrets that it is unable to facilitate members of the public/press using electric plug sockets in meetings for their equipment.

In addition, all equipment must be turned to silent mode for the duration of the proceedings.

The Authority takes no responsibility for any recording made by a third party or its subsequent use.

Part 8 Codes and Protocols

8.14 Protocol on Use of Social Media by Members

1. Introduction
 - 1.1 Social media is a collective term used to describe easy ways to create and publish on the internet. The term is generally used to describe how organisations and individuals share content – text, video and pictures – and create conversations on the web.
 - 1.2 Social media has grown substantially over recent years as a means of communicating and sharing information. Popular sites include [Twitter](#), [Facebook](#), [Pinterest](#), [Blogger](#), [Wordpress](#) and [YouTube](#) – more information about such sites, and some helpful tips for running them, can be found on the Authority’s intranet.
 - 1.3 It is important to remember that social media is ‘social’; it is about communication. Training on the use of Social Media is available via the Learning Pool for Members and this explains what social media is¹³.

2. Maintaining good ‘netiquette’

- 2.1 Councillors, just like anyone else, should take due regard of internet security and to ensure that communications remain proper and appropriate the following practical points may assist:

- Make the commenting policy clear

A Member will need to take note of the comments that other people make on their site. This may be a fine line to tread, if offensive or disrespectful comments are allowed to stand then it can put off other members of the community, and the Members may be called to account under the Code of Conduct for Members in relation to the comments made. For blogs, the easiest way to handle this is to moderate comments and to state clearly that it is moderated and reasons why comments may be rejected. For Facebook or other social networks, including multi-media sites like YouTube and Flickr where people can post public or semi-public messages to a Member’s profile, the Member will need to regularly check messages or disable message posting.

- Allow disagreement

Some comments made may not accord with a Member’s views, but deleting the comments of people who disagree with the Member’s views may result in a lack of trust in the Member’s site.

¹³ Please click on this link to the Learning Pool:
<http://northtyneside.learningpool.com/course/view.php?id=635>

- Think before publishing

Words cannot be unspoken and even if comments are deleted following a hastily fired off blog post or tweet, it will probably have already been read and will be referenced or duplicated in places on the web beyond the Member's reach.

- "Following" and "friending"

Some of the terminology in social media, like 'following' or 'friending' can imply an intimacy that is not really there. Both terms just mean the Member has linked their account to someone else so information can be shared. Experienced internet users are used to this, but some members of the public may feel uneasy when their Councillor begins following them on Twitter before establishing some sort of online relationship. Some Members wait to be followed themselves first.

Members may wish to make use of other communication functions that social media allows. Twitter's 'list' function, for example, can help to follow local people in a less direct way. Bloggers are, however, almost invariably happy to be linked to.

Members need to think carefully about who to be 'friends' with or accept 'friend' requests from. Requesting or accepting, for example, an officer of the Authority as a 'friend' on a social network site must not compromise the professional and impartial relationship between officers and elected members. Generally this should be avoided.

- If you make a mistake:

Social media is transparent, the best bloggers admit mistakes rather than try to cover them up (which is not possible online). Amending text and acknowledging mistakes – perhaps by putting a line through the offending words and inserting a correction, or providing an update section at the bottom of a blog post - shows the public that a Member is not pretending it never happened.

- Avoid the difficult users

Over time Members may come across argumentative individuals through their use of Social Media. Members should be aware that they do not have to respond to all comments or posts.

3. Legal Considerations

In the main, Members have the same legal duties online as anyone else (see below), but failures to comply with the law may have more serious consequences. There are some additional duties around using a Member's website for electoral campaigning and extra care needs to be taken when writing on planning, licensing and other quasi-judicial matters.

a) Libel

If a Member publishes an untrue statement about a person which is damaging to their reputation they may be subject to a libel action. This will also apply if a Member allows someone else to publish libellous comments on their website if they know about it and do not take prompt action to remove it. A successful libel claim will result in an award of damages against the Member.

b) Copyright

Placing images or text on a Member's site from a copyrighted source (for example extracts from publications or photos) without permission is likely to breach copyright. Members must either avoid publishing anything they are unsure about, or seek permission in advance. Breach of copyright may result in an award of damages against the Member.

c) Data Protection

Avoid publishing the personal data of individuals unless the Member has their express, written permission.

d) Bias and pre-determination

If a Member is involved in determining planning or licensing applications or other quasi-judicial decisions, they must avoid publishing anything that might suggest they do not have an open mind about a matter they may be involved in determining. If not, the decision runs the risk of being invalidated.

e) Obscene material

A Member should avoid publishing anything that people would consider obscene. Publication of obscene material is a criminal offence.

f) Bullying and Discriminatory comments

Behaving in a discriminatory, bullying or harassing way towards any individual including making offensive or derogatory comments relating to sex, gender reassignment, race (including nationality), disability, sexual orientation, religion or belief or age via social media by posting images or links or comments could, in certain circumstances, result in criminal sanction.

g) Electoral periods

The Electoral Commission requires that candidates provide a return of expenditure on any form of advertising or campaign literature and

that includes web advertising. And there are additional requirements, such as imprint standards for materials which can be downloaded from a website. Full guidance for candidates can be found at www.electoralcommission.org.uk.

While the above list is not exhaustive it does highlight some of the more obvious issues. If you are in any doubt, speak to Chief Executive and Monitoring Officer. Almost all of these pitfalls can be avoided if your online content is objective, balanced, informative and accurate.

4. The Members' Code of Conduct

It is worth pointing out that Members can have 'blurred identities' when they have a social media account where they comment both as a Member and as a private individual.

For example, a Member may have a Facebook account where they have posted about a great night out (in their personal/private capacity) and another time explained the Authority's position on pothole repair (in their Councillor capacity). It may be clear in the Member's mind when the Member has posted in a private capacity or as a councillor, however, it could be less clear to others.

Such blurred identities might, for example, have implications where the Member's views are taken as those of the Authority or political party, rather than the Member's personal opinion.¹⁴

How a Member uses their online identity will also determine how online content will be treated in respect of the Members' Code of Conduct. Members are expected to communicate politically. As explained above there is a difference between communicating on behalf of the Authority, for example blogging as an elected Mayor/Member or as a private citizen, and the former will be held to a higher standard than the latter.

The key to whether a Member's online activity is subject to the Code of Conduct for Members is whether they are acting as a councillor.

Aspects of the Members' Code of Conduct will apply to a Member's online activity in the same way it does to other written or verbal communication. Members should comply with the general principles of the Code in what they publish and what they allow others to publish.

Members will need to be particularly aware of the following sections of the Code:

¹⁴ Using multiple social media accounts may assist in clarifying identities with one account used in a personal/private capacity and another account used in connection with a Members political activities and their role as a Councillor. However care would be necessary to ensure that the distinction between the personal/private account and the political/councillor account was clear in the descriptions used and more importantly in how the accounts were operated.

- Treating others with respect. Avoid personal attacks and any disrespectful, rude or offensive comments.
- Refraining from publishing anything you have received in confidence.
- Ensuring you do not bring the Authority, or your role as a Member, into disrepute.

Further information in relation to this guidance is available from the Chief Executive and Monitoring Officer.

Part 9 Members' Allowance Scheme

A Members' Allowances

1. Introduction

The Local Authorities (Members' Allowances) Amendment Regulations, came into effect from 1 April 1995, and it is under these Regulations together with further Regulations introduced in 1995, 1996, 1997, 1999, 2000 and 2003 that the Council's Scheme of Members' Allowances has been introduced.

North Tyneside Council, in exercise of the powers conferred by the Local Authorities (Members Allowances) Amendment Regulations 2003 hereby makes the following scheme of Members' Allowances. This scheme may be cited as the North Tyneside Council Members' Allowances Scheme and shall have effect from 1 April 2021 and subsequent years or until such time as the scheme is reviewed/changed. Further in exercise of the powers conferred by the Local Authorities (Elected Mayor and Mayor's Assistant) (England) Regulations, 2002 the Council makes the following Scheme of Allowances for the elected Mayor.

2. Basic Allowance

This scheme provides for the payment of a Basic Allowance to each member of North Tyneside Council (hereinafter referred to as 'the Authority') who is a Councillor.

The level of Basic Allowance for 1 April 2022 will be £10,829 per annum and will be paid to each member of the Authority on a monthly basis, there is no need for a claim to be submitted.

Where the term of office of a Council begins or ends otherwise than at the beginning or end of a year, then the entitlement to Basic Allowance will be calculated pro rata to the number of days in office during that year.

This allowance is paid equally to all members of the Council and is deemed to cover a range of incidental expenses incurred by Councillors (e.g. Stationery, Postage, Telephone Calls, Additional Home Heating/Lighting) as well as recognising the unpaid hours spent on ward matters etc.

3. Special Responsibility Allowance

This scheme provides for the payment of Special Responsibility Allowance to those members of the Authority shown below who are Councillors carrying special responsibilities in relation to the Authority.

This scheme also provides for payment of a Special Responsibility Allowance to the Leaders of the Political Groups.

Where a member does not carry special responsibilities for the full year period (i.e. the Municipal Year) then the payment of Special Responsibility Allowance will be calculated pro rata to the numbers of days in the year that special responsibilities were carried.

Special Responsibility Allowance will be paid automatically on a monthly basis – there is no need for a claim to be submitted.

No Member will receive more than one Special Responsibility Allowance.

The following are considered to carry out special responsibilities on behalf of the Authority and as such are to be paid a Special Responsibility Allowance under the Local Authorities (Members' Allowances) (England) 2003 and the Local Authorities (Elected Mayor and Mayor's Assistant) (England) Regulations 2002.

Position	Annual Allowance £
Elected Mayor	68,499
Deputy Mayor	7,537
Cabinet Members	3,332
Chair of Overview, Scrutiny and Policy Development Committee, Planning Committee, Standards Committee and Health and Wellbeing Board	3,332
Deputy Chair of Overview, Scrutiny and Policy Development Committee, Planning Committee, Standards Committee and Health and Wellbeing Board	2,330
All other Committee Chairs	2,330
Deputy Chair of all other Committees	1,635
Leaders of Groups*	3,332
Chair of Council	12,213
Deputy Chair of Council	4,434
Basic Allowance	10,829

*On condition that their group has a minimum of 10% of the total number of Councillors (i.e. 6 at present).

4. Uprating of Allowances

The amount of Basic and Special Responsibility Allowance 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.

5. Election to Forego

A Member may, by notice in writing to the Council, elect to forego any part of his/her entitlement to an allowance under this scheme.

6. Elected Mayor

This scheme provides for the payment of an allowance to the Elected Mayor.

The level of allowance will be £68,499 per annum and will be paid on a monthly basis.

Where the term of the Elected Mayor begins or ends otherwise than at the beginning or end of a year, then the entitlement to any allowance will be calculated pro rata to the number of days in office during that year.

7. Attendance Allowance

Although Attendance Allowance no longer forms part of the Council's Scheme of Members' Allowances, some bodies to whom the Council appoints representatives still retain Attendance Allowance as part of their own Schemes. Members who carry out approved duties on behalf of the bodies shown below should continue to claim Attendance Allowance in the usual way and claim forms will be held for processing with the monthly Basic Allowance payment:

Association of North East Councils
Northern & North Eastern Provisional Employer's Organisation

8. Income Tax

Each of the above allowances are classed as earnings by HM Revenue and Customs (HMRC) and are liable to deduction of Income Tax. The appropriate deduction of tax is made at source and earnings are reported to HMRC at the end of each Tax Year.

9. National Insurance Contributions

Each of the above allowances are also liable to deductions of National Insurance Contributions. Again, these are deducted at source and reported to the HMRC at the end of each tax year.

10. Allowances to Co-opted/Independent Members

This Scheme provides for the payment of allowances to co-opted and independent members as follows:

Position	Annual Allowance £
Independent Chair Audit Committee (one third of allowance of Chair of a major committee)	1,111
Independent Deputy Chair Audit Committee (one third of allowance of Deputy Chair of a major committee)	777
Co-opted Members Scrutiny Committees (10% of Members' Basic Allowance)	1,083
Independent Persons (Standards Committee)	1,061
Independent Remuneration Panel Members	500

11. Dependent Carers Allowance

Dependent Carers Allowance is available, whilst undertaking approved duties, at the equivalent to an hourly rate of the North Tyneside Living Wage (over 25 years) or the statutory minimum wage (below 25 years), for Members who have childcare or other care commitments. To reclaim the money back from the Council you will be required to complete your expenses claim form, attach a receipt, where possible and submit to Financial Processing on a monthly basis so that reimbursement can be provided. See Appendix 3 for further details.

12. Parental Leave Policy

The Council has adopted a parental leave policy as set out in Appendix 4.

B Members' Expenses

Expenses fall under three main types, Travel, Subsistence and Other Expenses.

1. Travel Expenses

Rail, Air and Boat Fares

Tickets for the above must at all times be ordered in advance from the Information Governance team at Quadrant. Tickets can, in urgent cases, normally be obtained within 4 hours. Wherever possible, standard class rail tickets, with pre-booked seats, will be purchased through 'special offers' where appropriate.

In an extreme emergency, Members may purchase their own standard travel tickets but the cost will only be reimbursed if the spent/used ticket stubs are submitted with the official expenses claim form.

Car Mileage

Car mileage may be claimed for attending approved duties as set out in Appendix 2 to this Scheme and claims must be submitted on the official expenses claim form.

The mileage is shown on the Schedule of Allowances/Expenses.

Miscellaneous Travel Expenses

These include bus and metro fares, car parking fees, Tyne Tunnel fees, taxi fares etc., and can be claimed for on the official expenses claim form.

Receipts or used tickets must be submitted.

For further details on how to claim travel expenses please refer to Section C - general points.

Income Tax and National Insurance Contributions

Although the Authority has been successful in obtaining a dispensation from HMRC in respect of travel expenses where no liability for either Income Tax or National Insurance Contributions arises on the payment of such expenses this does not cover expenses incurred in relation to journeys to and from Quadrant. Such expenses are deemed ordinary commuting and are liable to statutory deductions.

2. Subsistence Expenses

Current rates are shown on the enclosed schedule of Allowances/Expenses, as set out in Appendix 1.

Day Subsistence

This may be claimed when carrying out approved Authority duties for any period of up to 24 hours. The range of allowances available are as follows:

Allowance	Eligibility Criteria
Breakfast - £4.92	Must be absent from normal place of residence for more than 4 hours before 11.00 a.m.
Lunch - £6.77	Must be absent from normal place of residence for more than 4 hours including the lunchtime period between 12.00 noon and 2.00 p.m.
Tea - £2.67	Must be absent from normal place of residence for more than 4 hours including the period 3.00 p.m. to 6.00 p.m.
or	
Evening Meal - £8.38	Must be absent from normal place of residence for more than 4 hours ending after 7.00 p.m.

It is important to remember that subsistence rates are maximum amounts and claims for such expenses should total the amount actually incurred or the maximum amount whichever is the lesser amount. Receipts must be submitted.

Overnight Subsistence

Members who carry out approved Authority duties which last for more than 24 hours and/or include an overnight stay, must adhere to the Authority's arrangements for Conference attendance.

Accommodation will be arranged by the Information Governance team at selected hotels from the Hotel Accommodation Government Rate Scheme, this will be paid in advance by the Information Governance team.

On those occasions when accommodation cannot be pre-booked via the Hotel Accommodation Government Rate Scheme, the Information Governance team will find alternative accommodation.

Members must submit the official hotel invoice and an official claim form with the receipts to account for any additional expenses incurred to the Information Governance team.

Subsistence expenses in respect of meals taken will be reimbursed up to the maximum amounts specified for “Day Subsistence” and must be claimed on the official claim form and handed to the Information Governance team.

It is important to remember that subsistence rates are maximum amounts and claims for such expenses should total the amount actually incurred or the maximum amount whichever is the lesser amount. Members must submit receipts for all expenses to the Information Governance team.

On those occasions where a Member opts to stay with a relative or friend (as opposed to a hotel or guest house etc.) when carrying out official business which involves an overnight stay, a maximum amount of £30 can be claimed towards subsistence costs. Such subsistence is to be claimed in lieu of the normal evening meal and bed/breakfast allowance.

Income Tax and National Insurance Contributions

The Authority has been successful in obtaining a Dispensation from HMRC in respect of the majority of subsistence expenses. Therefore, with the following exception (please see note on Day Subsistence below), no liability for either Income Tax or National Insurance Contributions arises on the payment of such expenses.

To maintain our tax dispensation, hotel bills must be submitted to the Information Governance team for overnight accommodation.

Current maximum rates of overnight subsistence are shown on the attached Schedule of Allowances and Expenses.

NB. Day Subsistence

Where day subsistence is claimed for carrying out approved duties at the normal place of work, then the amount is liable to Income Tax and National Insurance Contributions. “The Normal Place of Work” will usually be regarded as Quadrant, or some other venue where business normally takes place e.g. the normal meeting place of an Area Housing Forum. For further details on how to claim subsistence expenses please refer to Section C - General Points.

3. Personal Incidental Expenses

Members who carry out approved Authority duties which last for more than 24 hours and/or include an overnight stay, may claim for personal incidental expenses to cover personal telephone calls, newspapers, laundry service etc. Such expenses may be claimed on the official claim form and must not exceed:

£5 per period within the UK
£10 per period outside of the UK

The above rates will be allowed by HMRC as being tax-free. For further details on how to claim Personal Incidental Expenses please refer to Section C - General Points.

4. Meals Provided Free of Charge

Where a meal is provided free of charge or as part of a conference/seminar/business package, then subsistence expenses will be reduced accordingly, e.g. a lunch provided free of charge will result in the overall subsistence claim being reduced by the maximum lunch allowance prevailing at the time. Members must declare such meals on the claim form.

5. Meals on Trains/Aeroplanes/Boats etc.

Where it is necessary to take a meal on a train, aeroplane or boat, the full cost of the meal will be reimbursed provided that the receipt is submitted with the official claim form. Failure to do so will restrict reimbursement to the appropriate meal subsistence allowance.

6. Advances of Expenses

Where Members are required to travel away on business, an advance of expenses may be obtained by request to the Information Governance team, who will arrange for an appropriate advance. It is still necessary, however, to submit an official claim form to the Information Governance team for expenses actually incurred and upon receipt this will be processed, the advance recovered and any credit balance remaining will be forwarded to you.

7. Telephone Expenses

Members who are not on the Authority's Telephone System may claim the cost of telephone rental plus VAT element. To claim this expense, Members must pay their telephone account in full to their provider and then send the top portion of the account, with an expenses claim form, to Payroll Services, Business Support Service, for reimbursement. To conform with VAT Regulations, photocopies of telephone accounts are not acceptable.

Payment of this expense is fully liable to both Income Tax and National Insurance Contributions which will be deducted at source.

8. Mobile Telephones

Members who are issued with a mobile telephone are required to pay for the cost of any private telephone calls made plus VAT at the prevailing rate. The Information Governance team at Quadrant will provide full details regarding repayment.

In addition to this, the advice and guidance from the health and safety section on the use of mobile phones whilst driving is as follows. "No employee should use or answer a mobile phone whilst driving. The phones have messaging

and answer phone facilities. The officer will pull over as soon as it is safe to do so and park up, then they can access their phone. Unfortunately this means that there will be times when members don't get an immediate answer, as the safety of the employees on the road carrying out Authority business is paramount, this will have to be accepted by the members.”

C General Points

1. Claim Forms

Claims for travel, subsistence, expenses, incidental expenses (and/or attendance allowance as specified in Section A) must be made to the Information Governance team on the official form. A supply of forms can be obtained direct from the Information Governance team or an electronic form can be downloaded from the Councillors Intranet via the Quick Links section.

Completed claim forms should be submitted to the Employee Services Manager, (Courier Code D1) to reach the office by the 20th day of each month. Any claims received after this time may not be paid until the following month.

Payment will be made by BACS transfer direct to your bank account or alternatively by cheque if this proves not to be possible.

In accordance with the Authority's Financial Regulations claims for Members' travel and subsistence allowances must be submitted on a monthly basis. Where claims are for values of less than £20, these may be held by the Member and submitted at a future date when the aggregated claim exceeds this value. Claims in respect of a financial year must however be submitted within one month of the year end.

2. Income Tax Relief for Household Expenses

The Authority has arranged with HMRC for each Member of the Authority to receive Income Tax relief for 'Household Expenses' e.g. purchase of stationery, filing cabinet, use of a room as an office etc.

This Income Tax relief has been allowed under HMRC instruction SE7612 and is currently valued at £135 per annum. However, should any Member feel that his/her outgoings for such items are greater than this figure, then a personal claim would have to be made to the Inspector of Taxes.

Should any Member wish to make an individual claim, it is recommended that you complete the Expenses Claim Form and return it to Financial Processing where it will be checked and forwarded to HMRC.

3. Pensions for Councillors

Due to the Local Government Pensions Scheme Regulations, no Councillors are entitled to join the Scheme from 1 April 2014. Any Councillor contributing to the Scheme on 31 March 2014 can only continue to contribute for the remainder of their current term of office. Please use the link below to view the Scheme.

<http://www.twpf.info/article/13024/Councillor-Members>

4. Contact Personnel

All enquiries concerning allowances and expenses should be made to Financial and Employee Services, at Quadrant, tel: 0191 643 5511 e-mail sharon.cheetham@northtyneside.gov.uk

APPENDIX 1**Schedule of Members' Allowances and Expenses Rates for 2019/20**

Allowance Type	Detail	Maximum Amount Payable	
Basic Allowance	Annual Allowance	£10,358	
Motor Mileage Allowance	Motor Cycles	Pence per Mile 24.0	
	Motor Cars & Tri-Cars Under 8500 miles Over 8500 miles	451-999cc 46.9 13.7	
	Under 8500 miles Over 8500 miles	1000cc and over 52.2 14.4	
	Cycles	20.0	
Passenger Allowance	A supplement payable for each 'official passenger' carried to whom a travelling allowance would otherwise be payable: First Passenger Second and subsequent passengers (not exceeding 4 in total)	Pence per Mile 3.0 2.0	
Subsistence Allowance	Day Subsistence Breakfast Lunch Tea Evening Meal	£4.92 £6.77 £2.67 £8.38	
	Overnight Subsistence London (each 24hr period) Elsewhere (each 24hr period)	£91.00 £79.80	

APPENDIX 2**Approved duties for the purpose of the payment of Car Mileage and Subsistence claims**

1. The attendance at a meeting of the Authority or of any Committee or Sub-Committee of the Authority, or of any other body to which the Authority makes appointments or nominations, or of any Committee or Sub-Committee of such a body.
2. The attendance at any other meeting, the holding of which is authorised by the Authority, or a Committee or Sub-Committee of the Authority, or a Joint Committee of the Authority and at least one other local authority within the meaning of section 270(1) of the Local Government Act 1972, or a Sub-Committee of such a Joint Committee provided that:
 - (i) where the Authority is divided into two or more political groups it is a meeting to which members of at least two such groups have been invited, or
 - (ii) if the Authority is not so divided, it is a meeting to which at least two members of the Authority have been invited.
3. The attendance at a meeting of any association of authorities of which the Authority is a member.
4. The attendance at a meeting of the executive or a meeting of any of its Committees, where the Authority is operating executive arrangements.
5. The performance of any duty in connection with the discharge of any function of the Authority conferred by or under any enactment and empowering or requiring the Authority to inspect or authorise the inspection of premises.
6. The performance of any duty in connection with arrangements made by the Authority for the attendance of pupils at any school approved for the purposes of Section 342 of the Education Act 1996 (approval of non-maintained Special Schools).
7. The carrying out of any other duty approved by the Authority, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the Authority or of any of its Committees or Sub-committees (other than political meetings), including:
 - the attendance at a meeting of a Working Group or Panel of the Authority.
 - the attendance at site visits and inspections.
 - the attendance at ward surgeries.

- the attendance at meetings with tenants or community groups.
- the attendance at meetings with officers.
- the attendance at meetings as invited observers or attendees officially recognised as such in the official invitation list e.g. Citizenship Ceremonies, Civic Events, hospitality functions, exhibitions, open days or similar events.
- the attendance at meetings in some other formal representational capacity e.g. at the specific request of local residents to represent their views.
- the attendance at formal or informal briefings/presentations about matters related to the functions and work of the Authority.
- the attendance at training events for Members arranged as part of the Member Development programme.

APPENDIX 3**North Tyneside Council
Dependant Carers Allowance (Guidance Notes)**

The Carers' Allowance is to cover "expenses" necessarily incurred to secure the care of children or dependants when fulfilling duties as a Councillor. This means that expenditure has either been incurred or the Councillor is contractually bound to cover the cost.

The expenses that may be reimbursed/recovered must be "necessarily incurred" which means unavoidably incurred i.e. that there is no other option to incurring such expenditure.

The expenses that may be reimbursed/recovered are available in respect of "arranging for the care of Councillors' children or dependants". Dependants are those who depend on the Councillor for maintenance or other support and rely on the Member for care.

The allowance is only available for the care of children under the age of 16.

Confirmation is required to support the expense request that care for dependants is required, for example, from the dependant person's GP or other appropriate health professional or if relevant their social worker.

Payment will be made with a financial limit equating to the minimum wage.

Travel time is paid to and from the venue / location up to a maximum of 1 hour, each way and will be rounded to the nearest quarter.

Where care is provided and expenses reimbursed to a Member this does not transfer responsibility for a child or dependant to the Authority. For the purposes of clarity it is a Member's responsibility to source an appropriate carer for a child or dependant and the Authority does not accept any responsibility or liability in respect of the suitability or otherwise of such a carer.

Timescales for claims, provision of receipts, and appropriate declaration that the expenses have necessarily been incurred to enable specified approved duties to be fulfilled, should be submitted within the policy of the Authority's Financial Regulations, i.e. claims should be submitted monthly and within the financial year to which they relate. Claims for March will be accepted during April of the next financial year.

Payment of carer expenses necessarily incurred by the Councillor in circumstances where they would not otherwise be eligible under the Scheme may be granted in exceptional circumstances at the discretion of the Head of Law. Any request that the discretion is exercised must be made in writing to the Head of Law with supporting information.

NB: The allowance is not available for payment to members of the family. The Authority has already adopted a definition of a member of the family within the Authority's Code of Conduct. In the Code a member of a councillor's family means a councillor's partner (i.e. their spouse, civil partner

or anyone with whom they live in a similar capacity), the councillor's parent or parent in law, any child, step child or sibling of the councillor or their partner, the councillor's grandparent, grandchild, aunt, uncle, nephew or niece and the partners of any of those people.

APPENDIX 4**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 28 November 2019.

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.

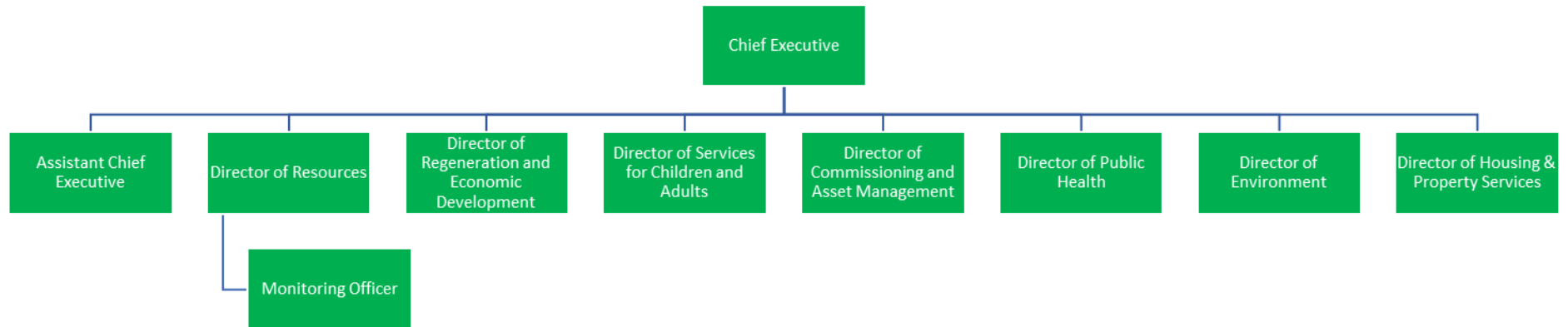
3.5 Unless the Member taking leave is removed from their post at an Annual Meeting of the Council whilst on leave, or unless the Party to which they belong loses control of the Council during their leave period, they shall return at the end of their leave period to the same post, or to an alternative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

Part 10 Management Structure



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