

# North Tyneside Council

## Report to Council

Date: 16 May 2024

### Title: Review of the Constitution

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

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#### PART 1

##### 1.1 Executive Summary:

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

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

##### 1.2 Recommendation(s):

It is recommended that Council:

- a) agrees the proposed changes to the Constitution, including the proposed changes to the Contract Standing Orders and the Officer Delegation Scheme as set out in **Appendix 1** to this report;
- b) agrees that in-year changes to the Constitution can be proposed to full Council for decision, following consideration by the Constitution Task Group, in addition to the annual review, and any changes to the

Constitution made at that time;

- c) agrees the proposed updated Financial Regulations, which have been developed following a continuous review of the Authority's Financial Regulations which has taken place during 2023/24;
- d) agrees to refer the approved changes to the Constitution, including Contract Standing Orders, Officer Delegation Scheme and Financial Regulations to the Elected Mayor for her consent to such changes in accordance with Article 16 of the Constitution, other than the change relating to Scrutiny Committees, which does not require this consent.

### **1.3 Forward Plan:**

Twenty eight days notice of this report has been given and it first appeared on the Forward Plan that was published on 12 April 2024.

### **1.4 Council Plan and Policy Framework**

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

### **1.5 Information:**

- 1.5.1 The Authority's Constitution is reviewed at least annually to ensure that this is kept up to date and reflects any required changes.
- 1.5.2 In accordance with established arrangements for review of the Constitution, any changes which are proposed to the Constitution and its associated documents are first considered by the Constitution Task Group. Any changes agreed by the Constitution Task Group following its review of such proposals are then submitted to a meeting of full Council for formal approval.
- 1.5.3 The proposed amendments to the Constitution and its associated documents are summarised in **Appendix 1** to this report. These amendments reflect legal requirements with which the Authority must comply, or good practice which has been identified / recommended to the Authority. Proposed amendments include establishing a maximum term of office for co-opted members on the Authority's Audit Committee; introducing electronic voting in Council meetings at the discretion of the Chair; and the inclusion of a list of 'Proper Officers' in future versions of the Constitution, so that there is clarity with regard to which

Proper Officer discharges which functions in accordance with local government legislation. As stated, as part of the review of the Constitution, and associated documents have also been reviewed including the Financial Regulations. Under the Authority's Officer Delegation Scheme, the Director of Resources (as Chief Finance Officer) is authorised to undertake a continuous review of the Financial Regulations which are an important governance document. The proposed changes to the Regulations reflect the current ways of working and practice within the Authority.

- 1.5.4 The proposed amendments to the Officer Delegation Scheme include changes which have been made to the Authority's staffing structure during 2023/24; provide clarification relating to the requirements of various aspects of legislation; and bring the administration of write off procedures up to date.
- 1.5.5 Having considered proposals for amendments to the Constitution and associated documents as part of this latest review, the Constitution Task Group has approved those changes summarised in **Appendix 1** to this report; and agreed that these proposed changes should progress to full Council for a decision in accordance with the recommendations set out in 1.2 above.
- 1.5.6 The Constitution and associated documents will continue to be kept under review and updated to reflect any changes in the organisational structure of the Authority, and any legislative or governance changes which may occur over time; and proposed to Constitution Task Group before decision by full Council in the usual way. During 2024/25, the Head of Governance will arrange in-year meetings of the Constitution Task Group as necessary, to ensure that the Constitution and associated documents can be updated in a timely way.
- 1.5.7 In addition, to the work that the Head of Governance will undertake as referred to above, the Head of Law, as Monitoring Officer, is also required to monitor and review the Constitution.

## 1.6 Decision options:

The following decision options are available for consideration by Council:

- Option 1 – Accept all of the recommendations and proposals
- Option 2 – Make amendments to the recommendations; or
- Option 3 – Reject some or all of the recommendations

Option 1 is the recommended option.

## **1.7 Reasons for recommended option:**

Option 1 is recommended for the following reasons:

- 1.7.1 The proposals presented to Council have been considered in detail by the Constitution Task Group, which is the Authority's consultative body for any changes to the Constitution and its associated documents.

## **1.8 Appendices:**

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

## **1.9 Contact officers:**

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

David Mason, Head of Finance – tel. (0191) 643 3293

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

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

## **1.10 Background information:**

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

Papers considered by Constitution Task Group as part of the 2023/24 review process

## **PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING**

### **2.1 Finance and other resources**

There are no direct financial implications arising from the proposed changes set out in **Appendix 1**.

### **2.2 Legal**

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

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

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

### **2.3 Consultation/community engagement**

#### **2.3.1 Internal Consultation**

The review of the Constitution and associated documents was published on the Forward Plan in April 2024. Proposals for change were received from service areas throughout the Authority and also from some elected members, which were then considered in full by the Constitution Task Group.

#### **2.3.2 External Consultation/Engagement**

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

### **2.4 Human rights**

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

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

## **2.5 Equalities and diversity**

Copies of the Constitution documents in alternative formats and languages can be made available upon request.

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

## **2.6 Risk management**

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

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

## **2.7 Crime and disorder**

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

## **2.8 Environment and sustainability**

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

Officers and Members are encouraged to access the revised documents electronically to minimise the number of paper copies produced.

### PART 3 – SIGN OFF

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