

## PROPOSED AMENDMENTS TO THE CONSTITUTION

Page	Previous Wording	Amended Wording	Reason
9	<p><b>Article 1 – The Constitution</b></p> <p><b>1.02 Purpose of the Constitution</b></p> <p>The constitution provides the framework and democratic processes needed to realise the Council's vision and deliver the Council Plan outcomes for Gateshead.</p>	<p><b>Article 1 – The Constitution</b></p> <p><b>1.02 Purpose of the Constitution</b></p> <p>The constitution provides the framework and democratic processes needed to realise the Council's vision and deliver Making Gateshead a Place Where Everyone Thrives.</p>	To refer to the Thrive Agenda.
14	<p><b>Article 4 – The Full Council</b></p> <p><b>4.01 Meanings</b></p> <p><b>(a) Policy Framework</b></p> <p>Council Plan</p>	<p><b>Article 4 – The Full Council</b></p> <p><b>4.02 Meanings</b></p> <p><b>(a) Policy Framework</b></p> <p>Making Gateshead a Place Where Everyone Thrives</p> <p><i>Also update references to other plans and strategies in the Policy Framework</i></p>	To reflect current plans and strategies
65	<p><b>Schedule 2 – Non Executive Functions – Delegations to Managers</b></p> <p><b>Part 1 Delegations to Individual Managers</b></p> <p><b>Service Director, Development, Transport and Public Protection</b></p> <p>7(a) Applications (other than those for the discharge of conditions, extensions of time, section 73 applications, applications relating to block improvements of housing market</p>	<p><b>Schedule 2 – Non Executive Functions – Delegations to Managers</b></p> <p><b>Part 1 Delegations to Individual Managers</b></p> <p><b>Service Director, Development, Transport and Public Protection</b></p> <p>7(a) Applications (other than those for the discharge of conditions; extensions of time; section 73 applications; applications relating to block improvements of housing schemes; or replacement of new industrial development (use</p>	Some small changes to clarify the wording and to make it clear that the exceptions are a list.

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66	<p>renewal schemes or replacement of new industrial development (use class B1, B2 or B8)) in the Team Valley for major development as defined as:</p> <p>7(h) Applications where five or more relevant and material planning objections have been lodged in writing, or a member of the Council, Member of Parliament for the Borough, Member of the European Parliament for the Borough or a parish council within the Borough has objected to it or asked that it be determined by the Planning and Development giving material planning reasons for doing so.</p>	<p>class B1, B2 or B8) in the Team Valley) for major development as defined as:</p> <p>7(h) Applications where representations containing relevant and material planning reasons from five or more separate persons (which shall include petitions signed by of five or more separate persons) have been lodged in writing (representations, whether by letter or petition, by persons living as part of a single household will be considered to be one representation).</p> <p>7(i) Applications where a member of the Council, Member of Parliament for the Borough, Member of the European Parliament for the Borough or a parish council within the Borough has objected to it or asked that it be determined by the Planning and Development Committee giving material planning reasons for doing so, in writing, in accordance with the Development Management Protocol on Good Practice (pages 184-203 of the constitution).</p>	<p>To separate the delegation into 2 delegations for the avoidance of doubt/challenge. Also for 'audit' purposes and to give some robustness to the requirement for there to be material planning reasons given.</p>
66	<p>7(i) Applications where speaking rights have been requested and where there are five or more relevant and material objections lodged in writing in accordance with the scheme for speaking at Planning and Development Committee.</p>	<p>Delete delegation.</p>	<p>Delegation no longer required as it would already be a Committee decision if there are five or more relevant and material objections. The request to speak is irrelevant as the Committee trigger is already met.</p>

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	<b>2. Strategic Director, Corporate Services and Governance</b>	<b>2. Strategic Director, Corporate Services and Governance</b>	
71	(5) To make arrangements for the appointment of any employee, who is registered on the Council's Redeployment Register, to any post within the Council.	(5) To make arrangements for the appointment of any employee, who is deemed to be a redeployee under the relevant Council policies and human resources framework, to any post within the Council.	There is no longer a redeployment register.
71	(8) To authorise payment of gratuities in accordance with the Durham County Council Scheme of April 1944.	Delete  <i>Renumber remaining delegations</i>	The scheme is no longer available.
71	(11) To approve applications for early release of deferred pension benefits.	(11) To approve applications for early release of deferred pension benefits for serving employees of the Council.	The Pensions and Pay Discretions Sub Committee deals with former employees, so the wording has been amended to provide clarity between current employees and deferred applications.
72	N/A	(23) To determine the level of payments for staff working on all elections and referenda.	To ensure a more efficient and effective process.
	<b>3. Strategic Director, Corporate Resources</b>	<b>3. Strategic Director, Corporate Resources</b>	
73	N/A	Insert the following after delegation (4): (5) To make any necessary adjustments during the financial year to correct any errors in the schedule of fees and charges.	Cabinet are asked to agree this delegation every year when it considers the annual fees

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73	N/A	<p><i>Renumber the remaining delegations.</i></p> <p>Insert the following after delegation 8.</p> <p>(9) To approve a charging or trading opportunity, in consultation with the Strategic Director, Corporate Services and Governance and the relevant Strategic Director from whose service the idea originates, where:</p> <ul style="list-style-type: none"> <li>• The type of service/goods/works is already provided internally to the council: or</li> <li>• The turnover is less than £100,000 (as determined in charging methodology).</li> </ul>	<p>and charges report. This will formalise the arrangement.</p> <p>To provide a more streamlined and consistent approach to trading.</p>
76	N/A	<p><b>General Delegations to Managers</b></p> <p>Insert the following after 3(g)</p> <p>(h) To agree consultation responses where there has been no referral to Cabinet and, where appropriate, to refer the response retrospectively to Cabinet for information.</p>	<p>To ensure that the Council responds to consultations in accordance with specified deadlines.</p>
	<p><b>Schedule 5 – Executive Functions Delegated to Managers</b></p> <p><b>Part 1 – Delegations to Individual Managers</b></p> <p><b>1. Strategic Director, Care, Wellbeing and Learning</b></p>	<p><b>Schedule 5 – Executive Functions Delegated to Managers</b></p> <p><b>Part 1 – Delegations to Individual Managers</b></p> <p><b>1. Strategic Director, Care, Wellbeing and Learning</b></p>	

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84	(1) To be the Council's delegated Director of Adult Services under the Children Act 2004.	(1) To be the Council's delegated Director of Adult Services under Section 6 of the Local Authority Social Services Act 1970.	To refer to the correct legislation.
86	N/A	<p>Insert the following after delegation (12):</p> <p>(13) To discharge the following functions under sections 390 and 392 of the Education Act 1996:</p> <p>(a) to constitute a Standing Advisory Council on Religious Education (a SACRE);</p> <p>(b) to appoint groups of persons as representative members on the SACRE; and</p> <p>(c) to remove SACRE members should they cease to be representative of the religion, denomination or associations which they were appointed to represent or they cease to be representative of the Local Authority.</p> <p><b>2.Strategic Director, Communities and Environment</b></p>	<p>These legislative responsibilities pre-date the first edition of the Council's Constitution and should have been incorporated at that time.</p>
87	(1) a. The sports clubs being approved by the Service Director, Culture, Communities and Volunteering; and	(1) a. The sports clubs being approved by the Service Director, Trading and Commercialisation; and	To reflect correct title.
87	(10) To approve individual applications for financial assistance from the Economic Growth Reserve, following consultation with the Leader of the Council, Strategic Director, Corporate Resources and Strategic Director, Corporate Services and Governance.	<p>Delete delegation</p> <p><i>Renumber remaining delegations</i></p>	To streamline the process.
88	N/A	Insert the following delegation after 13.	

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		(14) To deal with the nomination of assets for inclusion on the list of community value.	To formalise a two-stage process for consideration of listings. See delegation to Strategic Director, Communities and Environment below (original decision - Cabinet minute C177 2012/13)
	<b>Service Director, Development, Transport and Public Protection</b>	<b>Service Director, Development, Transport and Public Protection</b>	
91	(26) To authorise School Travel Plans following consultation with the Service Director, Children's Commissioning.	(26) To authorise School Travel Plans following consultation with the Service Director, Learning and Schools.	To reflect correct title.
	<b>3.Strategic Director, Corporate Resources</b>	<b>3.Strategic Director, Corporate Resources</b>	
93	(4) To effect insurance cover against risks in accordance with Council policy, and to negotiate claims.	(4) To effect insurance cover against risks in accordance with Council policy and, where liability has been determined in accordance with the Insurance Protocol (as agreed by the Strategic Director and the Strategic Director, Corporate Services and Governance), to agree settlement of insurance claims for which legal proceedings have not been issued, up to the value of £10,000.	To implement more efficient and effective arrangements for insurance and the settlement of claims against the Council.
	<b>4. Strategic Director, Corporate Services and Governance</b>	<b>4. Strategic Director, Corporate Services and Governance</b>	
94	(2) To settle any action in any court or tribunal in which the Council is a party, or where legal proceedings are to be	(2) To settle any action in any court or tribunal, or where the appropriate pre-action protocols have been engaged, in	To implement more efficient and effective arrangements for

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95	<p>commenced, up to £50,000, after consultation with the appropriate Strategic Director.</p> <p>(19) To acquire or dispose of land and/or property by sale, lease, licence or any other legal estate or interest, and to incur any necessary expenditure for those purposes [where any disposal represents best consideration] subject to prior consultation with:</p> <ul style="list-style-type: none"> <li>• the Leader and Deputy Leader of the Council;</li> <li>• any relevant portfolio holder;</li> <li>• any affected ward councillor; and</li> <li>• the Strategic Director, Corporate Resources.</li> </ul> <p>(20) To deal with applications for easements and way leaves affecting Council owned premises not materially affecting the use to which they are or might be put, where the full value of the consideration does not exceed £10,000.</p> <p>(21) To agree terms for the granting or acceptance of any tenancy not exceeding twenty five years, and any occupational licence other than any housing accommodation and garages used for domestic purposes, at a rent not exceeding £75,000 per annum exclusive of rates in each case.</p>	<p>which the Council is a party, up to a value of £100,000, following consultation with the appropriate Strategic Director.</p> <p>(19) Following consultation with the Strategic Director, Corporate Resources, to acquire or dispose of land and/or property by sale, lease, license, consent, or any other legal estate or interest and to incur any necessary expenditure for those purposes, subject to the exceptions specified below:</p> <p>(a) Acquisitions, disposals or other transactions in relation to interests in land which the Strategic Director, Corporate Services and Governance considers to have significant implications in respect of any ward and/or portfolio, in which case the Strategic Director, Corporate Services and Governance shall consult with the relevant portfolio holder and/or ward members before exercising the delegation at (19) above.</p> <p>(b) Acquisitions, disposals or other transactions in relation to interests in land in respect of which the price or premium exceeds £500,000 or, in the case of leases, the sum of the premium and the cumulative rent over the term of the lease exceeds £1,000,000.</p> <p>(c) Disposals of land for less than the best consideration that can reasonably be obtained pursuant to the Local Government Act 1972 general disposal consent (England) 2003 or any successor consent issued by the Secretary of State under sections 123(2), 127(2) and 128(1) of the Local Government Act 1972.</p>	<p>insurance and the settlement of claims against the Council.</p> <p>To implement more efficient and effective arrangements and to reflect current land values.</p>

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	<p>(22) To settle the amount of any claim for compensation not exceeding £3,000 properly payable, arising for the laying of sewers.</p> <p>(23) To agree the leasehold disposal of sites for electricity sub-stations, gas governor kiosks, telecommunications switching facilities and all other apparatus required by public utility companies where the capital value of the site does not exceed £5,000.</p> <p>(24) To accept offers for the acquisition, lease etc., of surplus property and to authorise such measures as are considered necessary to ensure the protection of property.</p> <p>(25) To settle the amount of any claim for compensation not exceeding £10,000 property payable in respect of depreciation to the value of the property as a result of the use of public works under the provisions of Part 1 of the Land Conservation Act 1973.</p> <p>(26) To negotiate and agree, in consultation with the Strategic Director, Corporate Resources, the rating assessment and valuation of all Council owned property.</p> <p>(27) To demolish a Council asset where a surplus declaration has been approved by</p>	<p>(d) Acquisitions, disposals or other transactions in relation to interests in land in respect of which the Strategic Director, Corporate Services and Governance considers it appropriate that a decision should be made by Cabinet.</p> <p>(20) To settle the amount of any claim for compensation payable to the Council under any statutory provisions relating to the use of land not exceeding £100,000 and including but not limited to compensation payable under the provisions of the Water Industry Act 1991.</p> <p>(21) To settle the amount of any claim for compensation payable by the Council under any statutory provisions relating to the use of land not exceeding £100,000 and including but not limited to compensation properly payable in respect of depreciation to the value of property as a result of public works under the provisions of Part 1 of the Land Compensation Act 1973.</p> <p>(22) To authorise such measures as are considered necessary to ensure the protection of surplus property.</p> <p>(23) To negotiate and agree, in consultation with the Strategic Director, Corporate Resources, the rating assessment and valuation of all Council owned property.</p> <p>(24) To authorise the demolition of a Council asset, where a surplus declaration has been approved by the Cabinet and where budgetary provision exists.</p> <p>(25) To manage the Council's non-operational property and carry out all functions including new lettings, sub-lettings,</p>	



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96	<p>the Cabinet and where budgetary provision exists.</p> <p>(28) To manage the Council's non-operational property and carry out functions that do not involve a new letting, sub-letting or lease renewal; to include all decisions relating to, rent reviews, assignments, landlord's consents, lease surrenders, terminations and other interests in land.</p> <p>(29) To approve all leases granted in accordance with agreed parameters, fees and charges and external funding conditions for space within Council business centres.</p> <p>N/A</p>	<p>lease renewals, rent reviews, assignments, landlord's consents, lease surrenders, terminations and other interests in land.</p> <p>Insert the following after delegation 25.</p> <p>(26) To deal with the review of a decision to include land on the list of assets of community value.</p>	<p>To formalise a two-stage process for consideration of listings. See delegation to Strategic Director, Corporate Services and Governance above.</p>
99	<p><b>Part 2 – General Delegations to Managers</b></p> <p><b>(2) Lands and Buildings</b></p> <p>A manger in consultation with the Service Director, Trading and Facilities Management:</p>	<p><b>Part 2 – General Delegations to Managers</b></p> <p><b>(2) Lands and Buildings</b></p> <p>A manger in consultation with the Service Director, Trading and Commercialisation may:</p>	<p>To reflect correct title.</p>

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117	<p><b>Access to Information Rules</b></p> <p><b>12.Application of Rules to the Cabinet</b></p> <p>12.1 Rules 13 – 24 apply to the Cabinet. If the Cabinet meets to take a key decision then it must also comply with Rules 1 – 11 unless Rule 15 (general exception) or Rule 16 (special urgency) applies.</p> <p>12.2 If the Cabinet meets to discuss a key decision to be taken collectively, with an employee other than a political assistant present, within 28 days of the date according to the schedule of decisions by which it is to be decided, then it must also comply with Rules 1 – 11 unless Rule 15 (general exception) or Rule 16 (special urgency) apply. This requirement does not include meetings who sole purpose is for officers to brief councillors.</p>	<p><b>Access to Information Rules</b></p> <p><b>12. Application of Rules to the Cabinet</b></p> <p>12.1 Rules 13 – 19 apply to the Cabinet. If the Cabinet meets to take a key decision then it must also comply with Rules 1 – 11 unless Rule 14.7 applies.</p> <p>12.2 If the Cabinet meets to discuss a key decision to be taken collectively, with an employee other than a political assistant present, within 28 days of the date according to the schedule of decisions by which it is to be decided, then it must also comply with Rules 1 – 11 unless Rule 14.7 applies. This requirement does not include meetings who sole purpose is for officers to brief councillors.</p>	To reflect current procedure.
141	<p><b>Overview and Scrutiny Rules</b></p> <p><b>12. Key decisions allegedly not in the schedule of decisions</b></p> <p>12.1 If an Overview and Scrutiny Committee believes that a key decision has been taken which was not:</p>	<p><b>Overview and Scrutiny Rules</b></p> <p><b>12. Key decisions allegedly not in the schedule of decisions</b></p> <p>12.1 If an Overview and Scrutiny Committee believes that a key decision has been taken which was not:</p> <ul style="list-style-type: none"> <li>• Included in the schedule of decisions, or</li> <li>• The subject of Access to Information Act Rule 14.7</li> </ul>	To reflect the current procedure.

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	<ul style="list-style-type: none"> <li>• Included in the schedule of decisions, or</li> <li>• The subject of the 'general exception' procedure (Rule 15, Access to Information Rules), or</li> <li>• The subject of the 'special urgency' procedure (Rule 16, Access to Information Rules)</li> </ul> <p>the Committee may require the Cabinet to submit a report to the Council on the matter.</p>	<p>the Committee may require the Cabinet to submit a report to the Council on the matter.</p>	
144	<p><b>Table 1 – Terms of Reference of Overview and Scrutiny Committees</b></p> <p><b>Corporate Resources Overview and Scrutiny Committee</b></p> <p>5. Matters relating to the Council's relationship with Gateshead Voluntary Organisations Council including the Gateshead Offer.</p>	<p><b>Table 1 – Terms of Reference of Overview and Scrutiny Committees</b></p> <p><b>Corporate Resources Overview and Scrutiny Committee</b></p> <p>Delete</p> <p><i>Renumber remaining terms of reference.</i></p>	<p>GVOC no longer exists and volunteering is covered elsewhere in the terms of reference.</p>
172	<p><b>Employee Recruitment Rules</b></p> <p><b>7. Dismissal of Chief Officers, Director of Public Health and Deputy Chief Officers</b></p> <p>Step 2 – the proper officer notifies every Cabinet member of:</p>	<p><b>Employee Recruitment Rules</b></p> <p><b>7. Dismissal of Chief Officers, Director of Public Health and Deputy Chief Officers</b></p> <p>Step 2 – the Service Director, Human Resources and Workforce Development notifies every Cabinet member of:</p>	<p>To reflect change of job title.</p>

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255	<b>Councillors' Allowance Scheme</b>  N/A	<b>Councillors' Allowance Scheme</b>  Update this section to reflect the current scheme in force from 1 April 2019.	To reflect current scheme.