

# Public Document Pack



All Members of the Council

My Ref: LCS-DLDS-DS-C-022  
Your Ref:

Contact Mike Aynsley  
Tel: 0191 4332128

Date: Wednesday, 15 May  
2019

## NOTICE OF COUNCIL MEETING

You are summoned to attend a meeting of Gateshead Metropolitan Borough Council to be held in the Council Chamber, Gateshead Civic Centre, at **2.30 pm** on **Thursday, 23 May 2019** to transact the following business:-

- 1 To confirm the Minutes of the meetings held 21 March 2019 and 17 May 2019** (Pages 3 - 28)
- 2 Official Announcements**  
*(announcements may be made by the Mayor, Leader of the Council or the Chief Executive)*
- 3 Petitions**  
*(to receive petitions submitted under Council Procedure Rule 10)*
- 4 Questions from Members of the Public**  
*(to consider any questions submitted under Council Procedure Rule 7)*
- 5 Provisional Work Programmes** (Pages 29 - 40)

## RECOMMENDATIONS FROM CABINET

- 6 Review of the Council's Constitution** (Pages 41 - 96)

**7 Highways Development Fees and Charges** (Pages 97 - 106)

**8 Report from the Cabinet** (Pages 107 - 112)

## **MOTIONS AND QUESTIONS**

**9 Notices of Motion** (Pages 113 - 116)

*(to consider the following notices of motion submitted in accordance with Council Procedure Rule 9.1)*

- Climate Change
- Energy Price Comparison Service

**10 Questions**

*(to deal with any questions submitted in accordance with Council Procedure Rule 8.1)*



**Sheena Ramsey**  
Chief Executive

## GATESHEAD METROPOLITAN BOROUGH COUNCIL

### COUNCIL MEETING

Thursday, 21 March 2019

**PRESENT:** Councillor J Green (Chair)

Councillor(s): J Adams, R Beadle, D Bradford, M Brain, C Buckley, D Burnett, M Charlton, B Clelland, P Craig, S Craig, C Davison, S Dickie, K Dodds, C Donovan, A Douglas, D Duggan, John Eagle, M Foy, P Foy, M Gannon, A Geddes, F Geddes, Gibson, B Goldsworthy, M Goldsworthy, M Graham, T Graham, L Green, S Green, G Haley, M Hall, S Hawkins, M Henry, M Hood, H Haran, H Kelly, L Kirton, J Lee, K McCartney, J McClurey, K McClurey, J McElroy, C McHugh, E McMaster, M McNestry, R Mullen, B Oliphant, C Ord, M Ord, R Oxberry, I Patterson, S Ronchetti, J Turnbull, J Wallace, N Weatherley and A Wheeler

**APOLOGIES:** Councillor(s): C Bradley, L Caffrey, W Dick, J Kielty, P Maughan, P McNally and K Wood

**CL85 TONY ALDER, ACTING STRATEGIC DIRECTOR, COMMUNITIES AND ENVIRONMENT**

The Leader advised Council that this was Tony Alder's last meeting before his retirement from the Council. The Leader thanked Tony for his support and advice to councillors and for his contribution to major Council projects.

COUNCIL RESOLVED - That it place on record its' appreciation of Tony Alder's excellent service and commitment to the work of the Council together with its best wishes for his future.

**CL86 TO CONFIRM THE MINUTES OF THE MEETING HELD 24 JANUARY 2019 AND 21 FEBRUARY 2019**

COUNCIL RESOLVED - That the minutes of the meetings held on 24 January and 21 February 2019 be approved as a correct record.

**CL87 OFFICIAL ANNOUNCEMENTS**

There were no official announcements.

**CL88 PRESENTATION BY TOMMY WATSON, NORTH EAST OPERATIONS  
MANAGER, WALKING WITH THE WOUNDED**

Council received a presentation from Tommy Watson, North East Operations Manager, Walking with the Wounded.

**CL89 PETITIONS**

Councillor C McHugh submitted a petition in favour of building affordable homes on the Council Nursery site off Whickham Highway.

**CL90 QUESTIONS FROM MEMBERS OF THE PUBLIC**

There were no questions submitted by members of the public

**CL91 PARENT GOVERNOR REPRESENTATIVES ON COUNCIL BODIES DEALING  
WITH EDUCATION**

Consideration was given to a proposal to appoint parent governor representatives, nominated by their fellow parent governors, to the overview and scrutiny committee that considers education matters.

- COUNCIL RESOLVED -
- (i) That the changes to the total number of parent governor representatives appointed to Families Overview and Scrutiny Committee, outlined in the report, be approved.
  - (ii) That the necessary changes be made to the Council's constitution.

**CL92 GATESHEAD LOCAL PLAN - MAKING SPACES FOR GROWING PLACES  
(MSGP) (SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES)  
- SUBMISSION**

Consideration was given to the content of the Making Spaces for Growing Places (MSGP) Local Plan document for its submission to the Planning Inspectorate for an independent examination.

- COUNCIL RESOLVED -
- (i) That the Consultation Statement March 2019, as set out in Appendix 2 to the report, be noted.
  - (ii) That the amendments proposed to the submission draft plan as set out in the 'Schedule of Proposed Minor Modifications' be noted.
  - (iii) That the formal submission of the Making Spaces for Growing Places Local Plan document, as set out in Appendix 4 to the report, and associated submission documentation to the Secretary of

State pursuant to Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 be approved.

- (iv) That authority be granted to the inspector appointed to hold the public examination to make modifications to the MSGP Submission document under Section 20(7C) of the Planning and Compulsory Purchase Act 2004 as amended.
- (v) that authority be delegated to the Interim Strategic Director, Communities and Environment and Strategic Director, Corporate Services and Governance, following consultation with the relevant Cabinet Member to:
  - (a) make any changes to the MSGP and supporting documentation for consideration at public examination;
  - (b) prepare and give evidence in support of the examination of the MSGP; and
  - (c) go out to consultation on any modifications recommended by the Planning Inspector at the examination.

**CL93 GATESHEAD HOUSING STRATEGY 2019-2030**

Consideration was given to the Gateshead Housing Strategy for 2019-2030.

COUNCIL RESOLVED - That the Gateshead Housing Strategy 2019-30 be approved.

**CL94 MANAGEMENT OF VIOLENCE AND AGGRESSION TOWARDS EMPLOYEES POLICY**

Consideration was given to new Management of Violence and Aggression towards Employees Policy covering all employees and other affected by the Council's work activities.

COUNCIL RESOLVED - That the Management of Violence and Aggression towards Employees Policy be approved.

**CL95 TREASURY POLICY STATEMENT AND TREASURY STRATEGY 2019/20 TO 2023/24**

Consideration was given to the Treasury Policy Statement and Treasury Strategy for 2019/20 to 2023/24.

COUNCIL RESOLVED - That the Treasury Policy Statement and the Treasury Strategy 2019/20 to 2023/24 be approved.

**CL96 PAY POLICY 2019**

Consideration was given to the revised pay policy statement.

COUNCIL RESOLVED - That the draft pay policy statement be approved.

**CL97 REPORT FROM THE CABINET**

The Leader of the Council reported on a number of key issues currently affecting the Council.

COUNCIL RESOLVED - That the information be noted

**CL98 NOTICE OF MOTION - SCHOOLS**

Councillor Gary Haley moved the following motion:

Gateshead Council notes:

The campaign and petition signed by Gateshead Head Teachers, which recently led to a debate on school funding in Parliament.

As a result of ongoing Government cuts, Gateshead schools:

- Will have lost £2.4 million in overall funding between 2015-2020.
- Will have lost £103 per pupil.
- Have seen class sizes increase.
- Have seen staff losses owing in part to recruitment and retention issues.
- Must bear the brunt of unfunded National Insurance increases.
- See inadequate High Needs Block Funding, leaving our most vulnerable pupils without the support they need.

Gateshead Council resolves:

- To resist the Government's ongoing cuts to school budgets and call for more funding to be invested in education.
- To support the coalition of trade unions and professional associations campaigning against school cuts.
- To call on the Government to fully fund and fully implement the recommendations of the School Teachers' Review Body on teachers' pay.

On the motion being put it was duly carried:

COUNCIL RESOLVED:

This Council:

(a) Notes:

The campaign and petition signed by Gateshead Head Teachers, which recently led to a debate on school funding in Parliament.

As a result of ongoing Government cuts, Gateshead schools:

- Will have lost £2.4 million in overall funding between 2015-2020.
- Will have lost £103 per pupil.
- Have seen class sizes increase.
- Have seen staff losses owing in part to recruitment and retention issues.
- Must bear the brunt of unfunded National Insurance increases.
- See inadequate High Needs Block Funding, leaving our most vulnerable pupils without the support they need.

(b) resolves:

- To resist the Government's ongoing cuts to school budgets and call for more funding to be invested in education.
- To support the coalition of trade unions and professional associations campaigning against school cuts.
- To call on the Government to fully fund and fully implement the recommendations of the School Teachers' Review Body on teachers' pay.

## **CL99 NOTICE OF MOTION - JUSTICE FOR ORGREAVE MINERS**

Councillor John Eagle moved the following motion:

Gateshead Council believes that issues relating to events at the picketing of Orgreave on 18 June 1984 are of both local and national importance.

In Gateshead, miners and their families were adversely affected by the events of that day in terms of wrongful arrest, false imprisonment, ill-health, family breakdown and termination of employment and as a direct result of policing tactics at Orgreave.

A full investigation into the military style policing used on that day is long overdue and only a full public inquiry can fully investigate this.

Gateshead Council therefore calls on the Home Secretary to order a full public inquiry into the deployment and actions of the police on 18 June 1984, and to hold meaningful discussions with the Orgreave Truth and Justice Campaign, The NUM and concerned MPs.

On the motion being put it was duly carried.

**COUNCIL RESOLVED:**

This Council believes that issues relating to events at the picketing of Orgreave on 18 June 1984 are of both local and national importance.

In Gateshead, miners and their families were adversely affected by the events of that day in terms of wrongful arrest, false imprisonment, ill-health, family breakdown and termination of employment and as a direct result of policing tactics at Orgreave.

A full investigation into the military style policing used on that day is long overdue and only a full public inquiry can fully investigate this.

Gateshead Council therefore calls on the Home Secretary to order a full public inquiry into the deployment and actions of the police on 18 June 1984, and to hold meaningful discussions with the Orgreave Truth and Justice Campaign, The NUM and concerned MPs.

**CL100 NOTICE OF MOTION - PURPLE DAY 2019**

Councillor Kevin McClurey moved the following motion:

This Council acknowledges this year's 'Purple Day' on Tuesday 26<sup>th</sup> March, and recognises the challenges that many people in Gateshead, of all ages, face living with epilepsy in all its different forms.

The Council will commit to ensuring that proper information is circulated to its staff and through its network of offices, to promote a better understanding of the condition and provide advice on how to react if an epileptic situation arises which requires assistance.

On the motion being put it was duly carried.

**COUNCIL RESOLVED:**

Council acknowledges this year's 'Purple Day' on Tuesday 26<sup>th</sup> March, and recognises the challenges that many people in Gateshead, of all ages, face living with epilepsy in all its different forms.

This Council will commit to ensuring that proper information is circulated to its staff and through its network of offices, to promote a better understanding of the condition and provide advice on how to react if an epileptic situation arises which requires assistance.

**CL101 QUESTIONS**

No questions were received.

**Chair.....**

## GATESHEAD METROPOLITAN BOROUGH COUNCIL

### COUNCIL MEETING

17 May 2019

**PRESENT:** THE MAYOR COUNCILLOR M HOOD (CHAIR)

Councillors: J Adams, V Anderson, R Beadle, M Brain, C Buckley, D Burnett, L Caffrey, M Charlton, B Clelland, P Craig, S Craig, C Davison, W Dick, S Dickie, P Diston, K Dodds, C Donovan, A Douglas, D Duggan, M Foy, P Foy, S Gallagher, M Gannon, A Geddes, F Geddes, J Gibson, B Goldsworthy, M Goldsworthy, T Graham, L Green, S Green, M Hall, H Haran, H Kelly, J Kielty, L Kirton, J Lee, P Maughan, J McClurey, K McClurey, J McElroy, E McMaster, P McNally, M McNestry, R Mullen, B Oliphant, C Ord, M Ord, R Oxberry, I Patterson, J Reay, S Ronchetti, J Simpson, J Turnbull, J Wallace, R Waugh, A Wheeler and K Wood

**APOLOGIES:** Councillors: D Bradford, J Eagle, K Ferdinand, G Haley, S Hawkins, K McCartney and N Weatherley

#### **CL1 ROGER KELLY AND TERRY MIDDLETON**

The Mayor referred to the recent deaths of Roger Kelly and Terry Middleton. Roger joined the Council in 1987 and was appointed as Chief Executive in 2004. He stepped down from this role in 2012.

Terry was a councillor for the Rowlands Gill and High Spen ward from 1975 to 1982.

Members stood in silence as a mark of respect and to remember Roger and Terry.

#### **CL2 ELECTION OF MAYOR**

As required by Section 3 of the Local Government Act 1972, the Council proceeded to the election of the Mayor of the Metropolitan Borough of Gateshead for the ensuing municipal year.

Councillor M Foy, seconded by Councillor M Brain, moved that Councillor M Hood be elected Mayor of the Metropolitan Borough of Gateshead for the ensuing municipal year.

Councillor J Wallace, seconded by Councillor M Ord, moved that Councillor J McClurey be elected Mayor of the Metropolitan Borough of Gateshead for the ensuing municipal year.

After a vote was taken:

**COUNCIL RESOLVED** - That Councillor M Hood be elected Mayor of the

Metropolitan Borough of Gateshead for the ensuing municipal year until acceptance of office by his successor.

Councillor M Hood accepted the office of Mayor by making and subscribing the declaration required by law and expressed his thanks for the high honour accorded to him.

### **CL3 ELECTION OF DEPUTY MAYOR**

The Mayor invited nominations for the office of Deputy Mayor as required by Section 5 of the Local Government Act 1972.

On the motion of Councillor B Clelland, seconded by Councillor M Hall:

**COUNCIL RESOLVED -** That Councillor D Burnett be elected Deputy Mayor of the Metropolitan Borough of Gateshead for the ensuing municipal year until acceptance of office by her successor.

Councillor D Burnett accepted the office of Deputy Mayor by making and subscribing the declaration required by law and expressed her thanks for the high honour accorded to her.

### **CL4 VOTE OF THANKS**

On the motion of Councillor M Gannon, seconded by Councillor C Donovan:

**COUNCIL RESOLVED -** That the Council conveys its appreciation to Councillor Jill Green, Councillor Rachel Mullen and Ms Joanne Wilson, for their performance of the many duties expected of them as Mayor, Deputy Mayor and Deputy Mayoress respectively.

### **CL5 ELECTION OF COUNCILLORS**

The Chief Executive asked the Council to note that the following Councillors were elected on 2 May 2019 to represent the wards indicated for a term of four years.

<b>Ward</b>	<b>Elected</b>
No 1 Crawcrook and Greenside	Helen Haran Labour
No 2 Ryton, Crookhill and Stella	Alex Geddes Labour
No 3 Chopwell and Rowlands Gill	Michael McNestry Labour
No 4 Winlaton and High Spen	Maria Hall Labour
No 5 Blaydon	Malcolm Brain Labour
No 6 Whickham North	Christopher Ord Liberal Democrat
No 7 Whickham South and Sunnyside	Jonathan Wallace Liberal Democrat

No 8	Dunston Hill and Whickham East	Vicky Anderson	Liberal Democrat
No 9	Dunston and Teams	Gary Haley	Labour
No 10	Lobley Hill and Bensham	Eileen McMaster	Labour
No 11	Saltwell	Robert Waugh	Labour
No 12	Low Fell	Ron Beadle	Liberal Democrat Focus Team
No 13	Chowdene	Keith Wood	Labour
No 14	Bridges	Bob Goldsworthy	Labour
No 15	Deckham	Bernadette Oliphant	Labour
No 16	High Fell	Jennifer Reay	Labour
No 17	Felling	Paul McNally	Labour
No 18	Windy Nook and Whitehills	Jim Turnbull	Labour
No 19	Pelaw and Heworth	Paul Diston	Liberal Democrat
No 20	Wardley and Leam Lane	Stuart Green	Labour
No 21	Lamesley	Sheila Gallagher	Labour
No 22	Birtley	Neil Weatherley	Labour

COUNCIL RESOLVED - That the information be noted.

#### **CL6 APPOINTMENT OF DEPUTY LEADER AND CABINET**

The Leader announced, in accordance with the Executive Arrangements, that he had appointed his Cabinet members, including the Deputy Leader, Councillor Catherine Donovan.

COUNCIL RESOLVED - That the information be noted.

#### **CL7 ALLOCATION OF SEATS**

On the motion of Councillor M Gannon, duly seconded:

COUNCIL RESOLVED - That in accordance with Sections 15 and 16 of the Local Government and Housing Act 1989, the allocation of seats on those bodies to which the Act applies, to the various political groups represented on the Council, as set out in the attached schedule (Appendix 1b(i)) be approved.

#### **CL8 APPOINTMENTS TO COMMITTEES OF THE COUNCIL AND OTHER BODIES EXERCISING NON EXECUTIVE FUNCTIONS**

##### **(i) Labour Group Nominations**

Councillor M Gannon, duly seconded, moved that the members listed at Appendix 1b(ii) to these minutes be appointed to the Planning and Development, Licensing, Regulatory, Appeals, Rights of Way, Personnel Appeals, Special Appointments,

Contracts, Audit and Standards and Accounts Committees, Pensions and Pay Discretions Sub-Committee; the Health and Wellbeing Board; the Overview and Scrutiny Committees; the Northumbria Police and Crime Panel; Northumberland, Tyne and Wear and North Durham STP Joint Health Scrutiny Committee; the Honours Advisory Group and outside bodies dealing with functions that are not wholly an executive responsibility for the municipal year 2019/20.

- COUNCIL RESOLVED - (i) That the nominations of the Labour Group listed at Appendix 1b(ii) to these minutes be agreed.
- (ii) That the Chief Executive be authorised following consultation with the Leader of the Council, to agree any further necessary changes to the annual list of appointments.

**(ii) Liberal Democrat Nominations**

On the motion of Councillor J Wallace, duly seconded:

COUNCIL RESOLVED - That the members listed at Appendix b(iii) to these minutes be appointed to the Planning and Development, Licensing, Regulatory, Appeals, Rights of Way, Personnel Appeals, Special Appointments, Contracts, Audit and Standards and Accounts Committees; Pensions and Pay Discretions Sub-Committee; the Health and Wellbeing Board; Overview and Scrutiny Committees; the Honours Advisory Group, Northumbria Police and Crime Panel and Northumberland, Tyne and Wear, North Durham STP Joint Health Scrutiny Committee and outside bodies dealing with functions that are not wholly an executive responsibility for the municipal year 2019/20.

**CL9 APPOINTMENT OF CHAIRS AND VICE CHAIRS**

On the motion of Councillor M Gannon, duly seconded:

COUNCIL RESOLVED – That the chairs and vice-chairs of the bodies listed in Annex A to Part 3 of the Constitution and of the Overview and Scrutiny Committees for the municipal year 2019/20 as listed at Appendix 1b(iv) to these minutes be approved.

**Mayor.....**

## Appendix 1b(i)

### GATESHEAD METROPOLITAN BOROUGH COUNCIL

#### ANNUAL COUNCIL MEETING

17 MAY 2019

#### Proposed Allocation of Seats on Bodies to which Political Balance Requirements Apply.

##### 1. Bodies dealing with non-executive functions (Annex 1A of the Constitution)

	Labour Group Cabinet	Non-Cabinet	Liberal Democrat Group	Total
Planning and Development Committee	-	18	5	23
Licensing and Regulatory Committees	-	12	3	15
Appeals Committee	-	17	5	22
Rights of Way Committee	-	6	1	7
Personnel Appeals Committee	3	5	2	10
Special Appointments Committee	6	6	3	15
Contracts Committee	3	1	1	5
Audit and Standards Committee	2	4	1	7
Accounts Committee	2	-	1	3
Pensions and Pay Discretions Sub-Committee	2	2	1	5

## 2. Overview and Scrutiny Committees

	<b>Labour Group Cabinet</b>	<b>Non-Cabinet</b>	<b>Liberal Democrat Group</b>	<b>Total</b>
Families	-	14	4	18
Care, Health and Wellbeing	-	14	4	18
Communities and Place	-	14	4	18
Corporate Resources	-	14	4	18
Corporate Parenting Sub	-	12	3	15

**COUNCIL APPOINTMENTS 2019/20**

**LABOUR APPOINTMENTS**

**ANNUAL COUNCIL MEETING**

**17 MAY 2019**

Gateshead Council Labour Group nominations to Council and other bodies for the municipal year 2019/20

**DECISION MAKING BODIES OF THE COUNCIL**

**Planning and Development Committee**

Councillors D Burnett  
L Caffrey  
S Dickie  
K Ferdinand  
A Geddes  
B Goldsworthy  
M Hall  
M Hood  
L Kirton  
J Lee  
K McCartney  
E McMaster  
R Oxberry  
J Turnbull  
R Waugh  
N Weatherley  
A Wheeler  
K Wood

**Licensing and Regulatory Committees (same membership for both Committees)**

Councillors D Bradford  
M Charlton  
W Dick  
K Dodds  
S Gallagher  
J Gibson  
B Goldsworthy  
H Kelly  
J Kielty  
R Mullen  
B Oliphant  
N Weatherley

**Rights of Way Committee**

Councillors D Bradford

S Dickie  
A Geddes  
J Simpson  
A Wheeler  
K Wood

### **Appeals Committee**

Councillors C Buckley  
B Clelland  
C Davison  
S Dickie  
F Geddes  
B Goldsworthy  
M Goldsworthy  
T Graham  
S Green  
H Haran  
J Kielty  
E McMaster  
P McNally  
J Reay  
S Ronchetti  
R Oxberry  
J Simpson

### **Personnel Appeals Committee**

Councillors D Burnett  
M Charlton  
C Donovan  
M Foy  
M Gannon  
M Hall  
M Hood  
J Turnbull

### **Pensions and Pay Discretions Sub Committee**

Councillor M Charlton  
C Donovan  
M Gannon  
M Hall

### **Special Appointments Committee**

Councillors M Brain  
L Caffrey  
K Dodds  
C Donovan  
A Douglas  
M Gannon

L Green  
M Hall  
M Hood  
M McNestry  
B Oliphant  
K Wood

### **Contracts Committee**

Councillors C Donovan  
J Eagle  
M Gannon  
L Green

### **Audit and Standards Committee**

Councillors D Burnett  
M Charlton  
L Green  
S Green  
J McElroy  
N Weatherley

### **Accounts Committee**

Councillors C Donovan  
M Gannon

Substitute M Foy

### **Health and Wellbeing Board**

Councillor L Caffrey  
P Foy  
L Kirton  
The Leader of the Council  
Cabinet Member for Health and Wellbeing  
Cabinet Member for Adult Social Care  
Cabinet Member for Children and Young People

## **OVERVIEW AND SCRUTINY COMMITTEES**

### **Families OSC**

Councillors D Bradford  
C Buckley  
L Caffrey  
B Clelland  
C Davison  
S Gallagher  
M Hall

L Kirton  
K McCartney  
E McMaster  
B Oliphant  
R Oxberry  
J Reay  
N Weatherley

### **Corporate Parenting Sub**

Councillors D Bradford  
C Buckley  
B Clelland  
C Davison  
S Gallagher  
M Hall  
K McCartney  
E McMaster  
B Oliphant  
R Oxberry  
J Reay  
N Weatherley

### **Care, Health and Wellbeing OSC**

Councillors M Charlton  
W Dick  
K Ferdinand  
H Haran  
J Gibson  
B Goldsworthy  
M Goldsworthy  
S Green  
M Hall  
M Hood  
J Lee  
P McNally  
R Mullen  
A Wheeler

### **Communities and Place OSC**

Councillors D Burnett  
B Clelland  
S Dickie  
K Dodds  
A Geddes  
F Geddes  
T Graham  
M Hood  
H Kelly  
J Reay

J Turnbull  
R Waugh  
N Weatherley  
A Wheeler

### **Corporate Resources OSC**

Councillors D Bradford  
L Caffrey  
J Eagle  
P Foy  
T Graham  
S Green  
M Hall  
J Kielty  
R Mullen  
B Oliphant  
S Ronchetti  
J Simpson  
N Weatherley  
K Wood

### **OTHER BODIES OF THE COUNCIL**

#### **Honours Advisory Group**

Councillors J Adams  
M Brain  
K Dodds  
C Donovan  
M Gannon  
L Kirton  
B Oliphant  
N Weatherley  
Vacancy

### **JOINT COMMITTEES AND JOINT AUTHORITIES**

#### **Northumbria Police and Crime Panel**

Councillors A Douglas

Substitute: M Gannon

#### **Northumberland, Tyne and Wear and North Durham STP Joint Health Scrutiny Committee**

Councillors: L Caffrey  
M Hall

Substitutes: M Charlton  
P Foy

## **OUTSIDE BODIES**

### **Local Government Association General Assembly**

Councillors K Dodds  
C Donovan  
M Gannon  
B Goldsworthy

### ***SIGOMA***

Councillor M Gannon

### ***Executive Committee***

Councillor M Gannon

## **MAJOR REGIONAL AND LOCAL BODIES**

### **North East Combined Authority Leadership Board**

Councillor M Gannon

Substitute C Donovan

### ***NECA Overview and Scrutiny Committee***

Councillor J Eagle

Substitute N Weatherley

### ***NECA Economic Development and Regeneration Advisory Board***

Councillor J Adams

Substitute M Brain

### ***North East Joint Transport Committee***

Councillor M Gannon

Substitute C Donovan

### ***North East Joint Transport Committee Tyne and Wear Sub Committee***

Councillor J McElroy

Substitute M Brain

***North East Joint Transport Committee Overview and Scrutiny Committee***

Councillor J Eagle

Substitute N Weatherley

***North East Joint Transport Committee Audit Committee***

Councillor M Charlton

Substitute D Burnett

***Regional Leaders' and Elected Mayors Group***

Councillor M Gannon

Substitute C Donovan

***Collaborative Procurement Sub Committee***

Councillor J Eagle

***Resources Task and Finish Group***

Councillor M Gannon

***Culture Partnership Board***

Councillor A Douglas

***Pensions Committee – South Tyneside MBC***

Councillor B Goldsworthy

Substitute G Haley

***Regional Employers' Organisation***

Councillors M Brain  
L Caffrey  
M Hall

This page is intentionally left blank

**GATESHEAD METROPOLITAN BOROUGH COUNCIL**

**ANNUAL COUNCIL MEETING**

**17 MAY 2019**

Gateshead Council Liberal Democrat Group nominations to Council and other bodies for the municipal year 2019/20

**DECISION MAKING BODIES OF THE COUNCIL**

**Planning and Development Committee**

Councillors V Anderson  
S Craig  
J McClurey  
C Ord  
I Patterson

**Licensing and Regulatory Committees (same membership for both Committees)**

Councillors D Duggan  
K McClurey  
M Ord

**Rights of Way Committee**

Councillor M Ord

**Appeals Committee**

Councillors P Maughan  
J McClurey  
K McClurey  
C Ord  
M Ord

**Personnel Appeals Committee**

Councillors R Beadle  
M Ord

**Pensions and Pay Discretions Sub Committee**

Councillor R Beadle

**Special Appointments Committee**

Councillors R Beadle  
J McClurey  
J Wallace

### **Contracts Committee**

Councillor J Wallace

### **Audit and Standards Committee**

Councillor J McClurey

### **Accounts Committee**

Councillor J Wallace

Substitute: R Beadle

### **Health and Wellbeing Board**

Councillor R Beadle

## **OVERVIEW AND SCRUTINY COMMITTEES**

### **Families**

Councillors P Craig  
S Craig  
M Ord  
I Patterson

### **Corporate Parenting Sub**

Councillors P Craig  
S Craig  
M Ord

### **Care, Health and Wellbeing**

Councillors P Diston  
K McClurey  
I Patterson  
J Wallace

### **Communities and Place**

Councillors V Anderson  
P Diston  
S Hawkins  
P Maughan

### **Corporate Resources**

Councillors R Beadle  
D Duggan

C Ord  
J Wallace

## **OTHER BODIES OF THE COUNCIL**

### **Honours Advisory Group**

Councillors C Ord  
J Wallace

## **JOINT COMMITTEES AND JOINT AUTHORITIES**

### **Northumbria Police and Crime Panel**

Councillor S Hawkins

Substitute: P Craig

### **Northumberland, Tyne and Wear and North Durham STP Joint Health Scrutiny Committee**

Councillors R Beadle

Substitutes: J Wallace

## **MAJOR REGIONAL AND LOCAL BODIES**

### ***NECA Audit and Standards Committee***

Councillor J McClurey

Substitute J Wallace

### ***NECA Overview and Scrutiny Committee***

Councillor J Wallace

Substitute R Beadle

### ***North East Joint Transport Committee Overview and Scrutiny Committee***

Councillor I Patterson

Substitute C Ord

This page is intentionally left blank

**GATESHEAD METROPOLITAN BOROUGH COUNCIL**

**ANNUAL COUNCIL MEETING**

**17 MAY 2019**

**Nominations for the chairs and vice-chairs of the bodies listed  
in Annex 1A to Part 3 of the Constitution and of the Overview and  
Scrutiny Committees**

**Planning and Development Committee**

Chair                      Councillor B Goldsworthy  
Vice-Chair              Councillor M Hood

**Licensing and Regulatory Committees**

Chair                      Councillor K Dodds  
Vice-Chair              Councillor W Dick

**Appeals Committee**

Chair                      Councillor M Goldsworthy  
Vice-Chair              Councillor B Clelland

**Personnel Appeals Committee**

Chair                      Councillor M Gannon  
Vice-Chair              Councillor C Donovan

**Audit and Standards Committee**

Chair                      Councillor M Charlton  
Vice Chair              Councillor D Burnett

**Special Appointments Committee**

Chair                      Councillor M Gannon  
Vice-Chair              Councillor C Donovan

**Contracts Committee**

Chair                      Councillor M Gannon  
Vice-Chair              Councillor C Donovan

**Accounts Committee**

Chair                      Councillor M Gannon  
Vice-Chair              Councillor C Donovan

## **Rights of Way Committee**

Chair                      Councillor K Wood  
Vice-Chair              Councillor S Dickie

## **Health and Wellbeing Board**

Chair                      Councillor L Caffrey  
Vice Chair              Councillor L Kirton

## **Pensions and Discretions Sub Committee**

Chair                      Councillor M Gannon  
Vice-Chair              Councillor C Donovan

## **Overview and Scrutiny Committees**

### Families

Chair                      Councillor B Oliphant  
Vice-Chair              Councillor M Hall

### Care, Health and Wellbeing

Chair                      Councillor S Green  
Vice-Chair              Councillor R Mullen

### Communities and Place

Chair                      Councillor N Weatherley  
Vice-Chair              Councillor T Graham

### Corporate Resources

Chair                      Councillor J Eagle  
Vice-Chairs              Councillor S Ronchetti  
                                    Councillor J Wallace

### Corporate Parenting Sub Committee

Chair                      Councillor B Oliphant  
Vice-Chair              Councillor M Hall



## COUNCIL MEETING

23 MAY 2019

### PROVISIONAL OVERVIEW AND SCRUTINY WORK PROGRAMMES

---

**Sheena Ramsey, Chief Executive**

---

#### **Purpose of the Report**

1. This report asks the Council to approve its Overview and Scrutiny Committees provisional work programmes for 2019/2020.

#### **Proposal**

2. Corporate Resources, Communities and Place, Families and Care, Health and Wellbeing Overview and Scrutiny Committees and Corporate Parenting Sub OSCs have considered and agreed their work programmes at their respective meetings held on 28 March and 1<sup>st</sup>, 4<sup>th</sup>, and 23 and 29 April 2019.
3. Each Committee endorses a provisional work programme for 2019/20 based on the Council's policy framework and these are set out in Appendix 1. The Council's constitution requires that these work programmes are agreed on an annual basis by the Council.
4. These programmes are provisional for a number of reasons:

Firstly, as Cabinet has not had the opportunity to fully review its current work programme and there may be further issues which it may wish to refer to Overview and Scrutiny Committees for consideration.

Secondly, the work programmes do not take into account any new policy issues which may be identified during the year which Cabinet may refer to Overview and Scrutiny.

In addition, the programmes do not as yet include issues identified by councillors of the respective Committees during the year as a result of ongoing scrutiny of decisions, councillor calls for action and call-in.

Revisions to the work programmes of the respective Committees are, therefore, likely to occur from time to time and will be reported back to those Committees as and when appropriate.

#### **Recommendation**

5. The Council is recommended to approve the provisional work programmes for the Overview and Scrutiny Committees for 2019/2020.

This page is intentionally left blank

<b>Corporate Resources OSC 2019/2020</b>	
<b>17 June 2019</b>	<ul style="list-style-type: none"> <li>• Constitution/role/remit (to note)</li> <li>• Making Gateshead a place where everyone thrives – Year End Assessment and Performance Delivery 2018-19</li> <li>• Sickness Absence / Health of the Workforce - Annual Update</li> <li>• Brexit – Progress Update</li> <li>• Review on Helping to Increase Support / Capacity of the Voluntary Sector – Interim Report (Findings)</li> <li>• OSC Work Programme</li> </ul>
<b>9 September 2019</b>	<ul style="list-style-type: none"> <li>• Review on Helping to Increase Support / Capacity of the Voluntary Sector – Final Report (Recommendations)</li> <li>• Gateshead Fund - Annual Update</li> <li>• Resilience and Emergency Planning Performance Framework – six monthly progress update</li> <li>• Implementation of Workforce Strategy – Annual Update</li> <li>• OSC Work Programme</li> </ul>
<b>14 October 2019</b>	<ul style="list-style-type: none"> <li>• Implementation of Gateshead Volunteers Plan – Annual Report</li> <li>• Support to Voluntary and Community Sector – six monthly progress update</li> <li>• OSC Work Programme</li> </ul>
<b>2 December 2019</b>	<ul style="list-style-type: none"> <li>• Making Gateshead a place where everyone thrives – Six Monthly Assessment of Performance and Delivery 2019-20 (Including Thrive)</li> <li>• Corporate Asset Management – Delivery and Performance Report</li> <li>• PSP Performance Monitoring</li> <li>• Brexit Update / Lessons Learned</li> <li>• OSC Work Programme</li> </ul>
<b>20 January 2020</b>	<ul style="list-style-type: none"> <li>• Annual Health and Safety Performance Report Corporate</li> <li>• Complaints Procedure - Annual Report 2018-19</li> <li>• Work of Poverty Board – Annual Update</li> <li>• OSC Work Programme</li> </ul>
<b>2 March 2020</b>	<ul style="list-style-type: none"> <li>• Information Governance Report – Annual Update</li> <li>• Resilience and Emergency Planning Performance Framework – six monthly progress update</li> <li>• Welfare Reform / Universal Credit</li> <li>• OSC Work Programme</li> </ul>
<b>30 March 2020</b>	<ul style="list-style-type: none"> <li>• Freedom of Information - Annual Report 2019</li> <li>• Impact on place shaping partnership work as a result of establishment of two Combined Authorities in NE</li> <li>• Support to Voluntary and Community Sector – six monthly progress update</li> <li>• OSC Work Programme Review</li> </ul>

Issues to Slot in

This page is intentionally left blank

<b>Communities &amp; Place OSC 2019/20 Work Programme</b>	
<b>24 June 2019</b>	<ul style="list-style-type: none"> <li>• Constitution / role and remit</li> <li>• Making Gateshead a place where everyone thrives – Year End Assessment and Performance Delivery 2018-19</li> <li>• Safer Gateshead Partnership Plan</li> <li>• Anti - social behaviour</li> <li>• Managing Derelict Spaces (focus on varying specific sites)</li> <li>• Work Programme</li> </ul>
<b>16 September 2019</b>	<ul style="list-style-type: none"> <li>• Managing the Environment – Update / Case Study</li> <li>• OSC Review of the Council's and Partner's Approach to Roads and Highways – Monitoring Report</li> <li>• Homelessness – Progress Update</li> <li>• Work Programme</li> </ul>
<b>28 October 2019</b>	<ul style="list-style-type: none"> <li>• OSC Review – Work to address skill shortages and increase employment opportunities – Monitoring Report</li> <li>• How we deliver Housing Strategy</li> <li>• Private Rented – Progress Update</li> <li>• Culture / Tourism/ Land of Oak and Iron Legacy – Progress Update</li> <li>• Work Programme</li> </ul>
<b>9 December 2019</b>	<ul style="list-style-type: none"> <li>• Implementation of Safer Gateshead Priorities – six monthly</li> <li>• Making Gateshead a place where everyone thrives – Six Monthly Assessment of Performance and Delivery 2019 - 20</li> <li>• Work Programme</li> </ul>
<b>27 January 2020</b>	<ul style="list-style-type: none"> <li>• Managing Derelict Spaces (focus on utilisation of powers at Council disposal / additional activities to tackle issues)</li> <li>• Waste Management – Progress Update</li> <li>• Work Programme</li> </ul>
<b>9 March 2020</b> <b><u>5.30pm</u></b>	<ul style="list-style-type: none"> <li>• The Flood and Water Management Act 2010: Annual Progress Report</li> <li>• Managing the Environment – Update / Case Study</li> <li>• Work Programme</li> </ul>
<b>20 April 2020</b>	<ul style="list-style-type: none"> <li>• OSC Review – Work to address skill shortages and increase employment opportunities – Monitoring Report</li> <li>• Annual Report of the Gateshead Housing Customer Scrutiny Panel</li> <li>• Safer Gateshead Draft Priorities 20-21</li> <li>• Beamish - Annual Update</li> <li>• Managing Derelict Spaces – (focus on progress being made)</li> </ul>

	<ul style="list-style-type: none"><li>• Annual Work Programme Review</li></ul>
--	--

**Issues to slot in**

- a) **Postal Provision**
- b) **Site Visit – Land of Oak and Iron**

## APPENDIX 3

<b>Draft Families OSC 2019 - 20</b>	
<b>20 June 2019 1.30pm</b>	<ul style="list-style-type: none"> <li>• Constitution (<b>to note</b>)</li> <li>• Role and remit (<b>to note</b>)</li> <li>• The Council Plan – Year End Assessment and Performance Delivery 2019-20</li> <li>• <b>OSC Review of Children on Edge of Care – Monitoring</b></li> <li>• Foetal Alcohol Update</li> <li>• YOT Performance Update</li> <li>• Work Programme</li> </ul>
<b>12 September 2019 1.30pm</b>	<ul style="list-style-type: none"> <li>• Ofsted Inspections/School Data – Progress Update</li> <li>• Consider the conflicting local view of performance of Gateshead’s Secondary Schools’ with that of Ofsted (Request from Cabinet – 22 Jan 2019)</li> <li>• School Exclusions – Performance Update</li> <li>• Safeguarding Children - LSCB Annual Report and Plans</li> <li>• Annual Report on Complaints and Representations – Children</li> <li>• Work Programme</li> </ul>
<b>31 October 2019 1.30pm</b>	<ul style="list-style-type: none"> <li>• CAMHS Progress Update</li> <li>• Impact of Early Help – Progress Update and Case Studies eg Team Around the School</li> <li>• Integrated Referral and Assessment Team</li> <li>• Performance Update on Children’s Centre, IAG and Early Years Childcare Service</li> <li>• Work Programme</li> </ul>
<b>28 November 2019 1.30pm</b>	<ul style="list-style-type: none"> <li>• The Council Plan – Six Monthly Assessment and Performance Delivery 2018-19</li> <li>• Monitoring – OSC Review of Obesity</li> <li>• Social Work Recruitment &amp; Retention – Performance Update</li> <li>• YOT Performance Update</li> <li>• Work Programme</li> </ul>
<b>30 January 2020 1.30pm</b>	<ul style="list-style-type: none"> <li>• Ofsted – Annual Report</li> <li>• Secondary Academies Performance – Progress Update</li> <li>• Support for Young Carers</li> <li>• Work Programme</li> </ul>
<b>5 March 2020 1.30pm</b>	<ul style="list-style-type: none"> <li>• Annual Conversation with Head Teachers of Special Schools</li> <li>• Child In Need Offer - Update</li> <li>• SEND Update – (to focus on quality of inclusion in Gateshead/ outcomes for SEND children / impact of budget reductions)</li> <li>• Work Programme</li> </ul>
<b>23 April 2020 (5.30pm)</b>	<ul style="list-style-type: none"> <li>• OSC Review of Obesity – Monitoring</li> <li>• CAMHS Progress Update</li> <li>• Liaison with Gateshead Youth Assembly</li> <li>• LSCB Emerging Priorities 2020- 21</li> <li>• Work Programme</li> </ul>

**Issues to slot in:**

This page is intentionally left blank

<b>Draft Care, Health &amp; Well-being OSC 2019/20</b>	
<b>25 June 2019</b>	<ul style="list-style-type: none"> <li>• Constitution <b>(to note)</b></li> <li>• Role and Remit <b>(to note)</b></li> <li>• Making Gateshead a place where everyone thrives – Year End Assessment and Performance Delivery 2018-19</li> <li>• OSC Review of Suicide– Scoping Report</li> </ul>
<b>10 September 2019</b>	<ul style="list-style-type: none"> <li>• OSC Review of Suicide – Evidence Gathering</li> <li>• Monitoring - OSC Review - Helping People to Stay at Home Safely</li> <li>• Annual Report of Local Adult Safeguarding Board and Business Plans</li> <li>• Social Services Annual Report on Complaints and Representations – Adults</li> <li>• Work Programme</li> </ul>
<b>29 October 2019</b>	<ul style="list-style-type: none"> <li>• OSC Review –Evidence Gathering</li> <li>• Green Paper on Adult Social Care -Council Response</li> <li>• Gateshead Healthwatch Interim Report</li> <li>• Health &amp; Well-Being Board Progress Update</li> <li>• Work programme</li> </ul>
<b>10 December 2019</b>	<ul style="list-style-type: none"> <li>• OSC Review – Evidence Gathering</li> <li>• Making Gateshead a place where everyone thrives – Six Monthly Assessment of Performance and Delivery 2019 -20</li> <li>• Sepsis Prevention- Case Study</li> <li>• Work Programme</li> </ul>
<b>28 January 2020</b>	<ul style="list-style-type: none"> <li>• OSC Review – Evidence Gathering</li> <li>• Drug Related Deaths</li> <li>• Work Programme</li> </ul>
<b>3 March 2020</b>	<ul style="list-style-type: none"> <li>• OSC Review – Interim Report</li> <li>• Gateshead Healthwatch</li> <li>• Support for Carers (Adults)</li> <li>• Work Programme</li> </ul>
<b>21 April 2020</b>	<ul style="list-style-type: none"> <li>• OSC Review of Suicide–Final Report</li> <li>• Monitoring - OSC Review - Helping People to Stay at Home Safely</li> <li>• Health and Well-Being Board – Progress Update</li> <li>• OSC Work Programme Review</li> </ul>

#### **Issues to slot in**

- Universal Credit – Impact on Emotional Health and Wellbeing (possible joint meeting with other OSCs)
- **Deciding Together Delivering Together – Progress Updates / Potential Consultation**
- Impact of any health transformations on adult services.
- Quality Accounts - Gateshead Health NHS Trust and NTW NHS Foundation Trust and South Tyneside NHS Foundation Trust
- ICS Updates - as appropriate.

This page is intentionally left blank

<b>Draft Corporate Parenting OSC 2019/20</b>	
<b>4 July 2019</b>	<ul style="list-style-type: none"> <li>• Regulation 44 Report</li> <li>• Adoption Annual Report</li> <li>• Fostering Service Annual Report</li> <li>• Recruitment and Retention of Foster Carers (including a focus on sufficiency of local placements / reduction in use of IFAs / the quality of foster carers looking after Gateshead children)</li> <li>• Early Permanence (what it means/accelerated plans/placement stability)</li> <li>• Work Programme</li> </ul>
<b>17 October 2019</b>	<ul style="list-style-type: none"> <li>• Young People’s Presentation</li> <li>• Performance Overview</li> <li>• Child Protection (How families are supported through the process and family links maintained)</li> <li>• Monitor Progress in relation to reducing high numbers of LAC and children subject to Child Protection Plans (focus on how the Council is delivering on its strategy / look at how other LAs e.g. South and North Tyneside are reducing LAC numbers at time when ours are increasing)</li> <li>• Residential Capacity (proposed way forward in relation to out of borough placements)</li> <li>• Regulation 44 Report</li> <li>• Work Programme</li> </ul>
<b>16 January 2020</b>	<ul style="list-style-type: none"> <li>• Missing from Care Annual Report</li> <li>• Education Annual Report (incl focus on employment/training/apprenticeships)</li> <li>• Health of LAC Annual report</li> <li>• How we assess Young People in Crisis - (Changing Live Project)</li> <li>• Regulation 44 Report</li> <li>• Work Programme</li> </ul>
<b>2 April 2020</b>	<ul style="list-style-type: none"> <li>• Young People’s presentation</li> <li>• Performance Overview</li> <li>• Care Leavers Offer – Quality and Impact – Annual Report / incl session with care leavers</li> <li>• Social Work Practice and the Voice of the Child – Case Study (work with the Safeguarding Board to develop core model /systemic working practices)</li> <li>• Regulation 44 Report</li> <li>• Work Programme</li> </ul>

**Issues to slot in:**

This page is intentionally left blank



**COUNCIL MEETING**

**23 MAY 2019**

## **REVIEW OF THE COUNCIL'S CONSTITUTION**

---

**Sheena Ramsey, Chief Executive**

**Mike Barker, Strategic Director, Corporate Services and Governance**

---

### **EXECUTIVE SUMMARY**

1. The purpose of this report is to seek approval of a number of amendments to the Constitution.
2. The Chief Executive and Monitoring Officer are required to review the Constitution to ensure that its aims and principles are given full effect. A number of areas have been identified where some amendment is necessary.
3. The Cabinet has considered the facts and issues arising from the report including alternative options and took all relevant advice before formulating their recommendation.

### **RECOMMENDATION**

4. It is recommended that Council approve the proposed changes to the Council's Constitution as set out in Appendices 2 – 4 of the attached report.

This page is intentionally left blank

**TITLE OF REPORT: Review of the Council's Constitution**

**REPORT OF: Mike Barker, Strategic Director, Corporate Services and Governance**

---

### **Purpose of the Report**

1. This report asks the Cabinet to recommend the Council to approve a number of amendments to the Constitution.

### **Background**

2. The Chief Executive and Monitoring Officer are required to review the Constitution to ensure that its aims and principles are given full effect. A number of areas have been identified where some amendment is necessary.

### **Proposal**

3. It is proposed to amend the Constitution as set out in Appendix 2.
4. The format of the Council's Financial Regulations has been revised to provide more clarity on the purpose and objectives of the regulations, the key risks and rules of each one, with a greater emphasis on broad control principles rather than detailed prescriptive processes. The revised Financial Regulations are attached at Appendix 3.
5. Each regulation will signpost the reader to the relevant detailed procedural guidance which will be available on the Intranet. It is also intended that once approved, the revised Financial Regulations on the intranet will note a responsible officer for each Regulation, who will be the first point of contact for any queries regarding interpretation or application. This officer will also be responsible for ensuring the Regulation continues to be relevant and up to date, and that effective procedural guidance to facilitate compliance is available.
6. The Council's Audit and Standards Committee considered the draft revised Financial Regulations on 4 March 2019 and supported the proposed approach.
7. The Contract Procedure Rules have undergone significant amendment. The proposal is to seek approval to invite tenders, evaluate the tenders received and award the contract upfront at the beginning of the process rather than seeking approval towards the end of the procurement process to award the contract. This will enable councillors to influence what is included in tender specifications or terms and conditions of contract as they will have greater visibility of what procurement activity is planned. There is also a proposal introduce a greater level of flexibility that will support the Council's commercial activity. These are attached at Appendix 4.

## **Recommendations**

8. It is recommended that the Cabinet ask the Council to agree the proposed changes to the Council's Constitution as set out in Appendices 2, 3 and 4.

For the following reason:

To ensure that the Constitution remains fit for purpose and that its aims and principles are given effect.

---

**CONTACT:** Mike Aynsley extension 2128

## Policy Context

1. The Council is required by law (Local Government Act 2000) to prepare and maintain a constitution. Article 16.01 of the Council's Constitution requires the Chief Executive and Monitoring Officer to review the Constitution to ensure that its aims and principles are given full effect.

## Background

2. A number of amendments have been drafted which will maintain the effective operation of the constitution, clarify certain aspects and keep it up to date.
3. The proposed amended sections of the constitution are set out in Appendix 2.
4. In addition, the format of the Council's Financial Regulations has been revised to provide more clarity on the purpose and objectives of the regulations, the key risks and rules of each one, with a greater emphasis on broad control principles rather than detailed prescriptive processes. The revised Financial Regulations are attached at Appendix 3
5. Each regulation will signpost the reader to the relevant detailed procedural guidance which will be available on the Intranet. It is also intended that once approved, the revised Financial Regulations on the intranet will note a responsible officer for each Regulation, who will be the first point of contact for any queries regarding interpretation or application. This officer will also be responsible for ensuring the Regulation continues to be relevant and up to date, and that effective procedural guidance to facilitate compliance is available.
6. The Council's Audit and Standards Committee considered the draft revised Financial Regulations on 4 March 2019 and supported the proposed approach.
7. The Contract Procedure Rules have undergone significant amendment. The proposal is to seek approval to invite tenders, evaluate the tenders received and award the contract upfront at the beginning of the process rather than seeking approval towards the end of the procurement process to award the contract. This will enable Councillors to influence what is included in tender specifications or terms and conditions of contract as they will have greater visibility of what procurement activity is planned. There is also a proposal introduce a greater level of flexibility that will support the Council's commercial activity. These are attached at Appendix 4.
8. The current Financial Regulations and Contract Procedure Rules can be viewed in the Constitution (pages 147 and 163 respectively):

<https://www.gateshead.gov.uk/article/2907/Constitution-of-the-council>

## Consultation

9. No external consultation has been carried out.

## **Alternative Options**

10. No alternative options were considered as the Local Government Act 2000 requires the Council to keep its constitution up to date.

## **Implications of Recommended Option**

### **11. Resources**

- a. **Financial Implications** - The Strategic Director, Corporate Resources confirms that there are no direct financial implications resulting from this report.
- b. **Human Resources Implications** – There are no human resources implications arising from this report.
- c. **Property Implications** – There are no property implications arising from this report.

12. **Risk Management Implication** - There are no risk management implications arising from the recommended option.

13. **Equality and Diversity Implications** - There are no equality and diversity implications arising from the recommended option.

14. **Crime and Disorder Implications** - There are no crime and disorder implications arising from the recommended option.

15. **Health Implications** – There are no health implications arising from the recommended option.

16. **Sustainability Implications** - There are no sustainability implications arising from the recommended option.

17. **Human Rights Implications** - The Constitution already emphasises that the Council will promote equal opportunities in carrying out its functions

18. **Area and Ward Implications** - There are no specific area and ward implications arising from the recommended option.

19. **Background Information** - The current version of the Constitution.

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>	<p>To refer to the Thrive Agenda.</p>
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>	<p>To reflect current plans and strategies</p>
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>	<p>Some small changes to clarify the wording and to make it clear that the exceptions are a list.</p>

Page	Previous Wording	Amended Wording	Reason
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>

Page	Previous Wording	Amended Wording	Reason
	<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

Page	Previous Wording	Amended Wording	Reason
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>	

Page	Previous Wording	Amended Wording	Reason
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.	

Page	Previous Wording	Amended Wording	Reason
		(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

Page	Previous Wording	Amended Wording	Reason
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>

Page	Previous Wording	Amended Wording	Reason
	<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>	

Page	Previous Wording	Amended Wording	Reason
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>

Page	Previous Wording	Amended Wording	Reason
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.

Page	Previous Wording	Amended Wording	Reason
	<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>

Page	Previous Wording	Amended Wording	Reason
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.

## **Financial Regulations**

### **Introduction and Background**

#### **1. What are Financial Regulations**

- 1.1 The Local Government Act 1972 (Section 151) requires that an employee of the Council is recognised as the Responsible Financial Officer. Gateshead Council has designated the Strategic Director, Corporate Resources as that officer.
- 1.2 The Accounts and Audit Regulations place a duty on the Strategic Director, Corporate Resources to determine the:
- Appropriate financial records, including the form of accounts and supporting financial records; and
  - Systems of financial control.
- 1.3 The systems of financial control must include measures to:
- a. ensure that the financial transactions of the Council are recorded as soon as, and accurately as, reasonably practicable;
  - b. enable the prevention and detection of inaccuracies and fraud; and
  - c. ensure that risk is appropriately managed.
- 1.4 The Strategic Director, Corporate Resources has developed the following Financial Regulations as part of the system of financial control. These regulations provide a framework for managing the Council's financial affairs, whilst enabling a culture of accountable autonomy.
- 1.5 Each Financial Regulation is supported by more detailed guidance and procedures which set out how the Financial Regulations will be implemented.
- 1.6 The Strategic Director, Corporate Resources has responsibility for the preparation, review and amendment of these Financial Regulations. They should be read in conjunction with other sections of the Council's Constitution, in particular:
- Part 3, which sets out delegations to the Cabinet, various Council bodies and managers;
  - The Budget Policy and Framework Rules; and
  - The Contracts Procedure Rules.
- 1.7 The Strategic Director, Corporate Resources has responsibility for the administration of the Council's financial affairs and is chief financial advisor to the Council and Cabinet. Any issues of uncertainty in the interpretation of these Financial Regulations should in the first instance be referred to the specified contact for that Regulation.

- 1.8 The Strategic Director, Corporate Resources is responsible for the production of financial management information and will keep the Council and Cabinet informed of the financial implications of all new policies and changes of policies.
- 1.9 Each Strategic Director must Consult the Strategic Director, Corporate Resources on any matter within their purview which is liable to materially affect the finances of the Council before any provisional or other commitment is incurred or before reporting to the Cabinet on the matter.
- 1.10 The Strategic Director, Corporate Resources, or in their absence their nominated Deputy, may take any action they consider necessary taking in to account their duty under Section 114 of the Local Government Finance Act 1988, which provides that they must make a report if it appears to them that the Council, a person holding any office or employment under the Council, or a joint committee on which the Council is represented:
- 1) has made or is about to make a decision which involves or would involve the authority incurring expenditure which is unlawful;
  - 2) has taken or is about to take a course of action which, if pursued to its conclusion, would be unlawful and likely to cause a loss or deficiency on the part of the Council; or
  - 3) is about to enter an item of account the entry of which is unlawful.
- 1.11 Section 114 also requires a report where it appears the expenditure of the Council is likely to exceed the resources available to it to meet that expenditure.
- 1.12 Each Service Director is responsible for establishing internal control so that the activities under their control are dealt with efficiently and effectively. Internal control covers financial and other measures which are established to:
- Safeguard the Council's assets;
  - Ensure reliability of records; and
  - Monitor adherence to policies and directives.

## 2. **Who do Financial Regulations apply to?**

- 2.1 Financial Regulations apply to everyone involved in financial transactions on behalf of the Council. Not every Regulation will be relevant to all employees, but employees should be aware that failure to comply where relevant could result in disciplinary action.
- 2.2 Financial Regulations also apply to Council employees when they are acting in an official capacity as a Council officer dealing with non-Council monies.
- 2.3 Schools have separate Financial Regulations.

### **3. Why are they important?**

- 3.1 To conduct its business effectively, the Council needs to ensure and demonstrate that sound financial management arrangements are in place and that they are complied with in practice.
- 3.2 In order to continually meet the Council's Duty of Best Value, it is vital that it maintains good, sound financial management which helps to ensure that the Council is doing the right things, in the right way, for the right people, in a timely, inclusive, open, honest and accountable manner.
- 3.3 Adherence to these Financial Regulations will help control spending, ensure due probity of transactions and allow decisions to be informed by accurate accounting information. They also protect employees, in that by complying with the Regulations they can gain assurance that they have followed correct procedures.
- 3.4 Good financial management requires secure and reliable records and systems to process transactions and information and demonstrate the effective use of public money.
- 3.5 Financial Regulations should not be seen in isolation, but rather as part of the overall regulatory framework of the Council as set out in the Constitution.

### **4. Key Principles**

- 4.1 All employees should have regard to the following principles:
  - Budgets must not be overspent.
  - Only goods, works and services legitimately required by the Council should be purchased.
  - All spend should represent good value for money.
  - All income due must be collected, held securely and banked promptly and intact.
  - Assets should be managed in an efficient and effective manner.
  - A principal of common sense should underpin all transactions performed on behalf of the Council.

### **5. Who is responsible for ensuring they are applied?**

- 5.1 The Financial Regulations often refer to Service Directors as being responsible, and whilst they are ultimately responsible for ensuring that the Financial Regulations are applied and observed by their officers and for reporting to the Strategic Director, Corporate Resources any known or suspected breaches of the Financial Regulations, it is important that all employees involved in financial transactions are aware of their personal responsibility.
- 5.2 The Strategic Director, Corporate Resources is responsible for issuing advice and guidance to underpin the Financial Regulations.

5.3 The Strategic Director, Corporate Resources is responsible for maintaining a continuous review of the Financial Regulations.

## 6. **Waivers of Financial Regulation Rules**

6.1 There are expected to be very few instances when it would be appropriate not to comply with the Financial Regulations. Waivers of Financial Regulations can only be requested by Service Directors, approved by the Strategic Director, Corporate Resources, and will only be agreed where it can be shown that a waiver would not result in unnecessary financial risk or loss.

## 7. **General**

7.1 For each Financial Regulation, an owner will be nominated who will have overall responsibility for ensuring that it is:

- Modern and proportionate
- Communicated
- Regularly reviewed
- Complied with

7.2 Where appropriate, the owner of the Financial Regulation will provide details of training and development available and how this can be accessed.

7.3 If an employee would like to propose an amendment to a particular Financial Regulation, they should contact the owner. This includes where it is felt that the controls are not proportionate to the risk, or that the Regulation has not been updated to match changes in technology, systems or procedures.

1. Budget Management
2. Capital Expenditure
3. Revenue Budget Preparation, Control and Accounting
4. Internal Audit
5. Income
6. Banking Arrangements
7. Treasurer, Accountable Body and other Similar Financial Arrangements
8. Grants and Contributions Given
9. Grants and Contributions Receivable
10. Purchases and Payments
11. Payroll and Pensions
12. Travelling and Subsistence
13. Land and Property
14. Treasury Management
15. Bequests, Trusts, Client and Amenity Fund Monies
16. Insurance
17. Risk Management
18. Stocks and Stores
19. Control of Assets (excluding Land and Property)
20. Fees and Charges
21. Taxation
22. Fraud and Corruption

<b>2. Capital Expenditure</b>	
Objective	To ensure that the preparation, approval and monitoring of the Council's capital expenditure is robustly controlled.
Key Risk(s)	<p>Failure to deliver capital projects to time, cost and quality requirements.</p> <p>Incorrect distinction between capital and revenue expenditure.</p> <p>Unapproved capital spending.</p> <p>Capital expenditure does not reflect Council priorities.</p> <p>Insufficient resources to fund the capital expenditure and / or the revenue implications of the project.</p> <p>Council resources are not prioritised.</p>
<b>1. Budget Management</b>	
Objective	To ensure that budget monitoring is both accurate and timely and enables the Council to effectively manage its financial affairs.
Key Risk(s)	<p>Budgets overspend resulting in available reserves falling below the minimum level required to mitigate the Council's financial risks.</p> <p>The Council's financial position is unsustainable in the medium term.</p> <p>Poor financial decisions due to inaccurate financial information.</p>
Key Rule(s)	<p>Service Directors must ensure that all budgets are allocated to a named budget holder.</p> <p>Named officers will be deemed responsible for managing service delivery and containing expenditure within the agreed revenue and capital budgets, with support from Corporate Finance and comply with the roles and responsibility set out in the budget holder manual.</p> <p>All budget monitoring information will be recorded on the Council's financial ledger system (Agresso) in order to feed into corporate financial reporting.</p>
Guidance	<p>Manual of Financial Procedures</p> <p>Budget Holder Manual</p>

	<p>Project outputs / outcomes are not achieved.</p> <p>The Council's financial position is unsustainable in the medium term</p> <p>Poor financial decisions due to inaccurate financial information.</p>
Key Rule(s)	<p>The Capital Programme and Capital Strategy is approved by full Council prior to the start of the financial year.</p> <p>Updates to the Capital Programme are reported to Cabinet and Council quarterly.</p> <p>Service Directors are responsible for capital projects within their Service and must ensure that the Capital procedures are complied with.</p> <p>The Strategic Director, Corporate Resources must provide management information to enable Service Directors to manage their respective capital projects.</p> <p>Service Directors are responsible for ensuring value for money for each capital project and that approved costs are not exceeded.</p> <p>Only costs which meet the statutory definition of capital expenditure for Local Authorities can be charged to capital projects.</p> <p>Service Directors must have approval in place for full project costs prior to committing expenditure other than design fees and surveys.</p> <p>Service Directors should ensure that appropriate professional advice is sought (to include but not restricted to financial, legal, procurement) prior to project approval in accordance with Capital Guidance.</p>
Guidance	<p>Manual of Financial Procedures</p> <p>Capital Strategy</p>

<b>3. Revenue Budget Preparation, Control and Accounting</b>	
Objective	To ensure that the Council's budget setting process and subsequent accounting is accurate, timely and meets all statutory and corporate requirements.
Key Risk(s)	<p>Budget overspend resulting in available reserves falling below the minimum level to mitigate the Council's financial risks.</p> <p>The Council's financial position is unsustainable in the medium term.</p> <p>Poor financial decisions due to inaccurate financial information</p>
Key Rule(s)	<p>Accounting and budgeting procedures and policies must be complied with.</p> <p>All financial transactions, budgets and budget forecasts must be maintained on the Council's financial ledger system (Agresso) unless otherwise agreed by the Strategic Director, Corporate Resources.</p> <p>All financial transactions of the Council must be recorded as soon as, and as accurately as reasonably practicable. Budget holders are responsible for informing Finance of any issues impacting upon the accuracy of financial projections.</p> <p>The General Reserve must be approved and maintained in accordance with the Council's Reserves Policy. All appropriations to and from earmarked reserves must be in accordance with the Council's Reserves Policy.</p> <p>Legal entities and other arrangements for which the Council has financial responsibility must operate in accordance with the Council's Financial Regulations and related policies and procedures unless otherwise agreed by the Strategic Director, Corporate Resources.</p> <p>The approved budget can only be amended in accordance with virement procedures and delegated limits are set out in the Constitution.</p> <p>The Strategic Director, Corporate Resources must be consulted before entering into the following types of arrangement:</p> <ul style="list-style-type: none"> <li>• A lease or similar arrangement.</li> <li>• A loan.</li> <li>• A finance guarantee.</li> <li>• A payment in advance.</li> <li>• Non-monetary (or part) exchange of assets.</li> <li>• Non-standard contract terms.</li> </ul>
Guidance	<p>Manual of Financial Procedures</p> <p>Medium Term Financial Strategy</p>

<b>4. Internal Audit</b>	
Objectives	<p>To promote an effective Internal Audit Service on behalf of the Strategic Director, Corporate Resources, in line with legislation and the appropriate audit standards.</p> <p>To provide independent and objective assurance designed to add value and improve the Council's activities.</p> <p>To help the Council accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.</p>
Key Risk(s)	<p>That the Council may operate in an inefficient and ineffective way and not achieve value for money.</p> <p>That the Council's key controls do not operate as intended and do not protect against fraud, theft, inefficiency and error.</p>
Key Rule(s)	<p>The Strategic Director, Corporate Resources must ensure that the Council has an effective Internal Audit function.</p> <p>The Chief Internal Auditor must be able to report without fear or favour, in their own name to the Chief Executive, Cabinet and Audit and Standards Committee as well as the Scrutiny Functions.</p> <p>All audit work must be conducted in accordance with the appropriate professional standards.</p> <p>Service Directors must ensure that Internal Audit is allowed to:</p> <ul style="list-style-type: none"> <li>• Enter all Council premises and land at reasonable times.</li> <li>• Access all records, documents, data and correspondence relating to all transactions of the Council, or unofficial funds operated by an employee as part of their duties.</li> <li>• Receive all explanations as are necessary concerning any matter under examination.</li> <li>• Require any employee of the Council to produce cash, stores or any other property under their control belonging to the Council or held as part of the employee's duties.</li> </ul>
Guidance	Internal Audit Charter

<b>5. Income</b>	
Objective	To ensure that income due is collected, banked and accounted for in an efficient and secure manner.
Key Risk(s)	<p>Loss of income due to the Council through non-identification, non-collection or theft.</p> <p>Inefficient collection of income.</p> <p>Impact on Council cash flow.</p>
Key Rule(s)	<p>The procedures set out in the Manual of Financial Procedures in relation to income collection and banking must be followed and any changes from the procedures must be in an agreed manner.</p> <p>All income activity will be in accordance with the Council's Anti Money Laundering Policy, Procedures and Reporting Arrangements.</p> <p>All monies received on behalf of the Council must be paid intact into the relevant income account and recorded in the Council's financial ledger system (Agresso) in a timely manner.</p> <p>All monies for the Council must be paid into an authorised bank account.</p> <p>Treasury Management will be informed of any material income in advance of receipt.</p> <p>Service Directors must ensure that sundry debtor invoices are issued in an accurate and timely manner. They should also monitor payment to ensure the Council receives all due income and avoids future financial risk.</p>
Guidance	<p>Manual of Financial Procedures</p> <p>Anti Money Laundering Policy, Procedures and Reporting Arrangements.</p>

<b>6. Banking Arrangements</b>	
Objectives	<p>To ensure that all bank accounts operate in a secure and approved way.</p> <p>For the purposes of this Regulation the term bank account covers all bank accounts, imprest accounts, building society accounts and other holdings with third party financial institutions to which officers of the Council are signatories.</p>
Key Risk(s)	<p>Bank accounts may be created and used for unapproved activities.</p> <p>Insufficient controls are in place for the Council's banking arrangements, increasing the risk of fraudulent or unapproved transactions.</p>
Key Rule(s)	<p>The Strategic Director, Corporate Resources must approve the opening or closing of any bank account operated on behalf of the Council.</p> <p>Only methods of payment approved by the Strategic Director, Corporate Resources may be used.</p> <p>All bank accounts must be set up and operated in accordance with the bank and imprest account operating procedures guidance notes.</p> <p>Overdraft facilities or other borrowing arrangements must not be agreed without the express permission of the Strategic Director, Corporate Resources.</p>
Guidance	Manual of Financial Procedures

<b>7. Treasurer, Accountable Body and Other Similar Financial Arrangements</b>	
Objective	To ensure that the financial affairs of legal entities and other arrangements for which the Council has responsibility are managed in a secure and effective manner.
Key Risk(s)	<p>Funds are misappropriated or used for unauthorised purposes.</p> <p>Impact on the Council's financial reputation due to inaccurate or misleading financial reporting.</p> <p>Poor financial decisions due to inaccurate financial information.</p>
Key Rule(s)	<p>The Strategic Director, Corporate Resources must agree to undertake the financial responsibilities for such arrangements, except where the Council has a legal obligation to do so.</p> <p>Service Directors must ensure that an appropriate employee is appointed to manage arrangements covered by this Regulation.</p> <p>All financial reporting must comply with appropriate accounting standards. Budgets must be set, monitored and reported to the Strategic Director, Corporate Resources in line with the guidance and timetable issued.</p> <p>All accounting records and budgets must be maintained on the Council's financial ledger system (Agresso) unless otherwise agreed by the Strategic Director, Corporate Resources.</p> <p>The Strategic Director, Corporate Resources must be consulted on all investment decisions taken.</p> <p>All such arrangements must comply with the Council's Financial Regulations unless otherwise agreed by the Strategic Director, Corporate Resources.</p>
Guidance	Manual of Financial Procedures

<b>8. Grants and Contributions Given</b>	
Objective	To ensure that all grants and contributions made by the Council are appropriate, provide value for money and associated outcomes are achieved.
Key Risk(s)	<p>Grants and contributions given are not in accordance with Council priorities.</p> <p>The awarding of grants and contributions is seen as unfair and open to challenge.</p> <p>Grants and contributions are not spent in line with the agreed terms and conditions and the required outcomes of the funding are not achieved.</p>
Key Rule(s)	<p>Ensure that organisations in receipt of grant aid demonstrate that they are a competent and suitable organisation to receive public monies.</p> <p>Grants and contributions must only be given in accordance with the Council priorities and awarded on a fair and equitable basis.</p> <p>The grant or contribution should represent value for money and not duplicate other funding provided by the Council or other organisations.</p> <p>All grants and contributions must be awarded and monitored with a written agreement stating appropriate terms and conditions. Terms and conditions must include required outcomes; how such outcomes will be measured and the obligations to repay the funding if the terms are not met.</p> <p>Appropriate action must be taken to reclaim funds when breaches of terms and conditions occur and / or outcomes are not achieved.</p>
Guidance	Manual of Financial Procedures

<b>9. Grants and Contributions Receivable</b>	
Objectives	<p>To ensure the Council takes advantage of all opportunities to maximise resources in delivering its strategic priorities by securing external grants and contributions.</p> <p>To ensure the proper management of the obligations arising from a successful award of external funding.</p>
Key Risk(s)	<p>Failure to maximise grant drawdown / non-delivery of conditional outputs / outcomes.</p> <p>Exposure to grant clawback arising from non-compliance with terms and conditions.</p> <p>Future commitments once grant comes to an end placing pressure on existing budgets.</p>
Key Rule(s)	<p>The Strategic Director, Corporate Resources shall be consulted prior to the submission of applications for funding, including any requirements for match-funding.</p> <p>Service Directors must ensure that grants and contributions in their Service area are properly evidenced, regularly monitored, promptly claimed and that all relevant terms and conditions are met.</p> <p>Service Directors must ensure an exit strategy is in place to address the budget impact once the funding ends.</p> <p>The Strategic Director, Corporate Resources must also be consulted where the Council is the accountable body and where the funder requires an external audit.</p> <p>The Strategic Director, Corporate Resources must be given all evidence needed so that grants can be claimed in a timely and accurate manner. Such evidence must be provided within the appropriate timeframe to allow the Strategic Director, Corporate Resources time to evaluate and, if necessary, question the evidence provided.</p> <p>All relevant and significant grant claims must be signed off by the Strategic Director, Corporate Resources or authorised representative.</p> <p>The Strategic Director, Corporate Resources is responsible for ensuring that all grant monies claimed are received and correctly accounted for.</p>
Guidance	Manual of Financial Procedures

<b>10. Purchases and Payments</b>	
Objective	Assets, goods, works and services legitimately required by the Council are appropriately purchased and paid for, and in compliance with the Council's Contract Procedure Rules.
Key Risk(s)	<p>Inappropriate items may be purchased which are not for Council use, or where there is no business need.</p> <p>Rogue spend and / or use of suppliers for goods and services for which an approved contracted supplier is in place.</p> <p>Incorrect amounts or duplicate payments may be paid to suppliers.</p> <p>Penalties for late payment of invoices.</p> <p>Theft, loss or misuse of Purchasing Cards or Petty Cash.</p> <p>Budget overspend.</p> <p>Reputational damage to the Council.</p> <p>Non-compliance with statutory requirements such as GDPR, Health &amp; Safety, Safeguarding.</p>
Key Rule(s)	<p>Purchasing and payment for assets, goods, works and services must only be undertaken by authorised officers and in accordance with the approved purchase and payment procedures as defined by the Strategic Director, Corporate Resources. Any variation to the procedures must be agreed by the Strategic Director, Corporate Resources.</p> <p>Before assets, goods, works or services are ordered the designated budget officer must apply the following tests:</p> <ul style="list-style-type: none"> <li>• Has the Service needs and objectives been obtained?</li> <li>• Is it affordable?</li> <li>• Is it Value for Money?</li> <li>• Is there financial provision?</li> <li>• Are there any implications in respect of GDPR, Health &amp; Safety or Safeguarding?</li> </ul> <p>Procurement of all goods, works and services by the Council including the procurement of Income Contracts and Concession Contracts must be in line with Contract Procedure Rules.</p> <p>Unless a specified exception applies, an official order must be raised through authorised systems in order to ensure a commitment is generated and a payment is made promptly. Once the goods are received the official order must be updated to reflect this.</p>

	<p>Before authorising a payment, it must be ensured that the goods, works or services have been properly ordered, there is proof of receipt and the invoice is accurate.</p> <p>To ensure prompt payment, invoices must be sent to Exchequer Services within three days of receipt.</p> <p>All payment feeder systems must be authorised by the Strategic Director, Corporate Resources, who will ensure appropriate controls are in place for the generation and authorisation of payment files.</p> <p>All Purchasing Card transactions must be in accordance with laid down procedures, including review and authorisation on a regular basis</p> <p>All use and authorisation of Petty Cash must be in accordance with laid down procedures and limited to minor items of expenditure.</p> <p>All receipts for Purchasing Card and Petty Cash transactions must be retained and if VAT is claimable, a proper VAT receipt obtained.</p>
Guidance	<p>Manual of Financial Procedures Contract Procedure Rules</p>

<b>11. Payroll and Pensions</b>	
Objective	To ensure that payments of salaries and pensions to employees and former employees of the Council are accurate, timely, made to the right people and in accordance with the relevant terms and conditions and are compliant with statutory regulations.
Key Risk(s)	<p>Incorrect or late payments made to recipients.</p> <p>Inaccurate or incomplete records held on the Payroll System.</p> <p>Penalties for inaccurate or late submission of returns or payments to HMRC or pension providers.</p> <p>Budget overspend.</p> <p>Reputational damage to the Council.</p>
Key Rule(s)	<p>In order to ensure correct treatment for tax, National Insurance and pension, all salary payments including councillors and casual workers must be processed through the Council's payroll system.</p> <p>Payment for any individual who does not fall within the scope of IR35, i.e. not an employee, must be paid via the Council's Financial Ledger, Agresso.</p> <p>To arrange and control secure and accurate payments of salaries or other emoluments to existing and former employees, in accordance with Council Procedures within the pre-determined and legislative deadlines.</p> <p>All permanent and temporary changes to employee terms and conditions affecting payroll and pensions must be notified promptly and accurately to the Strategic Director, Corporate Resources, and be in accordance with approved terms and conditions and statutory legislation.</p> <p>To ensure all appropriate payroll and pension documentation are retained and stored for the defined period in accordance with the document retention schedule and legislation.</p> <p>To ensure statutory returns and payments are submitted to HMRC and appropriate pension providers within deadlines.</p>
Guidance	<p>HR Policies</p> <p>Annual Payroll Timetables</p> <p>Procurement Protocols for non-employees</p>

<b>12. Travelling and Subsistence</b>	
Objective	To ensure that the reimbursement of allowances and expenses to employees and councillors is in accordance with the appropriate agreements and legislation.
Key Risk(s)	<p>Incorrect or late payments made to recipients.</p> <p>HMRC penalties for inaccurate or unreceipted VAT treatment.</p> <p>Irregular claims submission leading to budget overspend.</p> <p>Fraudulent claims.</p> <p>Reputational damage to the Council.</p>
Key Rule(s)	<p>Expenditure to be incurred and claims completed and authorised in accordance with guidance approved by the Strategic Director, Corporate Resources.</p> <p>Submission by the claimant will be taken to mean that the journeys and expenses were properly and necessarily incurred on Council business.</p> <p>Claims are to be submitted in accordance with the agreed timetable.</p> <p>Receipts must be provided for all expenditure claimed to enable VAT to be recovered from HMRC.</p>
Guidance	Manual of Financial Procedures

<b>13. Land and Property</b>	
Objective	To ensure there are effective controls in place for all property matters including acquisition, disposal, lease, licence or use of property so that the Council's property portfolio is managed in an efficient, effective and secure manner.
Key Risk(s)	<p>The Council incurs additional costs in operating its land and property portfolio due to:</p> <ul style="list-style-type: none"> <li>• The retention of under utilised property</li> <li>• Inefficient use of land and property</li> <li>• The retention of property that is not fit for purpose</li> </ul>
Key Rule(s)	<p>The Strategic Director, Corporate Service and Governance is responsible for all acquisitions, disposals, leasing and licensing of all land and / or property. Service Directors must engage with the Strategic Director, Corporate Services and Governance at the start of any initial consideration around;</p> <ul style="list-style-type: none"> <li>• Acquisition or disposal of land and / or property owned by the Council.</li> <li>• Change in the use of any land and / or property owned or occupied by the Council.</li> <li>• Proposal to substantially reconfigure or refurbish Council owned or occupied property.</li> <li>• Change in the occupancy of property owned or occupied by the Council.</li> <li>• Lease or licence of land and / or property.</li> <li>• Use of Council land and / or property for the purpose of generating additional revenue income.</li> <li>• Where a property and / or land is no longer required and is considered surplus for service delivery purposes.</li> <li>• Where a Service is vacating a property (or part), so that the appropriate surplus property handover procedure is followed.</li> </ul> <p>In relation to the above, the Strategic Director, Corporate Services and Governance will then advise on the appropriate approval process to be followed taking into account the Council's overall strategic priorities, and with due consideration to the relevant financial approval process.</p> <p>All communication with vendors, purchasers or their agents or professional advisers shall be undertaken by the Strategic Director, Corporate Services and Governance.</p>
Guidance	<p>Corporate Asset Strategy and Management Plan  Solicitors' Regulation Authority Handbook  Council of Mortgage Lenders' Handbook  RICS Professional Statements  RICS Valuation Standards</p>

<b>14. Treasury Management</b>	
Objective	To ensure that all investment and borrowing is valid, accurate, efficient, properly accounted for and in accordance with statutory and corporate requirements.
Key Risk(s)	<p>Inefficient borrowing may have adverse impact on the Council's financial resources.</p> <p>Failure to recover investment monies from counterparties.</p> <p>Illegal borrowing or investment.</p> <p>Fraud / theft.</p> <p>Reputational damage to the Council.</p>
Key Rule(s)	<p>The Strategic Director, Corporate Resources is responsible for Treasury Management and no other employees, unless named in the officer scheme delegation, must borrow or invest Council funds.</p> <p>Funds are invested in accordance with the Treasury Management Strategy approved each year by Council.</p> <p>The Strategic Director, Corporate Resources will report on Treasury Management policies, practices and activities, including as a minimum, an annual strategy and plan in advance of the year, a mid year review and an annual report in the form set out in the Treasury Management Practices.</p> <p>The Council delegates responsibility for the implementation and monitoring of its Treasury Management Policies and Practices to Cabinet and for the execution and administration of Treasury Management decisions to the Strategic Director, Corporate Resources who will act in accordance with the Council's Strategy Statement and Treasury Management Practices.</p> <p>The Audit and Standards Committee is nominated by the Council to be responsible for ensuring effective scrutiny of the Treasury Management Strategy and Policies.</p>
Guidance	<p>Treasury Management Policy Statement</p> <p>Treasury Management Strategy</p> <p>Investment Strategy</p> <p>Treasury Management Practices</p>

<b>15. Bequests, Trusts, Client and Amenity Fund Monies</b>	
Objective	All bequests, trusts, client and amenity funds are correctly managed and monitored.
Key Risk(s)	Funds may be misappropriated or lost within the Council's overall funds.
Key Rule(s)	<p>Where gifts or bequests are received by the Council, details of the donor should appear on the inventory.</p> <p>All trusts should wherever possible be in the Council's name unless otherwise stated in the trust deeds, or where charities legislation dictates otherwise.</p> <p>Officers acting as trustees by virtue of their official position must deposit all documents of title relating to the trust with Legal and Democratic Services who must maintain a register of all such documents.</p> <p>The financial management of all bequests and trusts must be reported to the Strategic Director, Corporate Resources or their representative. For further details refer to Bequests and Trusts Guidance Note in the Manual of Financial Procedures.</p> <p>Where an employee of the Council is responsible for a fund not relating to the Council, the Service Director concerned shall ensure that the fund is properly administered and that it is independently audited, where appropriate, by person's having knowledge of the fund's purpose.</p> <p>Any proposed unofficial funds shall require the prior approval of the Service Director who must maintain a record of all such funds and ensure that officers are appointed to administer each fund.</p> <p>The Strategic Director, Corporate Resources is to have access to any records relating to such funds and must be informed immediately of any irregularities in connection with them.</p> <p>A private fund can only be set up if the Strategic Director, Corporate Resources is made aware and with the approval of the Service Director. It must be audited every year by two independent individuals or a CCAB/CIMA qualified accountant.</p>
Guidance	Manual of Financial Procedures

<b>16. Insurance</b>	
Objective	To ensure that the insurance risk across the Council is managed efficiently and effectively and limit the authority for arranging insurance cover to the Strategic Director, Corporate Resources.
Key Risk(s)	<p>Failure to secure appropriate insurance arrangements leaving the Council lacking cover in the event of a significant loss.</p> <p>Failure to seek the appropriate insurance advice when taking decisions could impact adversely on the Council's insurance risk.</p>
Key Rule(s)	<p>The Strategic Director, Corporate Resources is responsible for arranging all insurance.</p> <p>The Strategic Director, Corporate Resources, in consultation with the Chief Executive, is responsible for advising the Cabinet on insurance and will affect all insurance cover and negotiate all claims in consultation with other officers, where necessary.</p> <p>Directors must manage insurance risks within their Service. This includes:</p> <ul style="list-style-type: none"> <li>• Notifying the Strategic Director, Corporate Resources of the nature and extent of any new insurable risk and of any alterations to currently insured risks.</li> <li>• Consulting with the Strategic Director, Corporate Resources at an early stage in projects / decisions that may have insurance implications. This consultation must be undertaken well in advance of the drafting of any legal agreements or any form of commitment made by the Council.</li> <li>• Immediately notifying the Strategic Director, Corporate Resources of any loss, liability or damage.</li> <li>• Supplying information to the Strategic Director, Corporate Resources, Legal Services or the Council's insurers.</li> </ul> <p>The Insurance Claims Handling Protocol within the Manual of Financial Procedures must be complied with</p>
Guidance	Manual of Financial Procedures

<b>17. Risk Management</b>	
Objective	To ensure that the Council manages the strategic and operational risks associated with the provision of its services in accordance with good management practice and in compliance with the Local Code of Governance and the Council's Risk Management Policy.
Key Risk(s)	<p>Failure to identify and respond to risks associated with strategic decisions could result in missed opportunities to innovate, reduce costs and improve outcomes and consequently impact on the delivery of the Council's medium to long term objectives and priorities.</p> <p>Failure to identify operational risks and effectively mitigate, leading to service impact from failed internal processes, people, equipment or systems, or from external events.</p> <p>Absence of robust contingency plans for the security of assets and the continuity of service in the event of a disaster, significant event or system failure.</p>
Key Rule(s)	<p>Risks assessments must be carried out for all identified strategic and operational risks, including new and existing contracts / projects and contract changes.</p> <p>Procedures must be in place to update risk assessments either when triggered by a risk occurrence, a system or legislative change, or at appropriate intervals.</p> <p>Risk management should be integrated into the Council's strategic planning framework and all Service Business Plans.</p> <p>The Corporate Risk and Resilience Group will facilitate the preparation of Business Continuity Management Plans. In accordance with the Business Continuity Policy, Service Directors are responsible for the development and maintenance of the business continuity plan covering the activities within their Service's remit. The plans will describe the action to be taken in the event of a business interruption.</p> <p>All Business Continuity Management related activity within the Council is coordinated through the Corporate Risk and Resilience Group under the guidance of the Strategic Director, Corporate Resources.</p> <p>Accountable officers will ensure that appropriate, cost effective actions are taken to manage and control risks.</p>
Guidance	Risk Management and Policy and Procedures Business Continuity Management Policy

<b>18. Stocks and Stores</b>	
Objective	To ensure the Council holds appropriate stock levels in a secure manner.
Key Risk(s)	<p>The Council holds too much stock tying up resources, both financial and space.</p> <p>Stock in hand becomes obsolete or is misappropriated.</p> <p>The Council has insufficient stock to operate efficiently and effectively.</p>
Key Rule(s)	<p>Service Directors must ensure proportionate arrangements are put in place to safeguard stocks and stores under their control, in accordance with the Stocks and Stores Guidance.</p> <p>An officer must be nominated as responsible for the management and security of the stocks and stores.</p> <p>When a stock of goods is maintained there should be an inventory or stock record as appropriate for the value of the stock.</p> <p>Regular stock takes, at least annually, should be carried out. Any variance should be reported and investigated as appropriate.</p> <p>At the end of the financial year the method of stock valuation detailed in the Statement of Accounts – Guide for Services must be complied with.</p> <p>Stores or materials found to be obsolete or in excess of requirements are to be disposed of in accordance with relevant procedures.</p>
Guidance	Manual of Financial Procedures

<b>19. Control of Assets (excluding Land and Property)</b>	
Objective	To ensure that assets are kept securely and disposed of appropriately.
Key Risk(s)	<p>Assets may be misappropriated or used on an inappropriate way.</p> <p>Software and other intellectual property is not used in accordance with licensing agreements.</p>
Key Rule(s)	<p>Proportionate arrangements should be in place to safeguard assets, including those owned by third parties. Service Directors are responsible for ensuring arrangements are in place for maintaining effective security of all assets, including data and information.</p> <p>Assets including equipment and vehicles should only be disposed of in accordance with relevant procedures.</p> <p>All inventories must be maintained in accordance with relevant procedures.</p> <p>When an officer has to look after private property they must make a complete inventory of the property under their custody, and make arrangement for its safekeeping, including instructions on how to dispose of the property if the client dies.</p> <p>Service Directors must ensure that when an employee has to look after money not belonging to the Council, that they keep it separate from Council monies and make arrangements for its recording and safekeeping.</p>
Guidance	Manual of Financial Procedures

<b>20. Fees and Charges</b>	
Objective	Fees and charges are set to ensure full costs recovery and are regularly reviewed to ensure they continue to do so.
Key Risk(s)	Unapproved subsidy of services provided to third party.  Out of date fees and charges, negatively impacting on Council budgets.
Key Rule(s)	All fees and charges must be reviewed at least once per year as part of the Council's annual budget process.  Within the annual review all fees and charges which are locally determined should be increased in line with guidance provided by the Strategic Director, Corporate Resources.  Charges should be set at a level to ensure that all relevant costs are fully recovered, unless agreed otherwise.  Any proposed changes to locally determined fees and charges, which are not in line with the guidance, or any proposals not to increase charges, will be agreed with the Strategic Director, Corporate Resources and the reasons set out in the Annual Fees and Charges Report.  The introduction of a completely new fee or charge, arising due to changes in policy or new policies, must be referred to Cabinet for approval.
Guidance	Manual of Financial Procedures Annual fees and charges guidance

<b>21. Taxation</b>	
Objective	To ensure that taxation is correctly accounted for and any risks are effectively managed.
Key Risk(s)	<p>Incorrect accounting of taxation resulting in penalties from HMRC.</p> <p>Failure to comply with HMRC rulings.</p> <p>Inefficient taxation treatment leading to financial resources not being optimised.</p>
Key Rule(s)	<p>The Strategic Director, Corporate Resources must be consulted on:</p> <ul style="list-style-type: none"> <li>• The nature and extent of any new agreements or alterations to existing arrangements where there may be taxation risks or potential taxation liabilities.</li> <li>• Projects / decisions that may have taxation implications.</li> </ul> <p>This consultation must be undertaken well in advance of the drafting of any legal agreements or any form of commitment made by the Council.</p> <p>Taxation guidance, including statutory HMRC rule must be complied with.</p>
Guidance	Manual of Financial Procedures

<b>22. Fraud and Corruption</b>	
Objective	To ensure that the Council is committed to and promotes a culture of counter fraud and zero tolerance in relation to fraudulent activity.
Key Risk(s)	That the Council may be subject to fraud resulting in the potential loss of resources and / or reputational damage.
Key Rule(s)	<p>Whenever any matter arises which involves or is thought to involve, theft, fraud or financial irregularity, including breaches of these Financial Regulations, or bribery or corruption which involves the Council's interests, the Strategic Director concerned must immediately, and before proceeding with any further investigation, notify the Strategic Director, Corporate Resources of that matter.</p> <p>The Strategic Director, Corporate Resources will take such steps as they consider necessary by way of investigation and report, or by advising the Strategic Director about any further action to be taken.</p> <p>Each Strategic Director will maintain a Register of all offers of gifts and hospitality in a form to be agreed by the Strategic Director, Corporate Resources and Strategic Director, Corporate Services and Governance, and in accordance with the guidelines set out in the Code of Conduct for Council Officers (Part 5 of this Constitution).</p>
Guidance	<p>Audit Charter  Counter Fraud and Corruption Policy  Counter Fraud and Corruption Strategy  Fraud Response Plan  Whistleblowing Policy  Statement on the Prevention of Bribery  Code of Conduct for Council Officers  Anti Money Laundering Policy, Procedures and Reporting Arrangements</p>

**CONTRACT PROCEDURE RULES**

**1. Introduction and Interpretation**

1.1 These Rules constitute the Council's standing orders on contracts for the purpose of section 135 of the Local Government Act 1972.

1.2 The following words within the Rules shall be interpreted as follows:

1.2.1 "Approved Electronic System" means the North East Procurement Organisation procurement portal or any other electronic system approved in writing by the Strategic Director, Corporate Services and Governance.

1.2.2 "Contract" means a contract for the provision of works, goods or services for consideration to the Council by a Third Party unless a particular Rule makes it clear that a different meaning is intended;

1.2.3 "Regulations" means the Public Contracts Regulations 2015 (Statutory Instrument 2015 No. 102) and any subsequent amendments thereto;

1.2.4 "EU Treaty" means the Treaty on the Functioning of the European Union

1.2.5 "EU Threshold" means the thresholds prescribed in Regulation 8 of the Regulations;

1.2.6 "In-house Services" means services or works which can be delivered to the Council by an existing directly employed workforce or Associated Company.

1.2.7 "Associated Company" means any company or limited liability partnership to which the Council may directly award contracts pursuant to the exemptions from the scope of the Regulations set out at Regulation 12 of the Regulations or any corresponding provision of any successor legislation.

1.2.8 "Third Party" means any economic operator, a contractor, service provider, supplier, consultant, firm, company (excluding an Associated Company) partnership or a sole trader external to the Council.

1.2.9 "Local Contractor" means any Third Party whose principal place of business is in the borough of Gateshead or with premises in the borough of Gateshead in respect of which business rates are paid to the council

- 1.3 These Rules apply to all procurement for the provision of works, goods or services by or from a Third Party. For the avoidance of doubt, these Rules do not apply to the commissioning of In-house Services, although any subcontracting arrangements are subject to these Rules
- 1.4 All procurement activity and Contracts must comply with:
- 1.4.1 all applicable statutory provisions, including but not limited to the duty to secure best value under the Local Government Act 1989;
  - 1.4.2 where applicable, the Public Contracts Regulations 2015;
  - 1.4.3 the EU Treaty (including the general Treaty principles of equal treatment, non-discrimination, mutual recognition, proportionality and transparency);
  - 1.4.4 the Council's Constitution including the Codes of Conduct and Scheme of Delegation
  - 1.4.5 any Council Procurement Protocols or Guidance proposed by the Service Director, Corporate Commissioning and Procurement and approved by the Strategic Director, Corporate Services and Governance.

and where there is a conflict between any of the above, in order of precedence as listed.

## **2. Exceptions to these Rules**

- 2.1 Every Contract will comply with these Rules, unless:
- 2.1.1 the Cabinet authorises an exception, or
  - 2.1.2 the matter is so urgent that it is not feasible to comply, in which case the officer concerned will report the reasons to the next meeting of the Cabinet, and the reasons for it, will be recorded in the minutes of the Cabinet.
- 2.2 Rules 3 to 11 do not apply to a contract entered into by a school operating a delegated budget under the School Standards and Framework Act 1998. Schools must refer to the School Manual of Financial Procedures for Rules relating to procurement and contracting with a Third Party.

### 3. **Procurement Principles**

3.1 Subject to Rule 2 and to the exceptions at Rule 5.2.6 and 5.2.7, no Contract exceeding £250,000 in value shall be let without prior approval of the cabinet, such approval to be in the form of either:

3.1.1 an authorisation to invite or negotiate tenders in accordance with Rule 6 or to conduct some other procurement process in accordance with these rules and to award the Contract to the economic operator submitting the most economically advantageous tender as determined by the Service Director Corporate Commissioning and Procurement in accordance with the stated terms of the tender or other process and, where applicable, the Regulations; or

3.1.2 an authorisation subsequent to the conduct of a tendering process or other procurement process in accordance with these Rules to award the Contract to the economic operator that has submitted the most economically advantageous tender in accordance with the stated terms of the tender or other process and, where applicable, the Regulations.

3.2 All Contracts exceeding £25,000 in value will be procured in accordance with directions of the Service Director, Corporate Commissioning and Procurement who shall be instructed at the earliest opportunity, unless the Strategic Director, Corporate Services and Governance authorises an exception.

3.3 Regard must be had to the potential consolidation of Contracts for works, supplies or services of a similar nature which are likely to be carried out in connection with a particular projects or services in order to achieve the best value for money.

### 4. **Restrictions on Contracts for Work That Can Be Carried out In House and for Services of a Professional or Technical Nature**

4.1 Unless cabinet authorises an exception in writing:

4.1.1 No Contract for In-house Services (save for services comprising or relating to construction) may be entered into or offered for tender unless the Service Director responsible for the delivery of that In-House Service has first been offered the opportunity to negotiate to perform the services and either

4.1.1.1 the Strategic or Service Director responsible for the In-House Service agrees that the Contract should be entered into or offered; or

4.1.1.3 agreement cannot be reached on a reasonable price or timescale for the performance of the services by the Associated Company or in-house team.

4.1.2 No Contract for services of a professional or technical nature shall be entered into without prior consultation with and approval of the Strategic Director with responsibility for the relevant Service as set out in Article 13 of this constitution and the relevant Strategic Director shall determine the scope of the services to be obtained (including the content of any service specification) and shall ensure the provision of such professional or technical support as is necessary to enable the Contract to be entered into:

## **5. Procurement Requirements**

5.1 Subject to Rule 2, no Contract may be made, unless:

5.1.1 tenders have been invited or negotiated in accordance with Rule 6; or

5.1.2 Cabinet has decided that the works, supplies or services in question should be procured through a partnership arrangement, provided that the Strategic Directors of Corporate Services and Governance and Corporate Resources are satisfied with the procedures for procurement and with the terms of the contract; or

5.1.3 the works, supplies or services, in question are to be purchased through a framework or other arrangement entered into by the Council; or

5.1.4 the works, supplies or services, in question are to be purchased through any other bona fide framework arrangement set up by a local authority, a government department or other public body or central purchasing body and the use of the framework arrangement has been approved by the Service Director, Corporate Commissioning and Procurement.

5.2 Subject to the requirements of the Regulations, the requirements under Rule 5.1 do not apply to a Contract:

5.2.1 below £25,000 in value provided that value for money can be demonstrated and consideration has been given whether to obtain competitive quotations using the Approved Electronic System, from at least four contractors or if this is not possible, from all capable contractors. Consideration should be given to whether or not Local Contractors can fulfil the requirement of the council. If it is considered that Local Contractors can fulfil the requirements, then at least two Local Contractors should be invited to submit a quotation;

5.2.2 between £25,000 and the relevant EU Threshold provided that the Contract is let using the Approved Electronic System in accordance with a procedure approved by the Service Director, Corporate Commissioning and Procurement and in accordance with the principles of the EU Treaty;

- 5.2.3 for goods purchased in a public market or at auction;
- 5.2.4 for a work of art or museum specimen;
- 5.2.5 for goods, works or services which are obtainable only from one contractor;
- 5.2.6 for the placement of individuals in private residential or nursing homes where the Strategic Director, Care, Wellbeing and Learning considers such a Contract to be in the best interests of an individual provided the cost of the placement is within existing budgetary provision, and has been let in accordance with the Regulations;
- 5.2.7 for social care or educational services (including but not limited to domiciliary care, and day care services) to be provided to an individual or a household where the Strategic Director, Care, Wellbeing and Learning considers such a Contract to be in the best interests of an individual provided the cost of the Contract is within existing budgetary provision, and has been let in accordance with the Regulations where applicable;
- 5.2.8 with OFSTED for the inspection of a school;
- 5.2.9 with Care Quality Commission under section 85 (1) of the Health and Social Care Act 2008:
- 5.2.10 with Driver and Vehicle Licensing Agency and/or Driver and Vehicle Standards Agency with regard to Council owned or operated vehicles;
- 5.2.11 for the execution of mandatory works by statutory undertakers, where the statutory undertaker is the only body which can perform the works. (e.g. Northumbria Water specifically for water and sewerage infrastructure works, Northern Powergrid specifically for electricity infrastructure works, Network Rail specifically for works affecting the railway infrastructure etc.);
- 5.2.12 which forms part of a serial programme, in respect of which tender may be invited from a contractor which won the Contract for an earlier phase of the work provided that the combined value does not exceed the EU Threshold;
- 5.2.13 which may be awarded in accordance with Regulation 12 of the Regulations
- 5.3 Any exemptions under Rule 5.2.1 to 5.2.13 must be recorded in writing, detailing the reasons for the application of the exemption and signed by a Strategic Director/ Service Director.
- 5.4 No member of the Council will enter either orally or in writing into any Contract on the Council's behalf.

## 6. **Invitations to Tender and Negotiated Tenders**

6.1 Where a Contract is to be procured by a tender, the Cabinet, or the Service Director, Corporate Commissioning and Procurement through this delegation, will adopt one of the following procedures:

6.1.1 Tenders may be invited by the Service Director, Corporate Commissioning and Procurement via the Approved Electronic System in accordance with the Regulations and giving at least seven days' notice. An advertisement may also be published in one or more local newspapers, a specialist, trade or professional journal if deemed necessary.

6.1.2 If the Contract value is below the relevant EU Threshold as set out in Regulation 5 of the Regulations, tenders may be invited by the Service Director, Corporate Commissioning and Procurement (without advertisement) from a reasonable number of capable contractors. Consideration should be given as to whether or not local contractors can fulfil the requirements of the Contract. If it is considered that Local Contractors can fulfil the Contract requirements, then at least two Local Contractors should be invited to tender.

6.1.3 Where an approved list of contractors or dynamic purchasing system is maintained by the Council for contracts under the EU Threshold, it will be managed by the Service Director Corporate Commissioning and Procurement and, tenders or quotations may be invited from all the contractors on the list, or from those of them selected by the Cabinet or by an officer using a method approved by the Cabinet. The approved list will be reviewed at least once every five years, and where necessary an advertisement inviting inclusion in the list will be published via the Approved Electronic System and on Contracts Finder. A similar advertisement may also be published in one or more local newspapers and/or specialist, trade or professional journals.

6.1.4 Where the Contract forms part of a serial programme, a tender may be invited from a contractor who won the contract for an earlier phase of the work provided the combined value does not exceed the relevant EU Threshold.

6.1.5 A tender may be invited from a contractor already engaged by the Council, if that is in the Council's interests provided that the combined value does not exceed the relevant EU Threshold.

6.2 The invitation to tender will specify that all tenders must be submitted electronically through the Approved Electronic System unless it is not appropriate in the circumstances to do so in which case the invitation to tender shall specify clearly the alternative submission method to use

## **7. Opening of Tenders**

- 7.1 All electronic tenders shall be held securely and unopened until after the time limit set for submitting them has expired.
- 7.2 All electronic tenders and all envelopes containing tenders for the same contract shall as far as possible be opened at the same time.
- 7.3 Any tender received after the deadline for the receipt of tenders cannot be considered, unless the other tenders have not yet been opened and the Strategic Director, Corporate Services and Governance is satisfied that:
  - 7.3.1 in the case of an electronic tender, the tender could not have been submitted by the deadline for reasons outside the tenderer's control; or
  - 7.3.2 in the case of a paper-based tender, the tender was posted in sufficient time for it to have been received by the deadline in the ordinary course of post.

## **8. Evaluation of Tenders**

- 8.1 All tenders that are subject to the Regulations must be evaluated in accordance with the provisions of the Regulations and all tenders and quotations must aim to secure a Contract that is the most economically advantageous to the Council. The Service Director, Corporate Commissioning and Procurement will manage all tender evaluation processes.
- 8.2 Award criteria must be clearly set out in the invitation to tender or equivalent documentation together with the weighted scoring methodology.
- 8.3 A tender for a contract other than the most economically advantageous, may not be accepted without a record of the decision and the reason for it being made in the minutes of the next meeting of the Cabinet.
- 8.4 All other tenders for Contracts up to £250,000 in value may be accepted by a manager in consultation with the service Director, Corporate Commissioning and Procurement.

## **9. Alterations**

- 9.1 Where a tenderer identifies an error in its tender after submission but before the closing date for receipt of tenders, it may submit a revised tender. In such a case only the latest tender submitted will be evaluated.
- 9.2 Where an examination of competitive tenders reveals an error or discrepancy which would affect the sum payable by or to the Council, in a tender which might otherwise be accepted, the tenderer must be given the opportunity of confirming or withdrawing its tender. Where the Strategic Director, Corporate Services and Governance is satisfied that the error or discrepancy is an arithmetical error, the tenderer may be given the opportunity to correct it.

## 10. **Form and Content of Contracts**

- 10.1 No Contract above £25,000 in value shall be entered into unless the form and content has first been approved by the Strategic Director, Corporate Services and Governance or on his/her behalf pursuant to a written delegated authority and must be executed on behalf of the Council by the Strategic Director, Corporate Services and Governance or on his/her behalf pursuant to a written delegated authority.
- 10.2 Every such Contract will specify the work to be carried out, or the goods or services to be provided, the price to be paid (including any discounts), and the timetable for performing the contract.
- 10.3 Where a Strategic Director considers that the Council should require security for the performance of a contract above £100,000 in value, he/she will, after consulting the Strategic Director, Corporate Resources and the Strategic Director, Corporate Services and Governance, specify in the conditions of tender the nature and amount of the security (whether a bond or otherwise).

## 11. **Non-Commercial Matters**

- 11.1 When dealing with any aspect of contracting the Cabinet, any committee or other body of the Council, or manager acting under delegated powers, must not take account of matters defined as 'non-commercial' by Section 17 of the Local Government Act 1988 as amended by the Equality Act 2010 and the Public Services (Social Value) Act 2012  
<http://www.legislation.gov.uk/ukpga/1988/9/section/17>.

## 12. **Termination of Contracts**

- 12.1 No Contract shall be terminated early without prior consultation with the Strategic Director, Corporate Services and Governance and Strategic Director, Corporate Resources to understand the legal and financial impact of the termination.

## 13. **Invitation and Opening of offers for the purchase of Council Land or Buildings**

- 13.1 Where Council land or buildings are to be sold by sealed offer the invitation must state that offers are to be submitted to the Chief Executive by the appointed time in the plain envelope provided, marked 'Offer' followed by the appropriate reference, and without any mark revealing the sender's or bidder's identity. Alternatively electronic tenders may be received via the approved electronic portal.
- 13.2 All electronic tenders and all envelopes containing offers will be held by the Chief Executive until they are opened.

- 13.3 All electronic tenders and all envelopes containing offers for the same property received by the appointed time will be opened together by a representative of the Strategic Director, Corporate Services and Governance and a representative of the Chief Executive.
- 13.4 Any tender containing an offer received after the appointed time will be opened in accordance with Rule 7.3 and the circumstances will be reported to the Cabinet.
14. **Common Seal of the Council**
- 14.1 The Common Seal will be affixed to those documents which as a matter of law or in the opinion of the Strategic Director, Corporate Services and Governance should be executed as a deed. The affixing of the Common Seal will be attested by the Mayor or Deputy Mayor and by the Chief Executive, or Strategic Director, Corporate Services and Governance or on his/her behalf pursuant to a written delegated authority.

This page is intentionally left blank



**COUNCIL MEETING**

**23 MAY 2019**

## **HIGHWAY DEVELOPMENT FEES AND CHARGES**

---

**Sheena Ramsey, Chief Executive**

**Mike Barker, Strategic Director, Corporate Services and Governance**

---

### **EXECUTIVE SUMMARY**

1. The purpose of this report is to seek approval A revised and new scale of fees and charges for highway functions associated with new development.
2. In recent years the work associated with the preparation of highway adoption agreements has increased significantly and the current scale of fees does not reflect the increased officer workload. Similarly, the workload associated with the preparation of the street naming and numbering function has increased significantly in recent years. Charges are not currently levied for street naming and numbering.
3. Therefore, it is proposed that the highway adoption agreement developers' fees be revised as outlined in Appendix 2 and that administration charges be introduced for street naming and numbering applications as outlined in Appendix 3.
4. The Cabinet has considered the facts and issues arising from the report including alternative options and took all relevant advice before formulating their recommendation.

### **RECOMMENDATION**

5. It is recommended that Council approve the revised highway adoption agreement developers' fees and the new street naming and numbering charges as set out in appendices 2 and 3.

This page is intentionally left blank

**TITLE OF REPORT:** Highway Development Fees & Charges

**REPORT OF:** Colin Huntington, Acting Strategic Director, Communities and Environment

---

### **Purpose of the Report**

1. This report seeks approval for revised and new scale of fees and charges for highway functions associated with new development.

### **Background**

2. In recent years the work associated with the preparation of highway adoption agreements has increased significantly (including consultation with development management, network management, Land Registry, Northumbrian Water, lead local flood authority). The current scale of fees does not reflect the increased officer workload.
3. Similarly, the workload associated with the preparation of the street naming and numbering function has increased significantly in recent years. Charges are not currently levied for street naming and numbering.

### **Proposal**

4. To revise the highway adoption agreement developer's fees as outlined in Appendix 2.
5. To introduce administration charges for street naming and numbering applications as outlined in Appendix 3.

### **Recommendations**

6. Cabinet is asked to recommend Council to approve the revised highway adoption agreement developer's fees and the new street naming and numbering charges as set out in appendices 2 and 3.

For the following reasons:

- (i) the revised fees better reflect the staff costs associated with the management of highway adoption agreements;
- (ii) the new charges reflect the costs associated with the management of the street naming and numbering function.

---

**CONTACT:** Jimmy Young extension 3073

### **Policy Context**

1. The proposals support Making Gateshead a Place Where Everyone Thrives. The proposals also support the local development framework and the Tyne & Wear Local Transport Plan (LTP).

### **Background**

2. In recent years the work associated with the preparation of highway adoption agreements has increased significantly (including consultation with development management, network management, Land Registry, Northumbrian Water, lead local flood authority). The current scale of fees does not reflect the increased officer workload.
3. Similarly, the workload associated with the preparation of the street naming and numbering function has increased significantly in recent years. Charges are not currently levied for street naming and numbering. The proposed charges reflect the typical officer costs incurred in the administration of the function. The proposed charges are for discretionary services and no charge is proposed for statutory functions.

### **Consultation**

4. In preparing this report the Cabinet Members for Environment and Transport have been consulted.

### **Alternative Options**

5. None.

### **Implications of Recommended Option**

#### **6. Resources**

- a) **Financial Implications** – The Strategic Director, Corporate Resources confirms that the proposals within the report are expected to generate new and additional income.
  - b) **Human Resources Implications** – Nil.
  - c) **Property Implications** – Nil.
7. **Risk Management Implications** – Nil.
  8. **Equality & Diversity Implications** – Nil.
  9. **Crime & Disorder Implications** – Nil.
  10. **Health Implications** – Nil.

11. **Sustainability Implications** – Nil.
12. **Human Rights Implications** – Nil.
13. **Area & Ward Implications** – Nil.
14. **Background Information** – None.

## Highway Adoption Agreement Developer's Fees

New housing and commercial developments usually require alterations to the adjacent adopted highway and in many cases the construction of new adopted highway. To carry out the highway works the developer must enter into an agreement with the highway authority under sections 278 and 38 of the Highways Act 1980 to alter or construct adopted highway.

Local highway authorities charge fees for the management of the agreements and for the inspection of the highway works during construction.

### Current Fees

There are three fees charged for Gateshead Council highway adoption agreements:

- solicitor's fee for the preparation of the agreement – £1,932;
- highway authority design checking fee – £500 to £5,000 based on estimated construction cost of the works;
- highway authority inspection fees – 8% of the estimated construction cost of the works.

The fees have been in place for seven years.

### Proposed Fees

In recent years the preliminary work associated with the preparation of the agreements has increased significantly (including consultation with development management, network management, Land Registry, Northumbrian Water, lead local flood authority). The preliminary work is similar for small developments or large developments.

Under the current structure of fees, smaller schemes generate small fees and the fees may fail to cover the costs of the staff time for agreement preparation and site inspection of works.

To better reflect the staff costs associated with the management of section 38 / 278 agreements the inspection fee will be increased to £1,000 plus 9% and the lowest design checking fee will be raised to £1,000. The revised fees are listed below.

### Design Checking Fee

Estimated Construction / Works Cost (£)	Charge (£)
Below 25,000	1,000
25,000 to 75,000	1,500
75,001 to 250,000	3,000
Above 250,000	5,000

## **Inspection Fee**

£1,000 plus 9% of the estimated construction / works cost.

**Street Naming & Numbering Charges**

Gateshead Council is the street naming and numbering (SNN) authority for its administrative area. It has a statutory duty to perform the function and carries out the function under the provisions of the Public Health Act 1925 sections 17 to 19.

The Council manages the SNN process in order that all properties within the borough are officially addressed. Maintaining consistent standards for SNN is important to ensure that residents and businesses have a verifiable address for mail delivery and emergency services. The SNN function is delegated to the Service Director, Development, Transport & Public Protection.

Typically, Gateshead Council receives fifty to seventy requests each year from home owners, businesses and developers for SNN.

In recent years the workload associated with the SNN function has increased significantly. This includes:

- naming and numbering of new properties (including conversions);
- alterations in either name or numbers to new developments after initial naming and numbering has taken place;
- notifications to interested outside organisations;
- changes to existing official names, numbers or addresses held within the street naming and numbering records;
- consultation and liaison with other external organisations such as Royal Mail and emergency services (a non-statutory element of naming of streets);
- maintenance of computer systems and software required for the function.

**Current Fees & Charges**

Charges are not currently levied for SNN requests.

**Proposed Administration Fees & Charges**

Under the provision of section 93 of the Local Government Act 2003, Gateshead Council has powers to make an administrative charge for the non-statutory provision of the SNN service: income from charges must not exceed the cost of providing the service.

The charges are listed in the table below.

No.	Item	Administrative Charge
1	Assignment of name to a new street.	£200
2	Postal numbering for a new development on a new or existing street.	£200 for first plot plus £5 per additional plot
3	Alteration at the request of the developer / applicant in either street name or property numbers to new development after initial SNN has been undertaken.	£200 plus charges (2) and / or (1) where relevant to the addition of extra plots
4	Renaming or the assignment of a name to an existing street at developer's / occupier's request.	£200 plus £20 per property
5	Changing the assigned postal numbering / street of an existing single property at the developer's / occupier's request, which does not involve the creation or renaming of a street.	£100
6	Subdividing/merging of an existing property to create new postal addresses. Allocating/altering a house name to an existing address.	£50 per unit
7	Confirmation of postal addresses to property occupiers / owners / solicitors / conveyancers and other third parties.	£50 per address

These charges are not subject to VAT.

### S278/38 Additional Income

Works Value £k	Average Value £k	Number	Fee	
			£1k	%
Upto 25	20	4	4000	800
25-75	75	3	3000	2200
75-250	150	2	2000	3000
250-500	300	1	1000	3000
Above 500	500	1	1000	5000
			11000	14000

### Street Naming & Numbering Additional Income

Service	Number	Fee		
		Name	Houses	Total
Rename house	30	100	0	3000
New small development	6	200	10x5	1500
New large development	3	200	100x5	2100
Renumber new development	1	200	50x20	1200
Split existing property	5	50	0	250
Confirm address	5	50	0	250
				8300



# COUNCIL MEETING

23 MAY 2019

## GATESHEAD COUNCIL

### REPORT FROM THE CABINET

#### 1. PURPOSE OF THE REPORT

This is the report from the Cabinet. Its purpose is to report on issues for the period March – May 2019.

#### PROGRESS ON KEY ISSUES

#### 2. PEOPLE

##### *Adult Social Care*

##### CQC Inspection

Southernwood received an unannounced inspection from the Care Quality Commission on 4 March 2019. Southernwood has received a 'Good' rating from the inspection. The service was deemed as being very caring and engaging with service users and "people and relatives were positive about the support from staff". CQC noted that the service had received many compliments from people, relatives and health and social care professionals. CQC praised the quality of Southernwood's care plans which highlighted people's strengths and were the means to promote people's independence. The service was deemed as well-led with "a robust governance framework in place".

Despite an overall good rating, (with 4 key lines of enquiry rated as 'good') Southernwood was given a 'Requires Improvement' status in the 'safe' key line of enquiry, due to 2 observations that the CQC Regulatory Inspector made when she undertook a health and safety tour of the building during the inspection. The first observation surrounded the medical room door being ajar and not having been locked after a District Nurse (who had visited Southernwood that morning to provide treatments) had left. The second observation surrounded doors at the top of the two stairwells at Southernwood not possessing a keypad system, which, in the inspector's view elicits a risk of service users potentially falling down the stairs.

#### 3. PLACE AND ECONOMY

##### *Environment and Transport*

##### Electric Vehicle Charging

The Council has been successful in bidding along with the other seven North East authorities for ERDF funding for rapid electric charging facilities. The Council is already working the supplier/operator to install chargers for four vehicles at Gateshead Leisure Centre and now has agreement for additional funding. A preferred location for further

rapid chargers has been identified at the Angel of the North car park. Officers are working with suppliers on the details for this location.

#### Air Quality Update

The air quality consultation ran from 6 March – 23 May. Over 6,000 responses were received. Over the next few weeks the data will be analysed and used in conjunction with the modelling to inform the development of the Full Business Case to government. This will be reported to Cabinet in the autumn for agreement.

#### Fuel Poverty Update

Rising levels of fuel poverty are a challenge for many residents in Gateshead, whilst remaining a further challenge for voluntary sector organisations who seek to support them.

A campaign has been developed to tackle fuel poverty and to encourage and support all Gateshead residents to switch their energy supplier to access cheaper tariffs and reduce household energy bills.

- 11,600 fuel poor households in Gateshead, that's 12.8% of all households
- This increases to 32% of residents over 65.
- In the UK almost 60% of households are on the most expensive standard variable tariffs
- Almost a quarter of all UK households (23%) have never switched supplier.
- Recent figures from Ofgem show the average saving to a household switching their energy supplier is an average £308.22

In response, a borough wide fuel poverty campaign for Gateshead has been developed. The campaign will be a collaborative initiative, using resources and expertise from the public and voluntary sector. It will focus on helping residents obtain reduced fuel bills via switching, energy efficiency, debt advice and income maximisation.

The pilot will also ensure training in fuel poverty awareness and the switching process is delivered to officers from across the Council and its partners who have direct contact with residents to allow them to promote the campaign, encourage residents to switch and provide advice and support around switching and saving money. This training will be delivered by National Energy Action (NEA) which is a national fuel poverty charity.

The campaign will be a whole population offer, residents of all demographics and financial means can benefit from switching. Those most vulnerable, for example those with fuel debt or other complex circumstances will be supported with specialist fuel poverty advice delivered by partners from the voluntary sector. This will be an extremely important element of the campaign.

The campaign would also refer into both LEAP (Local Energy Assistance Programme) and ECHO (Emergency Central Heating Offer) which are launching via a partnership with AgilityEco in Gateshead at a similar time of May/June and which carry a household eligibility criteria to enable households to access this support.

#### Energy Schemes Update

In 2010, the Council published its Climate Change Strategy seeking to reduce borough-wide carbon emissions by 40% by 2025. In 2011, the Council signed the EU Covenant

of Mayors on Climate Change and published the Sustainable Energy Action Plan in 2012 with an interim target of 20% reduction by 2020.

The Council has invested over £60m installing and building energy saving and low-carbon technology, for its own operations, and for the community. The Civic Centre is a leading example - energy efficiency investment has seen its energy use fall by around 28% in the last 10 years - and since 2018, 100% of its heat and power is served by low-carbon sources - a 200kW PV array installed on the roof, and all other heat and power supplied via underground pipes and wire from good quality combined heat and power, generated at Gateshead Energy Centre.

Gateshead's streetlights, thanks to investment in LED lighting and dimming, now use 60% less electricity than they did 10 years ago. We installed 2MW of solar panels across 35 buildings and schools, and solar energy now provides 5% of power for all Council buildings and schools.

As a result, in under 10 years, the Council's own carbon emissions from all its operations and services has fallen by 40% since 2010, and we are aiming for 50% by 2020. Investment in home energy conservation across the borough has seen the number of homes classed as energy efficient increase from 15% in 2003 to 56% in 2018.

The Council and the Gateshead Energy Company are now a generator and supplier of low carbon and renewable energy, supplying Council buildings, homes and other buildings across the borough. Gateshead Energy Centre supplies heat and power to more than 10 buildings in Gateshead Town Centre over a 4km network, and the Gateshead HEIGHTs scheme has installed new low-carbon heat networks to 620 high rise homes, cutting carbon emissions and energy costs significantly.

These resources, supported by national policies, has seen the borough's carbon emissions fall by 36% since 2005, exceeding our target of 20% by 2020, and on target to meet the 40% target by 2025.

The Council is also working in partnership with other Councils in the region, to update our carbon reduction actions and targets to 2030. There are plans to continue to expand Gateshead District Energy Scheme, connecting new developments on Gateshead Quays and Baltic Business Quarter and exploring new energy networks in across Gateshead.

The Council will also continue to find energy efficiency solutions for hard-to-treat homes, such as high-rise and solid wall housing, and are seeking funds to support these where ever possible.

## ***Housing***

### Keelman Homes - Empty Property Purchase and Repair

Since 2015 Keelman Homes has brought back into use 75 empty properties across Gateshead. By March 2022 this work will result in the acquisition of a total of 120 empty homes to be let to people from Gateshead Councils housing register.

Working with Homes England, the Empty Homes programme has taken place over two grant periods.

The 2015-2018 programme acquired 40 empty homes in the period up to June 2018. The programme was funded via £796k grant and a loan facility from Gateshead Council totalling £1.44m

The 2016-2021 programme will deliver a further 80 properties using a total of 1.25m grant and loan finance up to a maximum of £2.8m. Within this period 35 empty properties have been purchased to date with a further 5 expected to be completed by September 2019. The remaining 40 properties in this programme will be delivered by March 2022.

#### **4. COMMUNITIES**

##### ***Communities and Volunteering***

###### Gateshead Holiday Activities and Food

The Council has secured for £204,000 to provide free summer holiday activities and healthy food for disadvantaged children including those who are eligible for free school meals from the Department for Education Holiday Activities and Food Programme.

The bidding process was very competitive with the Department for Education (DfE) seeking to fund a more joined up approach to the delivery of free holiday clubs in nine local authority areas in England. The DfE feedback has been extremely positive with the value for money and sustainable approach of Gateshead specifically highlighted.

Work is currently taking place with the venues that have expressed an interest in delivering activity that includes sports, arts and drama. Venues are being mapped to assess whether the coverage is in line with what is required. Areas of high need are mainly in the East and Central areas but there are pockets of need across Gateshead including Birtley, Chopwell, Chowdene, and Highfield.

Venues will be supported to deliver activity in line with DfE guidance which is four weeks of the summer holiday; for four days per week and for four hours per day. Work will also take place with schools and services providing support to young people to engage eligible children in activities in their nearest venue.

###### Gateshead Friends of Groups

On 11 April 2019, at the Dryden Centre, the Council hosted the first Environmental Friends of conference. All Friends of Groups across Gateshead were invited. On the day the conference welcomed volunteers from around 30 environmental Friends of Groups.

Presentations were provided from National Federation of Parks and Green Spaces, Green Flag and The Big Lottery Fund. Workshops were provided on various topics including event planning and risk assessments and information was provided from various groups including Sustrans, Durham Wildlife Trust, National Lottery and Newcastle CVS.

The day closed with some general questions and a statement about how we can move forward. There has been positive feedback following the conference and it is hoped to provide this networking event several times a year.

## ***Culture, Sport and Leisure***

### Elmer Parade 2019

Elmer's Parade is a project led nationally by Wild in Art working with three charities to turn the country patchwork in Suffolk, Plymouth and Tyne and Wear. St Oswald's Hospice is the charity in the North East leading on this project with support from businesses and local authorities across the Tyne & Wear region. The Elmer parade will include 70+ designed elephants and will run from Wednesday 21 August – Sunday 27 October or Friday 1 November (tbc) 2019.

Sites for Gateshead Elmer's are being confirmed with over 10 suitable locations based on success of the Snowdogs trail from 2017. This event promises to be an autumn highlight and will be supported by a number of linked events in the library service.

### Angel Adventures

The Angel of the North has been on lots of exciting adventures over the last 12 months thanks to young people across Gateshead and one lucky school has received a prize for their efforts.

Last year to mark the Angel's 20<sup>th</sup> birthday Gateshead's Knit n Natter groups, who meet regularly in Gateshead Libraries, knitted a mini Angel for every primary school in Gateshead. Since then these angels have been on lots of different adventures with young people across the borough right up to the Angel celebrating its 21<sup>st</sup> birthday last month.

South Street Primary School were chosen to win vouchers for Clip and Climb at Gateshead Leisure Centre as a prize to recognise the enthusiastic and creative way they made their angel part of school life. From school trips to visiting the pupils homes, from taking part in lessons to having Christmas fun Cuthbert the Angel has had many adventures throughout the year.

Find out about Cuthbert's adventures here - <http://southstreetprimary.org/angel/>

### Special Olympics

Special Olympics is the largest organisation in the world that provides sporting training and competition opportunities for people with learning disabilities. Over 7,000 athletes from 194 countries competed in 24 sports at the Special Olympics World Games in Abu Dhabi, U.A.E from the 14 – 21 March 2019.

Special Olympics Gateshead Tyne and Wear athletes has 174 athletes and 2 of those athletes, Sandra Armstrong (who attends Phoenix Community Base) and Mark Proctor (who uses Gateshead Shared Lives) were selected to represent Great Britain at the World Games. Each athlete has been trained by qualified coaches at either Gateshead Leisure Centre or Gateshead International Stadium each week, as a means to develop their skills and confidence for the World Games.

All the efforts of Sandra and Mark have paid dividends with Sandra competing in swimming and Mark in Powerlifting. Both athletes have had a wonderful experience at the World Games meeting many new friends and produced some sterling performances.

Sandra helped Great Britain win gold within the 4 x 25 metre freestyle relay and then went onto win gold in the individual 25 metre freestyle race, beating other finalists from Iraq, the Czech Republic, Brazil, Syria and Israel. Sandra finished her games by placing 6th in her 25 metres backstroke final. Sandra from Felling, is now a double world champion!

Mark came 4th in his bench press final and secured 5th places in both the deadlift and combined bench press and deadlift event, beating his personal best in both of these lifts.

The day closed with some general questions and a statement about how we can move forward. There has been positive feedback following the conference and it is hoped to provide this networking event at least four times a year.

## **5. CONCLUSION**

The Council is asked to note this report.



**COUNCIL MEETING**

**23 MAY 2019**

## **GATESHEAD METROPOLITAN BOROUGH COUNCIL**

---

### **NOTICE OF MOTION**

Councillor Martin Gannon will move the following motion:

#### **Council notes:**

That the impacts of climate breakdown are already causing serious damage around the world.

That the 'Special Report on Global Warming of 1.5°C', published by the Intergovernmental Panel on Climate Change in October 2018, (a) describes the enormous harm that a 2°C average rise in global temperatures is likely to cause compared with a 1.5°C rise, and (b) confirms that limiting Global Warming to 1.5°C may still be possible with ambitious action from national and sub-national authorities, civil society and the private sector.

That all levels of government (national, regional and local) have a duty to act, and that as a proactive local authority this Council recognises that we should not wait for national government to change its policies to act.

That strong policies to cut emissions also have associated health, wellbeing and economic benefits.

#### **Council therefore commits to:**

The declaration of a 'Climate Emergency' that requires urgent action.

Make the Council's activities carbon neutral by 2030.

Achieve 100% clean energy across the Council's full range of functions by 2030.

Ensure that all strategic decisions, budgets and approaches to planning decisions are in line with a shift to zero carbon by 2030.

Support and work with all other relevant agencies towards making the entire area carbon neutral within the same timescale.

Ensure that political and chief officers embed this work in all areas and take responsibility for reducing, as rapidly as possible, the carbon emissions resulting from the Council's activities, ensuring that any recommendations are fully costed.

Work with, influence and inspire partners across the borough to help deliver this goal through all relevant strategies, plans and shared resources by developing a series of meetings, events and partner workshops.

Request that the Council and partners take steps to proactively include young people in the process, ensuring that they have a voice in shaping the future.

Call on the UK Government to provide the powers, resources and help with funding to make this possible, and ask local MPs to do likewise.

Proposed by: Councillor M Gannon

Seconded by: Councillor LC Donovan

Supported by: Councillor M Hood  
Councillor S Green



**COUNCIL MEETING**

**23 MAY 2019**

**GATESHEAD METROPOLITAN BOROUGH COUNCIL**

---

**NOTICE OF MOTION**

Councillor John McClurey will move the following motion:

This Council calls on the Chief Executive to explore the option of setting up an energy price comparison service for Gateshead residents.

Proposed by: Councillor J McClurey

Seconded by: Councillor J Wallace

Supported by: Councillor P Diston  
Councillor V Anderson

This page is intentionally left blank