

# Public Document Pack



All Members of the Council

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

Contact Rosalyn Patterson  
Tel: 0191 4332088

Date: Wednesday, 8  
September 2021

## NOTICE OF COUNCIL MEETING

You are summoned to attend a meeting of Gateshead Metropolitan Borough Council to be held in the Sports Hall, Gateshead Leisure Centre, at **2.30 pm** on **Thursday, 16 September 2021** to transact the following business:-

- 1 To confirm the Minutes of the meeting held 22 July 2021 (Pages 3 - 6)**
- 2 Official Announcements**  
*(announcements may be made by the Mayor, Leader of the Council or the Chief Executive)*
- 3 Presentation from Abigail Pogson - Managing Director, Sage Gateshead**
- 4 Petitions**  
*(to receive petitions submitted under Council Procedure Rule 10)*
- 5 Questions from Members of the Public**  
*(to consider any questions submitted under Council Procedure Rule 7)*
- 6 Appointment of Chairs and Vice Chairs (Pages 7 - 8)**

- 7 Appointment of Independent Members and Independent Person (Pages 9 - 10)**

## **RECOMMENDATIONS FROM CABINET**

- 8 Breathe: The Clean Air Plan for Newcastle and Gateshead (Pages 11 - 28)**

- 9 Annual Report of the Audit and Standards Committee 2020/21 (Pages 29 - 40)**

- 10 Review of the Council's Constitution (Pages 41 - 130)**

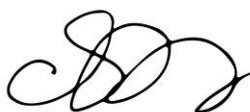
## **MOTIONS AND QUESTIONS**

- 11 Notice of Motion**

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

- 12 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, 22 July 2021

**PRESENT:** THE MAYOR COUNCILLOR D BURNETT (CHAIR)

Councillors: J Adams, Anderson, R Beadle, D Bradford, M Brain, L Caffrey, M Charlton, P Craig, S Craig, C Davison, W Dick, S Dickie, Diston, K Dodds, C Donovan, A Douglas, D Duggan, P Foy, S Gallagher, M Gannon, A Geddes, F Geddes, J Gibson, B Goldsworthy, M Goldsworthy, T Graham, G Haley, M Hall, H Haran, H Kelly, L Kirton, K McCartney, K McClurey, J McCoid, J McElroy, E McMaster, M McNestry, J Mohammed, R Mullen, B Oliphant, C Ord, M Ord, R Oxberry, I Patterson, Reay, D Robson, S Ronchetti, J Turnbull, J Turner, J Wallace, R Waugh, H Weatherley, A Wheeler and K Wood

**APOLOGIES:** Councillors: C Buckley, John Eagle, K Ferdinand, J Green, L Green, S Green, S Hawkins, P Maughan, P McNally and J Simpson

#### **CL19 TO CONFIRM THE MINUTES OF THE MEETING HELD 27 MAY 2021**

COUNCIL RESOLVED - That the minutes of the meeting held on 27 May 2021 be approved as a correct record.

#### **CL20 OFFICIAL ANNOUNCEMENTS**

(A) Liberal Democrat Appointments

Councillor Jonathan Wallace will replace Councillor Susan Craig on the Gateshead Health and Wellbeing Board and the Joint OSC for the NE and North Cumbria ICS and North and Central ICPS. Councillor Susan Craig will be substitute member for the latter body.

#### **CL21 PETITIONS**

Councillor R Beadle submitted a petition regarding the prevention of the use of residential streets, Myrtle Grove and Albert Drive, for through traffic between Durham Road and Saltwell Road South.

#### **CL22 QUESTIONS FROM MEMBERS OF THE PUBLIC**

There were no questions submitted by members of the public.

**CL23 ZERO CARBON HEAT STRATEGY**

Consideration was given to a strategy which works towards reducing carbon emissions from Council homes and buildings to zero by 2030.

- COUNCIL RESOLVED - That the Zero Carbon Heat Strategy be adopted and annual reports on progress be accepted within the reporting framework of the Climate Emergency Action Plan.

**CL24 TREASURY ANNUAL REPORT 2020/21**

Consideration was given to the Treasury Annual Report 2020/21.

- COUNCIL RESOLVED - That the Treasury Annual Report for 2020/21 be approved.

**CL25 CAPITAL PROGRAMME AND PRUDENTIAL INDICATORS 2020/21 – YEAR END OUTTURN**

Consideration was given to the 2020/21 Capital Programme outturn and Prudential Indicators.

- COUNCIL RESOLVED -
- (i) That all variations to the 2020/21 Capital Programme, as detailed in Appendix 2 to the report, be approved.
  - (ii) That the financing of the 2020/21 Capital Programme be approved.
  - (iii) That the capital expenditure and capital financing requirement indicators have been revised in line with the revised budget and none of the approved Prudential Indicators set for 2020/21 have been breached.

**CL26 PROVISIONAL REVENUE OUTTURN 2020/21**

Consideration was given to the outturn position on the 2020/21 revenue budget.

- COUNCIL RESOLVED -
- (i) That an amendment to the net budget to £221.286m be approved.
  - (ii) That the appropriations to and from reserves be approved.
  - (iii) That the proposed changes to strategic

reserves following the outcome of a review of Council reserves be approved.

**CL27 CAPITAL PROGRAMME AND PRUDENTIAL INDICATORS 2021/22 - FIRST QUARTER REVIEW**

Consideration was given to the latest position on the 2021/22 Capital Programme and Prudential Indicators at the end of the first quarter.

- COUNCIL RESOLVED - (i) That all variations to the 2021/22 Capital Programme, as detailed in Appendix 2 to the report, be approved as the revised programme.
- (ii) That the financing of the revised programme be approved, as set out in paragraph 8 of the report.
- (iii) To note that Cabinet confirms that the capital expenditure and capital financing requirement indicators have been revised in line with the revised budget and that none of the approved Prudential Indicators for 2021/22 have been breached.

**CL28 PUBLIC HEALTH ENGLAND PREVENTION CONCORDAT FOR BETTER MENTAL HEALTH**

Consideration was given to the Council becoming a signatory to the Public Health England Mental Health Prevention Care Concordat.

- COUNCIL RESOLVED - (i) That the Council be a signatory to the Prevention Care Concordat through Public Health England.
- (ii) That the Council commit to support and sign up to the approved Action Plan as part of the submission.

**CL29 VARIATION TO PRIMARY AND SECONDARY SCHOOL ADMISSION POLICIES FROM SEPTEMBER 2021 ONWARDS**

Consideration was given to a variation of the Primary and Secondary Schools Admission Policies from 2021/22 onwards.

- COUNCIL RESOLVED - (i) That the Community and Voluntary Controlled Primary and Secondary Admissions Policy, set

out in appendix 2 to the report, be adopted for September 2021 onwards.

- (ii) That the approved admissions policies for September 2022/23 be used as a basis of consultation with schools and others for formulating the relevant admissions policies from September 2023/24 onwards.

**CL30 NOTICE OF MOTION**

There were no motions submitted.

**CL31 QUESTIONS**

No questions were received.

**Mayor.....**



**COUNCIL MEETING**

**16 September 2021**

## **APPOINTMENT OF CHAIRS AND VICE CHAIRS**

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**Sheena Ramsey, Chief Executive**

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### **EXECUTIVE SUMMARY**

1. Council is asked to appoint councillors to some Chairs and Vice Chairs positions on Council Committees and Overview and Scrutiny Committees.

### **BACKGROUND**

2. The Council at its Annual Meeting on 21 May 2021 agreed its appointments to Chair and Vice Chair positions. However, there were vacancies for some of these positions.
3. It is proposed that the Council approve the appointment of the following councillors to the positions indicated:
  - Chair of the Families OSC – Councillor Maria Hall
  - Chair of the Housing, Environment and Healthy Communities OSC – Councillor Brenda Clelland
  - Vice Chair of the Planning Committee – Councillor Robert Waugh
  - Vice Chair of Audit and Standards Committee – Councillor Jennifer Reay
  - Vice Chair of the Appeals Committee – Councillor Julie Simpson
  - Vice Chair of Families OSC – Councillor Hugh Kelly
  - Vice Chair of the Corporate Resources OSC - tbc

### **RECOMMENDATION**

4. It is recommended that Council approve the proposed appointment of Chair and Vice Chairs as set out in paragraph 3.

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## COUNCIL MEETING

16 September 2021

### APPOINTMENT OF THE INDEPENDENT PERSON AND INDEPENDENT MEMBERS TO THE AUDIT AND STANDARDS COMMITTEE

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Sheena Ramsey, Chief Executive

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#### EXECUTIVE SUMMARY

1. Council is asked to approve an extension to the terms of office of the Independent Person for standards of conduct issues affecting Council and Parish Council Members and the three Independent Members to the Audit and Standards Committee.

#### BACKGROUND

2. The terms of office of the current Independent Members of the Audit and Standards Committee and the Independent Person for standards of conduct issues end on 20 September 2021.
3. A recruitment process has been undertaken for these positions and applications have been received. In order to allow applicants to be given sufficient notice of interviews and time to prepare for them, it is proposed that the current terms of office be extended until the next Council meeting on 18 November 2021.
4. Following the shortlisting and interview process a report will be prepared for that the Council meeting on 18 November proposing appointments to these positions.

#### RECOMMENDATION

5. It is recommended that Council extend the terms of office of the Independent Person for standards of conduct issues affecting Council and Parish Council Members and the three Independent Members to the Audit and Standards Committee to 18 November 2021.

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## COUNCIL MEETING

16 September 2021

### BREATHE: THE CLEAN AIR PLAN FOR NEWCASTLE AND GATESHEAD

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**Sheena Ramsey, Chief Executive**

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#### **EXECUTIVE SUMMARY**

1. The purpose of this report is to endorse the Full Business Case in advance of formal submission to the Joint Air Quality Unit as the proposed option for delivering compliance with legal limits for nitrogen dioxide in the shortest possible time.
2. This adheres to the Council's obligations under the Environment Act 1995 (Feasibility Study for Nitrogen Dioxide Compliance) Air Quality Direction 2017 and the Environment Act 1995 (Gateshead Council and Newcastle City Council) Air Quality Direction 2020.
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 endorse the Full Business Case in advance of formal submission to the Joint Air Quality Unit as the proposed option for delivering compliance with legal limits for nitrogen dioxide in the shortest possible time, in adherence to the Council's obligations under the Environment Act 1995 (Feasibility Study for Nitrogen Dioxide Compliance) Air Quality Direction 2017 and the Environment Act 1995 (Gateshead Council and Newcastle City Council) Air Quality Direction 2020.

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<b>TITLE OF REPORT:</b>	<b>Breathe: The Clean Air Plan for Newcastle and Gateshead</b>
<b>REPORT OF:</b>	<b>Sheena Ramsey Chief Executive;</b> <b>Peter Udall Strategic Director, Economy, Innovation and Growth</b>

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### **Purpose of the Report**

1. Cleaning up our air is a key priority for Gateshead Council. Council has previously acknowledged that we must adhere to the Government's Legal Directions to improve air quality in the shortest possible time. We have also joined other authorities in consistently noting disappointment that government's framework has a narrow focus on roadside Nitrogen Dioxide.
2. Since consultation in 2019, we have undertaken work to update the measures needed to bring and maintain air quality within compliant levels. This reflects the consultation responses we received and the reduced funding offer from government for our initial programme.
3. The recommended option for the Full Business Case is a Clean Air Zone Class C and a package of mitigation and support measures including grants for affected businesses and individuals.
4. Cabinet is requested to: note the contents of the Full Business Case; refer the Full Business Case (attached at Appendix 4) to Full Council for decision in advance of formal submission to the Joint Air Quality Unit to fulfil the requirements of the Environment Act 1995 (Feasibility Study for Nitrogen Dioxide Compliance) Air Quality Direction 2017 and the Environment Act 1995 (Gateshead Council and Newcastle City Council) Air Quality Direction 2020 and delegate authority to the Strategic Director, Economy, Innovation & Growth in consultation with the Leader and Cabinet member for Environment and Transport, to make amendments to the Full Business Case prior to the formal submission to the Joint Air Quality Unit.

### **Background**

5. Outdoor air pollution is a major risk to human health. As outlined in previous reports to Cabinet, based on national estimates, poor air quality is considered to be responsible for hundreds of deaths each year across Gateshead and Newcastle, as well as thousands across the country. The main cause of roadside Nitrogen Dioxide is road transport, which also has wider impacts on public health and is a significant contributor to carbon emissions and climate change.
6. The report submitted to Cabinet in July 2021 and Appendix 1 of this report sets out the procedural background to this report, including the decisions made in 2019/2020. The

July 2021 Cabinet Report indicated that a Clean Air Zone Class C, without further traffic restrictions, was likely to achieve compliance in 2022.

## Proposal

7. Subsequent to the July 2021 report, officers have continued to assess a start date of 2022. This has indicated that:
  - A Clean Air Zone Class C, without further traffic restrictions, will achieve compliance with legal limits for air pollution in 2022 on all roads;
  - Given additional traffic restrictions are not required for air quality compliance, the revised plan leads to lower levels of rerouting by vehicular traffic than previous proposals indicated;
  - These changes mean that the plan leads to lower total carbon, particulate and nitrogen dioxide emissions than previous reports predicted; and
  - These changes mean that the plan has fewer economic disbenefits than the previous plan.
8. On this basis, it is recommended that the preferred option for the Clean Air Zone is a Clean Air Zone Class C, based on the area shown by the map attached as Appendix 2, the Clean Air Zone compliance criteria and charges are also set out in Appendix 3.
9. A Clean Air Zone requires engine standards of Euro 6 for diesels and Euro 4 for petrol vehicles.
10. A Clean Air Zone Class C will affect:
  - Buses and coaches;
  - Hackney Carriage and Private Hire Vehicles;
  - Heavy Goods Vehicles; and
  - Light Goods Vehicles.
11. The planned charges are £50 a day for non-compliant Buses and Heavy Goods Vehicles and £12.50 a day for other vehicles.
12. The estimate for the launch date of the Clean Air Zone is July 2022; this was highlighted in the July 2021 Cabinet report.

## Recommendations

13. It is recommended that Cabinet:
  - (i) Note the proposed Full Business Case
  - (ii) Refer the Full Business Case (attached at Appendix 4) to Full Council for decision in advance of formal submission to the Joint Air Quality Unit to fulfil the requirements of the Environment Act 1995 (Feasibility Study for Nitrogen Dioxide Compliance) Air Quality Direction 2017 and the Environment Act 1995 (Gateshead Council and Newcastle City Council) Air Quality Direction 2020; and
  - (iii) Delegate authority to the Strategic Director, Economy, Innovation & Growth in consultation with the Leader and Cabinet member for Environment and Transport, to make amendments to the Full Business Case prior to the formal submission to the Joint Air Quality Unit
14. For the following reason:

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**CONTACT:** **Anneliese Hutchinson** extension: 3881

## Policy Context

1. The proposals in this report are consistent with the Council priorities and the overall strategic approach for Gateshead as set out in “Making Gateshead a Place Where Everyone Thrives” and its policy objectives. In particular, ‘Put people and families at the heart of everything we do’ and ‘Work together and fight for a better future for Gateshead’. They also support the Core Strategy and Urban Core Plan, and the aims and objectives of the North East Transport Plan.
2. Outdoor air pollution is a major risk to human health. As outlined in prior reports to Cabinet, based on national estimates, poor air quality is considered to be responsible for hundreds of deaths each year across Newcastle, Gateshead and North Tyneside. The main cause of roadside air pollution, including nitrogen dioxide, is road transport, which also has wider impacts on public health and is a significant contributor to carbon emissions and climate change.

## Background

3. Since receiving the Legal Directions the authorities have developed a business case in line with Government guidance.
4. Following the Legal Direction issued by government, Newcastle, North Tyneside and Gateshead councils worked together to develop a plan which was approved by Council in January 2020. The review of the submitted plan by government’s Joint Air Quality Unit (JAQU) in March 2020 led to North Tyneside having the Direction against them lifted and a new Direction issued to Newcastle and Gateshead. All our options had to be considered against a charging Clean Air Zone and how quickly they could deliver compliance. Potential impacts on the economy could only be considered as a determining factor if more than one option delivered in the same timeframe.
5. Cabinet has been clear in feedback to the previous reports on this subject that success should also be measured by whether we can achieve sustainable changes in air quality (including other pollutants than Nitrogen Dioxide) and in travel behaviour for the long term. Our aim is also to ensure that solutions are fair, support the economy and improve public health.
6. The report submitted to Cabinet in July 2021 (and above) sets out the procedural background to the current position, including the decisions made in 2019/2020. The July 2021 Cabinet Report indicated that a Clean Air Zone Class C, without further traffic restrictions, was likely to achieve compliance in 2022.
7. Subsequent to the July 2021 report, officers have continued to assess a start date of 2022. This has indicated that:
  - A Clean Air Zone Class C, without further traffic restrictions, will achieve compliance with legal limits for air pollution in 2022 on all roads;
  - Given additional traffic restrictions are not required for air quality compliance, the revised plan leads to lower levels of rerouting by vehicular traffic than previous proposals indicated;
  - These changes mean that the plan leads to lower total carbon, particulate and nitrogen dioxide emissions than previous reports predicted; and
  - These changes mean that the plan has fewer economic disbenefits than the previous plan.

8. On this basis, it is recommended that the preferred option for the Clean Air Zone is a Clean Air Zone Class C, based on the area shown by the map attached as Appendix 2, the Clean Air Zone standards and charges are also set out in Appendix 3.
9. Transformative measures that were implemented on a trial basis on Askew Road in support of air quality as well as improving cycling and walking links and reducing delays to buses will remain in place for an extended period and will be reviewed after two years.
10. A Clean Air Zone requires engine standards of Euro 6 for diesels and Euro 4 for petrol vehicles.
11. A Clean Air Zone Class C will affect:
  - Buses
  - Hackney Carriage and Private Hire Vehicles
  - Heavy Goods Vehicles
  - Light Goods Vehicles
12. The planned charges are £50 a day for non-compliant Buses and Heavy Goods Vehicles and £12.50 a day for other non-compliant vehicles.
13. The estimate for the launch date of the Clean Air Zone is July 2022; this was highlighted in the July 2021 Cabinet report.
14. The Clean Air Zone will have an accompanying mitigation programme.
15. The proposed mitigation includes:
  - Grants for affected vehicle owners;
  - Communications and marketing to increase public awareness around clean air, as well as available grant opportunities. We will particularly focus on groups who may face the most challenges, such as Small and Medium Enterprises and LGVs. This will be through a number of methods, including through broadcast media and local press;
  - Other supporting measures, these being a behaviour change campaign in schools and workplaces, as well as coach drop-off improvements; and
  - Provision of permanent or temporary exemptions to the Clean Air Zone
16. This mitigation is known as the Clean Air Fund and is subject to agreement from government (JAQU). Some funding was received from the Clean Air Fund after the initial submission in 2020. The Councils have requested, alongside staff costs:
  - £60,000 for improvements to Coach pick up and drop off areas
  - £280,000 for behaviour change campaigns
  - £22,904,000 for grant upgrades
17. Subject to agreement and additional funding from government (JAQU), the grants are proposed to be set at the following levels and will be administered from the Autumn of 2021 onwards:

<b>Vehicle</b>	<b>Potential grant value</b>	<b>Potential total grant expenditure</b>
Taxis and Private Hire Vehicles	£3,700	£9,006,000
Wheelchair accessible Taxis and PHVs	£4,000	Included in the amount shown above
HGVs	£20,000	£5,000,000
LGVs	£4,500	£6,498,000
Buses	£16,000	£2,400,000

18. The grants will be allocated according to criteria that will be set out in advance of the grants process. Priority will be given to those who are most affected by the Clean Air Zone.
19. It is proposed that the below types of vehicle are permanently exempt from the Clean Air Zone due to their unique status or that they are impossible to upgrade to compliant standards:
- Historic Vehicles
  - Military Vehicles
  - Vehicles for disabled people (vehicles which have been specially adapted, such as those modified under the Motability scheme)
  - Emergency Service Vehicles
  - Agricultural and other specialist vehicles such as road rollers, gritters and snow ploughs
  - Showman's Vehicles
  - Vintage buses
  - Motor Caravans (campervans)
20. The process for applying for these permanent exemptions will be advertised in advance of the Clean Air Zone coming into force.
21. It is proposed that the below types of vehicle are exempt from the Clean Air Zone for a period of 2 years unless otherwise specified in order to provide an extended time to allow for vehicles to be upgraded:
- Commercial vehicles, taxis and private hire vehicles subject to finance agreements
  - Commercial vehicles registered to a business within the Clean Air Zone (2 per company)
  - Community transport vehicles
  - Wheelchair accessible taxi and private hire vehicles
  - Vehicles awaiting retrofit (up to 1 year)
22. The process for applying for these temporary exemptions will be advertised in advance of the Clean Air Zone coming into force. The councils will continue to engage on the possibility for further temporary exemptions where they would not impact air quality compliance in advance of bringing the legal order back to Council for approval.

23. Newcastle and Gateshead Councils are also continuing to pursue a major programme of maintenance on the Tyne Bridge and Central Motorway East. Bids have been submitted through the Levelling Up Fund and the Major Road Network Fund for these schemes and discussions with government continue. When these schemes are delivered, some traffic management may be required for the duration of the works.
24. It is expected that Government will fund the measures (physical, staffing and communication) that are required to improve air quality through the Implementation Fund and a bidding process is required for the Clean Air Fund for the remaining mitigation costs. It should be acknowledged that if government funding is unsuccessful or at a reduced level, implementation and mitigations would have to be reviewed and scaled back appropriately or surplus charging income utilised.
25. Any revenue received in excess of the costs of continuing to operate the scheme is required to be reinvested in transport under the terms of the legal order accompanying it. Newcastle City Council will act as lead authority for the implementation and budget management so the funding will not be represented in the Gateshead revenue budgets or capital programme. The disbursement of any surplus funds is planned to be governed through a joint council, member-led process.
26. Full project details are included within the Full Business Case (Financial Case) but can be summarised as:

	2021/22	2022/23 - 2025/26	Total
<b>Revenue</b>			
Staffing, Operation & Maintenance	561,000	11,655,000	12,216,000
Mitigations (incl. vehicle grants)	400,000	10,237,000	10,637,000
CAZ and Additional Measures costs	0	1,883,000	1,883,000
	<u>961,000</u>	<u>23,775,000</u>	<u>24,736,000</u>
Funded by:			
Clean Air Zone grants	16,511,000		16,511,000
Charging income		8,225,000	8,225,000
	<u>16,511,000</u>	<u>8,225,000</u>	<u>24,736,000</u>
<b>Capital</b>			
Mitigations (incl. vehicle grants)	6,549,000	6,102,000	12,651,000
CAZ and Additional Measures costs	0	1,575,000	1,575,000
	<u>6,549,000</u>	<u>7,677,000</u>	<u>14,226,000</u>
Funded by:			
Clean Air Zone grants	14,226,000		14,226,000
	<u>14,226,000</u>	<u>0</u>	<u>14,226,000</u>

27. As the timing of the grant receipts and associated expenditure spans multiple financial years, the funding will be ring fenced for this scheme.

## 28. Timetable for implementation

29. Once agreed by both Newcastle and Gateshead Cabinets and Full Councils, the Full Business Case will be submitted to the Joint Air Quality Unit for approval, in addition to a request for additional funding.
30. Further Cabinet decisions will be required to make the legal order to implement the Clean Air Zone and may be required to enter into contractual arrangements with the Joint Air Quality Unit to support the operation of the Clean Air Zone.
31. In line with the Legal Direction on the councils, and the government funding already provided, the Clean Air Zone will continue to be developed over this period and it is expected to be launched in July 2022, as set out in the July 2021 cabinet report.

32. The updated values and criteria for grants are subject to agreement from the Joint Air Quality Unit. They are expected to be launched in the Autumn of 2021, as set out elsewhere in this report.
33. The criteria for temporary and permanent exemptions to the Clean Air Zone is set out in this report, the submission process for these exemptions will be launched in advance of the Clean Air Zone being launched.

## **Consultation**

34. In February 2019 cabinets approved two principal options for consultation with the public. These were:
  - A Clean Air Zone in which vehicles of all types that did not meet minimum emissions standards would be charged to enter the zone (a CAZ D) and
  - A Low Emission Zone forbidding more polluting buses, Heavy Goods Vehicles (HGVs) and taxis/private hire vehicles from entering Newcastle city centre, combined with tolls for all vehicles crossing the Tyne, Swing and Redheugh bridges.
35. Based on our transport and air quality modelling at that time, neither option was able to reduce air pollution sufficiently across all key roads by the end of 2021.
36. Additional consultation took place over six weeks between 14 October and 25 November 2019. This was on a smaller Clean Air Zone Class C, with additional measures to reduce traffic on the Central Motorway, in Gateshead and Tyne Bridge.
37. In line with our approach to the previous consultation, an independent analysis of responses was carried out. Some key messages from this were that:
  - 47% agree with the geography of the CAZ area (compared to 27% in the previous consultation);
  - 56% agree with the overall principle of the CAZ; and
  - there was greater agreement than disagreement for every supporting measure, with peaks for exemptions and fleet planning support and non-financial measures tending to generate greater support than grants.
38. It was therefore agreed at the December 2019 Cabinet and January 2020 Full Council to submit an initial Full Business Case based around a Clean Air Zone Class C, with additional measures to reduce traffic on the Central Motorway, in Gateshead and Tyne Bridge.
39. A number of representations were received raising objection to the additional measures. Subsequent to this submission further modelling was undertaken to reflect the likely date of opening, as well as updated air quality information.
40. The updated proposal to which this report relates (a CAZ C with no traffic restrictions on the Tyne Bridge and New Bridge Street) has now been identified as the proposed option. It responds to the large number of representations received during the last consultation process, and is supported by further modelling based on delivery in 2022 which shows that these additional restrictions are not required in order to meet limit values in 2022.
41. Some of the traffic restrictions previously proposed, particularly the closure of the New Bridge Street on-slip and reduction of lanes on the Tyne Bridge were not well received in the consultation process.
42. Officers have considered whether the CAZ C option now proposed results in a fundamental difference in the options that were consulted upon previously.
43. The CAZ C element was previously the subject of consultation. The CAZ C only option now proposed delivers compliance with the relevant air quality limit values on the same

timescale (i.e. 2022) as the previous option. The only change to that previously consulted on is to remove the traffic restrictions on the Tyne Bridge and the New Bridge Street on-slip. Officers do not consider that the CAZ C option now proposed represents a fundamentally different proposal from that consulted upon previously; rather it is a refinement of the option which was the subject of consultation which has been pursued as a result of the representations received and which is supported by updated modelling which has been undertaken. The CAZ option now proposed delivers compliance with air quality limit values on the same timescale that the previous option would have. On this basis, it is not considered that a further public consultation process on these proposals is required.

44. In July 2021 an outline of the latest proposals was presented to the Corporate Advisory Group. Members noted the legal context, timescales and approach to the implementation of the proposed CAZ; were keen to learn more about mitigation and grants in the business case and identified the importance of monitoring the impact of the proposed measures. They also noted the wider ambitions to improve public transport, cycling and walking.
45. In preparing this report, consultations have taken place with the Leader, Deputy Leader and portfolio holder for Transport and Environment.

### **Alternative Options**

46. The Council is required by the Legal Direction to develop the Business Case for the clean air plan and implement this in the shortest possible time. Economic impacts can only be considered where different measures will achieve compliance in the same time scale.
47. Economic impact analysis highlighted that a CAZ D had significant negative impacts, caused rerouting of trips (particularly into certain residential areas and onto the A1 and A19) and the size of the initially proposed clean air zone area also led to a marginal improvement in air quality and public health across the whole area in the initial years. The Low Emission Zone & toll option was also estimated to impose a negative economic impact and it also led to very significant rerouting and negative impacts particularly on the A1.
48. The updated proposal to which this Report relates (a CAZ C with no traffic restrictions on the Tyne Bridge and New Bridge Street) has now been identified as the proposed option. It responds to the large number of representations received during the last consultation process, and is supported by further modelling based on delivery in 2022 which shows that these additional restrictions are not required in order to meet limit values in 2022.

### **Implications of Recommended Option**

49. Based on previous reports and updated analysis, it is considered likely that the impacts can be summarised as follows.
- 50. Legal**
51. Newcastle and Gateshead Councils are subject to the Environment Act 1995 (Gateshead Council and Newcastle City Council) Air Quality Direction 2020 and the duties set out therein.
52. The councils have the power to create a Clean Air Zone, as set out in the Transport Act 2000 and Local Transport Act 2008, subject to carrying out public consultation and giving consideration to the necessity of holding a public inquiry.

**53. Fairness**

54. The recommended option could have a negative impact on users of taxis and private hire vehicles and bus services, as well as those who make use of light and heavy goods vehicles.

55. We will attempt to mitigate these impacts through the award of grants and the temporary exemptions from the Clean Air Zone set out in Appendix 1 above of this report.

**56. Economy**

57. Government guidance requires that economic impacts of the proposed measures include the cost or benefit of changes in greenhouse gas emissions, the cost of inconvenience to residents and businesses of changing travel patterns due to charging, and the economic benefits of improved air quality.

58. Using standard appraisal methodology, the recommended option has a lower economic impact compared to a Clean Air Zone with traffic restrictions.

**59. How will success be measured?**

60. The primary measure of success will be through the reduction in exposure to air pollutants of the residents of Newcastle, Gateshead and across the region. While a principal focus through this work is the attainment of pollution levels below the legal limit value thresholds as soon as possible, it must be reiterated that there is no safe level of exposure for some pollutants (e.g. NO<sub>2</sub>, particulate matter) and other pollutants can cause significant public health issues.

61. The Full Business Case contains a Monitoring and Evaluation plan as part of the Management Case which sets out the way in which the authorities will evaluate the Clean Air Zone.

62. The performance of the CAZ will be kept under review and the authorities are required to consider extending or upgrading any CAZ to incorporate private vehicles if compliance with air quality values is not achieved.

63. Councils could also choose to review the CAZ in response to other environmental concerns such as reducing carbon emissions. This could result in increases to the geographical scope, classification or changes to the pricing of the Clean Air Zone.

64. The Joint Air Quality Unit has also commissioned a programme of national monitoring and evaluation for Clean Air Zones. Newcastle and Gateshead will be participating and providing data for this work.

**65. Resources:**

a) **Financial Implications –**

The Strategic Director, Resources and Digital confirms that the proposed option to implement the CAZ measures will have no impact on the council's budget as it is expected to be funded through government grants and income generation specific to this scheme, any shortfalls therein would be mitigated through review and scaling back of the project.

b) **Human Resources Implications –**

There are no human resources implications.

c) **Property Implications -**

No property implications have been identified.

**66. Risk Management Implication -**

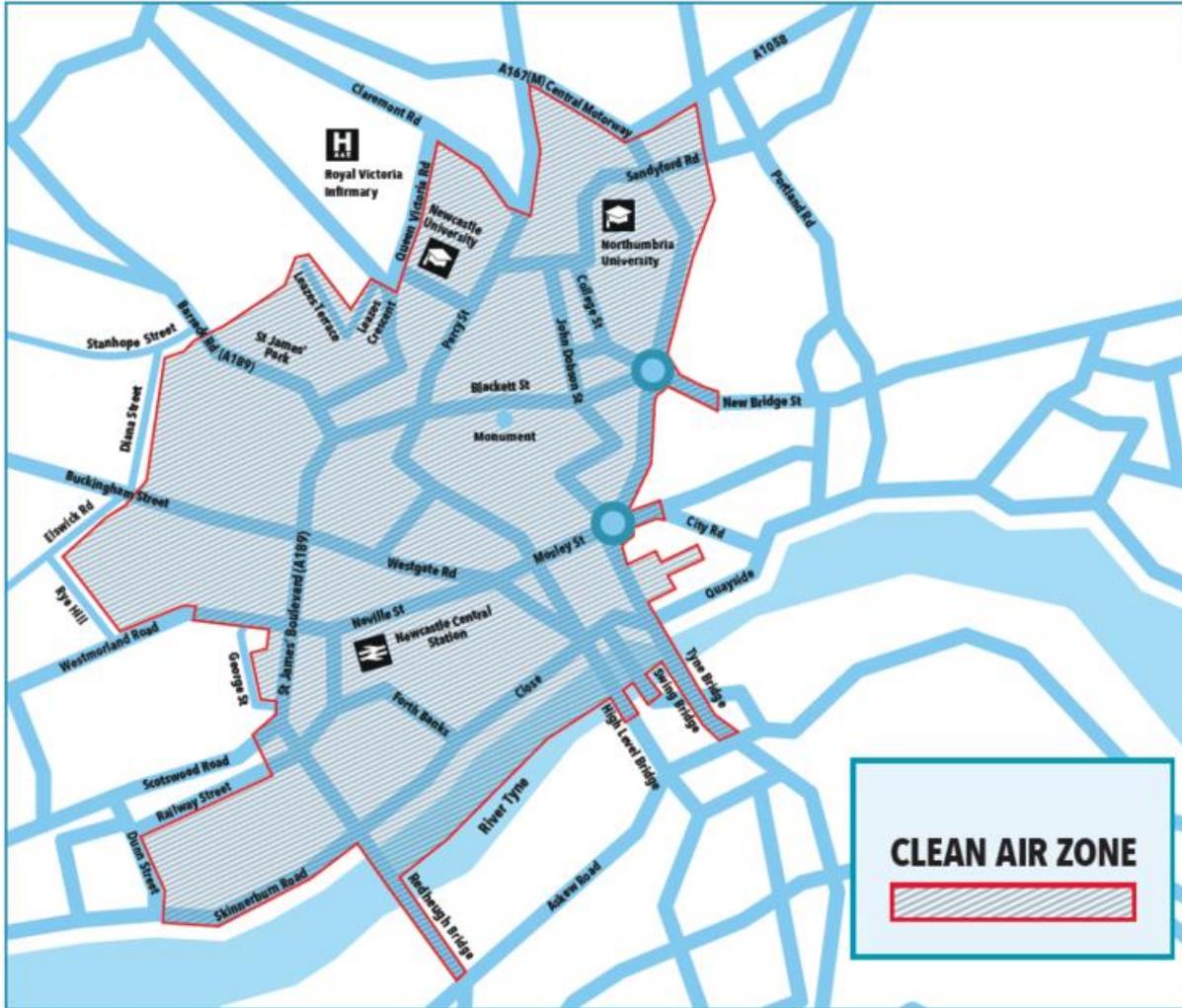
67. Poor air quality is impacting on people's lives and health needs to be addressed as the key risk to this project. We have made a number of improvements in recent years but need to continue to do so through this plan and engaging with people about their travel choices. This is linked to wider work the council is undertaking on climate change and investment in our transport networks.
68. A further fundamental risk is failure to achieve compliance with air quality standards as defined in EU directives, which have also been incorporated into UK law. Continued failure to achieve compliance exposes the council to legal risks.
69. While an initial grant has been received, a further risk relates to the availability of further funding from government to implement a solution. The Clean Air Fund is competitive and funding cannot be guaranteed. The risk has been addressed by developing a comprehensive package of evidence in order to support mitigation measures.
- 70. Equality and Diversity Implications -**  
The Council will fulfilled its duties under the Public Sector Equality Duty by undertaking an Integrated Impact Assessment on the Charging Clean Air Zone in support of the full business case.
- 71. Crime and Disorder Implications –**  
None
- 72. Health Implications –**
73. The CAZ C alone delivers compliance with Nitrogen Dioxide limits in the same timeframe as the CAZ D and CAZ C with traffic restrictions (2022) and more quickly than a 'Do Minimum' case without a CAZ.
74. The lower levels of traffic rerouting in the CAZ C now proposed when compared to a CAZ C with traffic restrictions or a CAZ D results in lower levels of exposure to pollution, including for vulnerable individuals. This is due to the fact that the most polluted links such as urban A roads, have relatively low levels of human exposure and the rerouting associated with a CAZ C with traffic restrictions or a CAZ D options can cause longer distances to be driven. Consequently, this rerouting typically increases exposure to pollution.
75. All versions of the CAZ result in improved public health compared to doing nothing; this is due to reduced exposure to both Nitrogen Dioxide and Particulate Matter.
- 76. Climate Emergency and Sustainability Implications -**
77. The recommended option leads to lower carbon emissions than previously and consequent positive impacts in terms of the Council's commitment to achieving net zero. These impacts occur due to a reduction in the total number of trips made, as well as upgrading vehicles to newer models, which emit lower levels of carbon.
78. It is important to note that the Government's Clean Air Zone Framework, which does not charge older petrol vehicles, could lead to some users switching to older petrol vehicles with greater greenhouse gas emissions. However, this would be unlikely to result in significant changes to the assessment set out above since it is considered that very few users would be likely to switch vehicle in this way.
- 79. Human Rights Implications – None.**
- 80. Ward Implications - All wards will be affected.**

## **Background Information**

81. The DEFRA Air Quality Plan July 2017 - <https://www.gov.uk/government/publications/air-quality-plan-for-nitrogen-dioxide-no2-in-uk-2017>

82. DEFRA Clean Air Zone Framework - <https://www.gov.uk/government/publications/air-quality-clean-air-zone-framework-for-england>
83. Minutes of Gateshead Council, 23/1/20, Approval of Breathe: The Clean Air Plan for Gateshead, Newcastle and North Tyneside  
<http://democracy.gateshead.gov.uk/ieListDocuments.aspx?CId=140&MId=2373>
84. Minutes of Gateshead Cabinet, 20/7/21, Breathe: The Clean Air Plan for Newcastle and Gateshead, Update Report [Agenda for Cabinet on Tuesday, 20th July, 2021, 10.00 am Gateshead Council](#)

Clean Air Zone Plan



## List of Clean Air Zone Charges and Compliance Standards

## Compliance Standards

	Type of vehicle	Vehicle registration date required to meet minimum emissions standard	Name of minimum emissions standard
	Taxis	Diesel – after September 2015 Petrol – generally after 2005, although vehicles that meet the standard have been available since 2001	Diesel – Euro 6 Petrol – Euro 4
	Vans (LGVs)	Diesel – after September 2016 Petrol – after January 2006	Diesel – Euro 6 Petrol – Euro 4
	HGVs, buses and coaches	After 2014	Euro VI

## Charges

- HGVs, buses and coaches - £50 per day
- Taxis and vans - £12.50 per day

**Full Business Case**

The revised Full Business Case will be available at: <http://www.breathe-cleanair.com/fbc>

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**COUNCIL MEETING**

**16 September 2021**

**ANNUAL REPORT OF THE AUDIT AND STANDARDS  
COMMITTEE 2020/21**

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**Sheena Ramsey, Chief Executive**

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**EXECUTIVE SUMMARY**

1. The purpose of this report is to endorse the annual report of the Audit and Standards Committee for 2020/21.
2. In line with best practice, the Audit and Standards Committee is required to report on its activity each year. The report for 2020/21 was agreed by the Audit and Standards Committee on 26 July 2021.
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 endorse the annual report of the Audit and Standards Committee for 2020/21.

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**TITLE OF REPORT:** Annual Report of the Audit and Standards Committee 2020/21

**REPORT OF:** Darren Collins, Strategic Director, Resources and Digital

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### **Purpose of the Report**

1. To ask Cabinet to consider the Audit and Standards Committee Annual Report for 2020/21 and agree that this report is submitted to Council.

### **Background**

- 2 In line with best practice the Audit and Standards Committee is required to report to Cabinet and Council on the Committee's activity each year. The report for 2020/21 was agreed by the Audit and Standards Committee on 26 July 2021.

### **Proposal**

- 3 Cabinet is asked to consider the Audit and Standards Committee's Annual Report at Appendix 2 and agree to submit it to Council. The Report provides an overview on the work of the Audit and Standards Committee during 2020/21 and describes how it has had a positive impact on governance, financial reporting and audit issues across the Council, as well as providing challenge and independent assurance on the risk management framework and associated internal control environment.

### **Recommendation**

- 4 It is recommended that Cabinet endorse the Annual Report of the Audit and Standards Committee for 2020/21 and agree that it is submitted to Council.

For the following reason:

To strengthen the Council's arrangements for oversight by councillors of governance, audit, risk management, the internal control framework, value for money and efficiency.

### Policy Context

1. The proposal supports the Council's policy, service planning and performance management framework which aims to ensure that all resources are directed towards delivery of the Council's strategic approach, Making Gateshead a Place Where Everyone Thrives.

### Background

2. In line with best practice, the Audit and Standards Committee is required to submit an annual report to Cabinet and Council, and also any further reports and recommendations as it sees fit. The areas of activity of the Audit and Standards Committee during 2020/21 are set out in the Annual Report.

### Contents of the Report

3. Appendix 2 outlines the activity which the Audit and Standards Committee has covered over the last year.
4. The Audit and Standards Committee has received reports in the following areas:
  - Internal Audit planning, performance and activity;
  - External Audit planning, performance and activity;
  - Corporate Risk Management and Resilience activity;
  - Counter Fraud Updates
  - Standards Updates
  - The Annual Governance Statement and supporting evidence;
  - Achievement of Going Concern Status;
  - Audit Completion Report and Council Statement of Accounts;
  - Treasury Management Policy & Strategy and mid-year update.;
  - Local Code of Governance;
  - Review of Internal Audit Charter; and
  - Code of Conduct for Councillors
5. There were no reports in year which were specific to Standards issues. No complaints have been received under the Member's Code of Conduct, that required investigation, nor was there any guidance or best practice issued during the year that warranted a report. The Monitoring Officer is responsible for maintaining and promoting high standards within the Council and he and his staff have contributed to the Audit work on good governance particularly those matters relating to the Corporate Risk Management activity and the Annual Governance Statement.
6. Based on the evidence presented during the year and at the meeting of the Audit and Standards Committee on 21 June 2021 it was concluded that the Council's system of internal control and governance framework is

effective. This was demonstrated through the approval of the Annual Governance Statement for 2020/21, which accompanies the Statement of Accounts.

### **Consultation**

7. The Audit and Standards Committee considered and agreed the contents of this report at their meeting of 26 July 2021.

### **Alternative Options**

8. There are no alternative options.

### **Implications of Recommended Option**

9. **Resources:**
  - a) **Financial Implications** - The Strategic Director, Resources and Digital confirms that there are no financial implications arising 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.
10. **Risk Management Implications** - The Audit and Standards Committee receives quarterly reports on risk management.
11. **Equality and Diversity Implications** – there are no equality and diversity implications arising from this report.
12. **Crime and Disorder Implications** – There are no crime and disorder implications arising from this report.
13. **Health Implications** – There are no health implications arising from this report.
14. **Climate Emergency and Sustainability Implications** – There are no climate emergency and sustainability implications arising from this report.
15. **Human Rights Implications** – There are no human rights implications arising from this report.
16. **Ward Implications** – There are no ward implications arising from this report.
17. **Background Information** – Report of the Audit and Standards Committee meeting on 26 July 2021.

### **Contents of the Report to Cabinet and Council – 2020/21**

1. The areas of activity considered by the Audit and Standards Committee during 2020/21 are set out below.

#### **Internal Audit planning, performance and activity**

2. As at 31 March 2021 98% of the Internal Audit Plan was completed, which resulted in 58 audit reports. Of these reports 50 (86%) found systems to be operating well or satisfactory, with 8 (14%) reporting systems having significant weaknesses, of which one was in relation to schools.
3. All recommendations are followed-up as part of the Internal Audit process and the Audit and Standards Committee will monitor the outcomes.
4. Based on this evidence arising from Internal Audit activity during 2020/21, the Council's internal control systems and governance and risk management arrangements are considered to be effective.
5. The Internal Audit Service has also co-ordinated the Council's National Fraud Initiative (NFI) work and has supported Council managers with irregularity, e-mail, internet and other disciplinary investigations on an ongoing basis during 2020/21, with quarterly updates to Audit and Standards Committee.
6. The Audit and Standards Committee also approved the Audit Strategy and Plan and will continue to monitor Internal Audit's progress on a quarterly basis against the 2021/22 Audit Plan.

#### **External Audit planning, performance and activity**

7. The following external audit report was reviewed over the year:
  - Audit Strategy Memorandum Year Ending 31 March 2021.
8. The Committee was also asked to consider how it exercises oversight of certain key management processes in relation to some specific areas of governance with a potential to impact upon the financial statements during 2020/21. This was a requirement to satisfy the external auditors that such oversight was in place in order to comply with International Auditing Standards. The Committee agreed that an effective level of oversight was in place.

### **Corporate Risk Management and Resilience activity**

9. The Committee received quarterly reports on the assurance derived from risk management. These reports make Councillors aware of the arrangements that exist within the Council for managing risk, the impact that these have had and the plans for further development of risk management arrangements.

### **Counter Fraud Update**

10. The Committee received a report every six months updating on activity undertaken in relation to the work of the Corporate Fraud Team summarising performance against the Counter Fraud and Corruption Strategy and the effectiveness of the Strategy. Conclusions also form part of the Annual Governance Statement.

### **Standards Update**

11. The Committee received quarterly reports which highlighted national and local standards issues, raised Member awareness of national reviews and consultations which may be relevant to their role and identified whether further Member training was required.

### **The Annual Governance Statement and supporting evidence**

12. The Annual Governance Statement for 2020/21 concluded that the Council's system of internal control, risk management and governance framework is effective.
13. The Audit and Standards Committee approved the Annual Governance Statement for 2020/21 at its meeting on 21 June 2021, following a review of the evidence detailed below in paragraphs 14-31, and evidence seen by the Committee during the year.

### **Cabinet Members**

14. Assurance was sought from Members of the Cabinet on the effectiveness they felt could be placed on the Council's corporate governance arrangements. They concluded that effective governance arrangements are in place.

### **Senior Managers**

15. Service Directors completed self-assessment assurance statements detailing the level of assurance obtained from their key control processes. The conclusion of this exercise found that senior managers agreed that effective control systems were in place overall. These areas will be examined as part of the 2021/22 Audit Plan and the outcomes reported to the Audit and Standards Committee in October 2021.

### **Internal Audit**

16. The Internal Audit Service has undertaken audit work throughout the year based on the risk based audit plan. In addition, the Council has a framework of assurance available to satisfy it that risks have been properly identified and are being managed by controls that are adequately designed and effective in operation. This includes assurance from a variety of sources other than the Internal Audit Service. These other audit systems have been assessed, as part of the Audit Plan.
17. Based on this audit activity the overall opinion of the Chief Internal Auditor for the year 2020/21 was that internal control systems and risk management and governance arrangements are effective.

### **Risk Management**

18. Risk management is embedded in the Council through a Corporate Risk Management Policy which includes the requirement to identify strategic and operational risks, assess those risks for likelihood and impact, identify mitigating controls and allocate responsibility for those controls. The Council maintains and reviews a register of its business risks, linking them to strategic business objectives and assigning ownership for each risk.
19. The Strategic Director, Resources and Digital reported that risk management arrangements during the year were effective.

### **Counter Fraud**

20. The Council has a zero tolerance approach to fraud and corruption. A counter fraud communications and awareness plan is in place to enable and evidence communication requirements to promote and raise awareness of the Council's counter fraud arrangements, including the publicising of any proven fraud cases and media handling. The plan details the key stakeholders and the methods and frequency of any communications during the year. The plan also details how the outcomes of any successful prosecutions would be handled.
21. The Strategic Director, Resources and Digital reported that counter fraud arrangements during the year were effective.

### **Performance Management and Data Quality**

22. The Council has a Corporate Performance Management Framework which helps it deliver the priorities within the Council Plan. The monitoring of performance takes place at key performance points as identified in the framework including quarterly performance reported to Group Management Teams and Corporate Senior Officer meetings.
23. In addition performance is also monitored, measured, challenged and scrutinised on a six monthly basis at Cabinet and respective Overview and Scrutiny Committees.

24. The Corporate Data Management Group is overseeing the development of an approach to improving how the performance information is presented so that this is accessible to all stakeholders. Performance reports to Overview and Scrutiny are published on the Council's website
25. Based on evidence arising from the performance management framework process for 2020/21 effective controls are in place.

### **Views of the External Auditor and other External Inspectors**

26. Mazars, the Council's external auditor, issued an Annual Audit Letter covering the financial year 2019/20, which was presented to the Committee in March 2021. This comprised of two elements: the audit of the Council's financial statements and an assessment of the Council's arrangements to achieve value for money in its use of resources. An unqualified opinion was given in both of these areas for 2019/20.
27. Other external inspectorates' reports have been issued from time to time on management and governance arrangements to the Council.

### **The Legal and Regulatory Framework**

28. Assurance has been obtained from the Strategic Director, Corporate Services and Governance as the Monitoring Officer who has a legal duty to ensure the lawfulness and fairness of decision-making within the Council. The Council has a Constitution in place and compliance with established policies, procedures, laws and regulations is ensured by the requirement to give the Strategic Director, Corporate Services and Governance the opportunity to comment on every report submitted to a decision-making body.

### **Financial Controls**

29. Assurance has been obtained from the Strategic Director, Resources and Digital, who is designated as the responsible officer for the administration of the Council's financial affairs under Section 151 of the Local Government Act 1972, that financial controls are effective. Systems in place include Financial Regulations, the opportunity to comment on the financial implications of committee reports, monitoring meetings and evidence from internal and external audit.

### **Partnerships**

30. Service Directors review partnerships within their service plans on an annual basis. As partners are key to the delivery of the Council's objectives assurance of their control and governance systems is required. Service Directors have also been required to provide assurance on governance arrangements through their self-assessment statements and all Services are required to identify, through their business plans, where delivery of activity could impact on partnership working.

31. Based on evidence arising from partnerships for 2020/21 effective controls are in place.

### **Other Reports**

#### **Achievement of Going Concern Status**

32. The Committee received a report considering the Council's status as a going concern.
33. Authorities are required by Section 32 of the Local Government Finance Act 1992 to set a balanced budget. However, financial pressures within the local government sector mean that there continues to be a risk that the Chief Finance Officer (Section 151 officer) may need to consider whether action is required under Section 114 of the 1988 Act, where the Section 151 officer must report, following consultation with the council's monitoring officer, to all authority's members if they believe expenditure is likely to exceed incoming resources in the current or in any future year.
34. The report outlined the assessment of the Council's status as a going concern as this is now considered best practice in the current challenging local government financial climate.
35. Based on the assessment undertaken, the Council's Chief Finance Officer (Section 151 officer) view was that the Council is fully aware of the challenges it faces and is prepared to deliver its services in the future taking account of the future known risks and therefore the Council is a going concern and the 2019/20 Statement of Accounts should be prepared on that basis.

#### **Audit Completion Report and Council's Statement of Accounts**

36. The outcome and findings of the audit of the Council's Statement of Accounts 2019/20 by the Council's external auditor, Mazars, along with the audited Statement of Accounts, were reported to the Audit and Standards Committee 19 October 2020. Mazars issued an unqualified opinion on the Statement of Accounts and concluded that the Council has proper arrangements in place to secure economy, efficiency and effectiveness in its use of resources. The Committee noted the contents of the report and resolved that the Accounts Committee be advised that they had no issues to raise on the outcomes and findings of the Council's Statement of Accounts 2019/20 by Mazars

#### **Treasury Management Policy & Strategy and Six Monthly Update**

37. In line with CIPFA's Code of Practice on Treasury Management the Annual Treasury Policy and Strategy are reviewed by the Audit and Standards Committee prior to being reported to Cabinet and Council. A six monthly position is also reported through the Audit and Standards Committee to highlight progress on investment performance and borrowing.

### **Local Code of Governance Update**

38. The Council has a local code of governance which was originally presented to the Audit Committee in April 2007. In line with good practice the document should be reviewed regularly, and the Audit and Standards Committee were asked to consider and approve an updated version on 25 January 2021, based on the CIPFA Delivering Good Governance in Local Government: Framework. The Code defines how the Council complies with the principles of good governance laid down by the Independent Commission on Good Governance in Public Services and forms an integral part of the Councils' Annual Governance Statement, which is a legal requirement to demonstrate the level of assurance that can be given by the Council's control systems and governance arrangements.

### **Review of Internal Audit Charter**

39. The Internal Audit Charter is reviewed annually, and the outcome is reported to the Audit and Standards Committee to seek comments and approval in line with Best Practice. The Chief Internal Auditor carried out the annual review and confirmed that it continues to reflect best practice and no amendments were required.

### **Code of Conduct for Councillors**

40. A report was presented to the Committee setting out an updated Code of Conduct for the Council and updated members following a member led working group on amendments to the draft previously considered by the committee to better reflect the aspiration that members adhere to the highest standards of conduct. The report made proposals in respect of the full Council adopting the updated code.
41. The Committee considered the model code on a number of occasions over the last year, both through its development by the Local Government Association (LGA) as a consultee and more recently consideration of adopting the model code in Gateshead

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**COUNCIL MEETING**

**16 September 2021**

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

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**Sheena Ramsey, Chief Executive**

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### **EXECUTIVE SUMMARY**

1. The purpose of this report is to approve 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.
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 endorse the proposed changes to the Council's Constitution as set out in Appendices 2 – 5 of the attached report.

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

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

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### **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 Constitution will also be amended to make reference to the Strategic Housing Board which was established by the Council earlier this year (see Appendix 3).
5. The Contract Procedure Rules have been revised to remove references to the EU following Brexit and to reinstate a de minimis exception at Rule 5.2.1. These are attached at Appendix 4.
6. The Financial Regulations have been updated to reflect changes to financial regulations, practices and requirements of the Council (see Appendix 5).
7. The appendices refer to some amendments resulting from changes to the management structure and responsibilities. Any other references to the previous service names or job titles in the Constitution will also be updated.

### **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 - 5.

For the following reason:

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

## 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. The Constitution will also be amended to make reference to the Strategic Housing Board which was established by the Council earlier this year (see Appendix 3).
5. The Contract Procedure Rules have been revised to remove references to the EU following Brexit and to reinstate a de minimis exception at Rule 5.2.1. These are attached at Appendix 4.
6. The Financial Regulations have been updated to reflect changes to financial regulations, practices and requirements of the Council (see Appendix 5).
7. The appendices refer to some amendments resulting from changes to the management structure and responsibilities. Any other references to the previous service names or job titles in the Constitution will also be updated.

## Consultation

8. No external consultation has been carried out.

## Alternative Options

9. 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

### 10. Resources

- a. **Financial Implications** - The Strategic Director, Resources and Digital 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.

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

- 12. Equality and Diversity Implications** - There are no equality and diversity implications arising from the recommended option.
- 13. Crime and Disorder Implications** - There are no crime and disorder implications arising from the recommended option.
- 14. Health Implications** – There are no health implications arising from the recommended option.
- 15. Climate Emergency and Sustainability Implications** - There are no sustainability implications arising from the recommended option.
- 16. Human Rights Implications** - The Constitution already emphasises that the Council will promote equal opportunities in carrying out its functions
- 17. Ward Implications** - There are no specific area and ward implications arising from the recommended option.
- 18. Background Information** - The current version of the Constitution.

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PROPOSED AMENDMENTS TO THE CONSTITUTION

Page	Previous Wording	Amended Wording	Reason
<b>Article 4 – The Full Council</b>			
14	<p><b>4.01 Meanings</b>  <b>(a) Policy Framework</b></p> <p>N/A</p>	<p>Insert the following:</p> <ul style="list-style-type: none"> <li>• Environmental Policy</li> </ul>	<p>To bring the Policy Framework up to date.</p>
<b>Overview and Scrutiny Committees</b>			
18	<p><b>Terms of Reference</b></p> <p>Corporate Parenting Overview and Scrutiny Sub Committee and Families OSC – Scope</p> <p>Committee Title – Communities and Place</p> <p>N/A</p>	<p>Delete the reference to this Sub Committee which the Council agreed to dissolve. Add Children in the Council’s Care to the scope for Families OSC.</p> <p>Committee Title – Housing, Environment and Healthy Communities</p> <p>Add the following to the scope of the Committee:</p> <p>Homelessness, locality management and housing development.</p>	<p>To reflect the changes in this committee’s remit.</p> <p>To reflect the changes in this committee’s remit.</p>
<b>Article 10 – Neighbourhood Management</b>			
26	<p>10.06 The GSP will prepare and keep up to date a Sustainable Community Strategy for Gateshead, identifying key areas of action, and will take all necessary steps to ensure that these actions are delivered. The GSP will be supported by a Steering Group which</p>	<p>Delete</p>	<p>To reflect current arrangements.</p>

Page	Previous Wording	Amended Wording	Reason
	will provide strategic direction for its work and by theme, and cross-cutting partnerships which set the direction for policy in Gateshead for their theme or issue.		
<b>Article 13 – Employees of the Council</b>			
34	<b>(c) Strategic Directors</b>	To be updated to reflect the current posts, functions and areas of responsibility.	To reflect the current management structure.
<b>Part 3 - Responsibilities for Functions Annex 1A – Non-Executive Functions</b>			
53	<p><b>Health and Wellbeing Board</b></p> <p>3 Cabinet Members</p> <p>Total number of members 18**</p> <p>** the membership includes 11 non councillor members</p> <p><b>Personnel Appeals Committee</b></p> <p>Total number of members 10</p>	<p>4 Cabinet Members</p> <p>Total number of members 20**</p> <p>** the membership includes 12 non councillor members</p> <p>Total number of members 10***</p> <p>*** Redundancy appeals will be considered by a politically balanced Sub Committee consisting of 3 members of the Personnel Appeals Committee.</p>	<p>To reflect the current Board structure.</p> <p>To provide maximum flexibility to deal with these appeals.</p>
<b>Part 3 - Responsibilities for Functions Schedule 1 – Non Executive Functions – Delegation to Council Bodies</b>			

Page	Previous Wording	Amended Wording	Reason
56	<p><b>1. Planning and Development Committee</b></p> <p>Except when a matter is delegated to the Head of Development and Public Protection, the Planning and Development Committee has delegated power:</p> <p>1.(viii) b. to register variation of rights of common.</p>	<p>Except when a matter is delegated to the Service Director, Climate Change, Compliance, Planning and Transport, the Planning and Development Committee has delegated power:</p> <p>1.(viii) b. to register variation of rights of common land.</p>	<p>To reflect the current management structure and responsibilities.</p> <p>To correct a typographical error.</p>
57	<p><b>3. Regulatory Committee</b></p> <p>The Regulatory Committee, except where the matter is delegated to the Service Director, Development, Transport and Public Protection Strategy, has delegated powers:</p>	<p>The Regulatory Committee, except where the matter is delegated to the Service Director, Climate Change, Compliance, Planning and Transport, has delegated powers:</p>	<p>To reflect the current management structure and responsibilities</p>
58	<p><b>4. Rights of Way Committee</b></p> <p>(iv) keep the Council's definite map and statement under review;</p>	<p>(iv) keep the Council's definitive map and statement under review;</p>	<p>To correct a typographical error.</p>
63	<p><b>Pensions and Pay Discretion Sub Committee</b></p> <p>(i) requests from former employees or their spouses to access their deferred pensions;</p>	<p>(i) requests from former employees or their spouses to access their deferred pensions on an unreduced or partially reduced basis;</p>	<p>To reflect that only applications for unreduced pensions need to be considered by the Committee.</p>
<p><b>Schedule 2 – Non-Executive Functions – Delegations to Managers</b>  <b>Part 1 - Delegations to Individual Managers</b></p>			

Page	Previous Wording	Amended Wording	Reason
64	<p><b>General Principles</b></p> <p>(b) The references to Service Directors to include the post of Deputy Strategic Director of Corporate Resources.</p>	<p>(b) The references to Service Directors to include the post of Deputy Strategic Director of Children, Adults and Families.</p>	To reflect the current management structure and responsibilities
64	<p><b>1. Strategic Director, Communities and Environment</b></p>	<p><b>1. Strategic Director, Economy Innovation and Growth</b></p>	To reflect the current title.
64	<p><b>Part 1 – Delegations to Individual Managers</b></p> <p><b>1.Strategic Director, Economy, Innovation and Growth</b></p> <p>(1) Save in respect of matters otherwise reserved to the Council’s Licensing and Regulatory Committees, to exercise the powers and duties of the Council for the application of legislation including the appointment and authorisation of appropriate officers, to authorise, sign and serve all notices and deal with all applications, variations, licences, consents, revocations and suspensions, and take all necessary enforcement action including to issue simple cautions, on behalf of the Council in respect of its responsibilities for matters of:</p> <p>a) public health and environmental protection  b) noise pollution, air pollution and integrated pollution control and air quality management  c) housing and building standards and security</p>	<p>Provide the same delegation to the Service Director, Group Strategy and Residential Growth.</p>	To reflect the current management structure and responsibilities.

Page	Previous Wording	Amended Wording	Reason
	d) fire safety		
64	<p><b>1. Strategic Director, Communities and Environment</b></p> <p>(1) To exercise the powers of the Council in accordance with the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 and to authorise officers under his control to exercise such powers under Parts 4-6 of those Regulations.</p>	Transfer the delegation to the Service Director, Group Strategy and Residential Growth.	To reflect the current management structure and responsibilities.
64	<p><b>Service Director, Development, Transport and Public Protection</b></p>	<p><b>Service Director, Climate Change, Compliance, Planning and Transport</b></p>	To reflect the current management structure and responsibilities.
64	<p>(1) Save in respect of matters otherwise reserved to the Council's Licensing and Regulatory Committees, to exercise the powers and duties of the Council for the application of legislation including the appointment and authorisation of appropriate officers, to authorise, sign and serve all notices and deal with all applications, variations, licences, consents, revocations and suspensions, and take all necessary enforcement action including to issue simple cautions, on behalf of the Council in respect of its responsibilities for matters of:</p> <p>(1) (a) public health and environmental protection (b) noise pollution, air pollution and</p>	<p>Provide the same delegation to the Service Director, Group Strategy and Residential Growth.</p> <p>In (1) (a) change 'public health' to 'public protection'.</p>	To reflect the current management structure and responsibilities.

Page	Previous Wording	Amended Wording	Reason
65	<p>integrated pollution control and air quality management (c) housing and building standards and security (d) fire safety</p> <p>(2) Under the Licensing Act 2003 and Gambling Act 2005 and as delegated by the Licensing and Regulatory Committees:</p> <p>b) to determine whether a complaint is irrelevant, frivolous or vexatious;</p>	<p>(2) Under the Licensing Act 2003 and Gambling Act 2005 and as delegated by the Licensing and Regulatory Committees:</p> <p>b) to determine whether a representation is irrelevant, frivolous or vexatious;</p>	<p>To clarify the wording of this delegation.</p>
65	<p>(7) (a) To determine applications, notifications, consultation, enforcement and all other matters within the terms of reference of the Planning and Development Committee subject to the exceptions specified below:</p> <p>a) Applications (other than those for the discharge of conditions, extensions of time, section 73 applications, applications relating to block improvements of housing market 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> <ul style="list-style-type: none"> <li>• Residential development of 10 or more dwellings, or where the number is not</li> </ul>	<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 industrial development (use class B2 and/or B8) on an allocated employment site) for major development as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 and any subsequent amendments to it.</p> <p>The Service Director, Development, Climate Change, Compliance, Planning and Transport may refuse an application for major development where it is clearly contrary to a relevant Council planning policy.</p>	<p>To clarify this delegation with reference to the latest legislation provisions and to reflect the current management structure and responsibilities.</p>

Page	Previous Wording	Amended Wording	Reason
	<p>specified, the site is more than 0.5 hectares;</p> <ul style="list-style-type: none"> <li>• Other development where the floor space is 1,000 square metres or more or the site is one hectare or more;</li> <li>• Where a major development is subject to a change of use, it will be classed as a major development and not a change of use.</li> </ul> <p>The Service Director, Development, Transport and Public Protection may refuse an application for major development where it is clearly contrary to a relevant Council planning policy.</p>		
66	<p>7 (g) Applications submitted by or on behalf of:</p> <ul style="list-style-type: none"> <li>• The Chief Executive or any Strategic Director or the Service Director, Development, Transport and Public Protection</li> </ul>	<p>7 (g) Applications submitted by or on behalf of:</p> <ul style="list-style-type: none"> <li>• The Chief Executive or any Strategic Director or the Service Director, Climate Change, Compliance, Planning and Transport</li> </ul>	<p>To reflect the current management structure and responsibilities</p>
66	<p>7 (h) Applications where representations containing relevant and material planning reasons from five or more separate persons (which shall include petitions signed by five or more separate persons) have been lodged in writing (representations, whether by letter or petition, by persons living as part</p>	<p>7(h) Applications recommended for approval where written representations objecting to the application and containing relevant and material planning reasons from five or more separate persons or a petition of more than 5 separate persons against the application have been lodged. Applications recommended for refusal where</p>	<p>To clarify the wording of this delegation.</p>

Page	Previous Wording	Amended Wording	Reason
67	<p>of a single household will be considered to be one representation).</p> <p>7 (j) in respect of land owned by</p> <ul style="list-style-type: none"> <li>The Chief Executive or any Strategic Director or the Service Director, Development, Public Protection and Transport Strategy;</li> </ul>	<p>written representations supporting the application and containing relevant and material planning reasons from five or more separate persons or a petition of more than 5 separate persons in support of the application have been lodged. (Representations, whether by letter(s) or petition, by persons living as part of a single household will be considered to be one representation).</p> <p>7 (j) in respect of land owned by</p> <ul style="list-style-type: none"> <li>The Chief Executive or any Strategic Director or the Service Director, Climate Change, Compliance, Planning and Transport;</li> </ul>	To reflect the current management structure and responsibilities.
67	<p>7 (k) Applications which the Service Director, Development, Transport and Public Protection considers should be determined by Planning and Development Committee having regard to approved guidance on this matter.</p>	<p>7 (k) Applications which the Service Director, Climate Change, Compliance, Planning and Transport considers should be determined by Planning and Development Committee having regard to approved guidance on this matter.</p>	To reflect the current management structure and responsibilities.
69	<p>(22) To grant and renew licences for Hackney Carriages and Private Hire Vehicles where the application meets the Council's standard conditions save for condition 23 and/or 25 (Hackney Carriages) or 21 (v) (w) and/or 23 (Private Hire Vehicles) but has been inspected by officers from Communities and Environment pursuant to s.50 Local Government (Miscellaneous Provisions) Act 1976, and</p>	<p>(22) To grant and renew licences for Hackney Carriages and Private Hire Vehicles where the application meets the Council's standard conditions save for condition 23 and/or 25 (Hackney Carriages) or 21 (v) (w) and/or 23 (Private Hire Vehicles) but has been inspected by officers from Environment and Fleet Management pursuant to s.50 Local Government (Miscellaneous Provisions) Act 1976, and has been deemed to be safe for use as a Hackney Carriage/Private Hire Vehicle as applicable.</p>	To reflect the current management structure and responsibilities.

Page	Previous Wording	Amended Wording	Reason
	has been deemed to be safe for use as a Hackney Carriage/Private Hire Vehicle as applicable.		
69	(24) Save in respect of matters otherwise reserved to the Council's Licensing and Regulatory Committees, to investigate complaints, authorise, sign and serve notices and take all enforcement action relating to statutory nuisance.	Provide the same delegation to the Service Director, Group Strategy and Residential Growth.	To reflect the current management structure and responsibilities.
69	(25) To exercise powers to license the use of land as a caravan site and the use of moveable dwellings and camping sites.	Transfer the delegation to the Service Director, Group Strategy and Residential Growth.	To reflect the current management structure and responsibilities.
69	(26) To obtain particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Provide the same delegation to the Service Director, Group Strategy and Residential Growth.	To reflect the current management structure and responsibilities.
70	(28) To consider applications received and make orders under s.257 of the Town and Country Planning Act 1990, except where the Service Director for Transport Strategy considers such an application should be determined by the Rights of Way Committee.	(28) To consider applications received and make orders under s.257 of the Town and Country Planning Act 1990, or refer them to the Rights of Way Committee for determination	To reflect the current management structure and responsibilities.
70	(29) To authorise the making of orders under s.3 of the Cycle Tracks Act 1984, except	(29) To authorise the making of orders under s.3 of the	To reflect the current

Page	Previous Wording	Amended Wording	Reason
	where the Service Director for Transport Strategy considers such an application should be determined by the Rights of Way Committee.	Cycle Tracks Act 1984, or refer them to the Rights of Way Committee for determination.	management structure and responsibilities.
70	(30) To authorise the serving of notices under section 220 of the Highways Act 1980.	Transfer this delegation to the Service Director, Highways and Waste.	To reflect the current management structure and responsibilities.
70	(32) To approve revisions to any of the matters in the Gateshead Community Infrastructure Levy Instalments Policy and Regulation 123 Infrastructure List.	(32) To approve revisions to any of the matters in the Gateshead Community Infrastructure Levy Instalments Policy and Infrastructure Funding Statement.	To reflect the current management structure and responsibilities.
70	(34) Following consultation with the Strategic Director, Corporate Services, to determine whether to take enforcement action under the provisions of the Community Infrastructure Levy Regulations 2010 and any subsequent amendments.	(34) Following consultation with the Strategic Director, Corporate Services and Governance, to determine whether to take enforcement action under the provisions of the Community Infrastructure Levy Regulations 2010 and any subsequent amendments.	To reflect the current management structure and responsibilities.
70	(35) To authorise notices under Part IX Highways Act 1980 and the taking of action under Section 303 and 333 of Highways Act 1980.	Transfer this delegation to the Service Director, Highways and Waste.	To reflect the current management structure and responsibilities.
	(36) To take enforcement action against contraventions of the Environmental Protection Act 1990, Clean Neighbourhoods	Provide the same delegation to the Service Director, Group Strategy and Residential Growth.	To reflect the current management structure

Page	Previous Wording	Amended Wording	Reason
	and Environment Act 2005, Anti-Social Behaviour, Crime and Policing Act 2014, Control of Pollution (Amendment) Act 1989 and the Refuse Disposal (Amenity) Act 1978.		and responsibilities.
70	<p><b>Service Director, Street Scene</b></p> <p>(1) To take enforcement action against contraventions of the Environmental Protection Act 1990 and Clean Neighbourhoods and Environment Act 2005 and the Dogs (Fouling of Land) Act 1996.</p>	<p><b>Service Director, Environment and Fleet Management</b></p> <p>(1) To take enforcement action against contraventions of the Environmental Protection Act 1990 and Clean Neighbourhoods and Environment Act 2005 and the Dogs (Fouling of Land) Act 1996.</p>	To reflect the current management structure and responsibilities.
70	<p><b>Service Director, Commissioning and Neighbourhoods</b></p> <p>(1) To approve and allocate the Local Community Fund to projects for which ward councillors request financial support.</p>	Transfer this delegation to the Service Director, Locality Services and Housing Options	To reflect the current management structure and responsibilities.
71	<p><b>2. Strategic Director, Corporate Services and Governance</b></p> <p>(10) To approve applications for early release of deferred pension benefits for serving employees of the Council.</p>	(10) To approve applications for early release of unreduced or partially reduced deferred pension benefits for serving employees of the Council.	To reflect that only applications for unreduced pensions need to be considered.
72	(14) To interpret and apply national agreements, if the subject matter is not specifically covered by the Pay Policy, following consultation with the Leader of the	(14) To interpret and apply national agreements, if the subject matter is not specifically covered by the Pay Policy, following consultation with the Leader of the Council and the Strategic Director, Resources and Digital, and, if	To reflect the current management structure and responsibilities.

Page	Previous Wording	Amended Wording	Reason
	Council and the Strategic Director, Corporate Resources, and, if deemed appropriate, having taken advice from the LGA and/or the Employers' Organisation.	deemed appropriate, having taken advice from the LGA and/or the Employers' Organisation.	
73	<p><b>3. Strategic Director, Corporate Services</b></p> <p><b>Service Director, Trading and Commercialisation</b></p> <p>1. To authorise, following consultation with the Strategic Director, Corporate Resources, price increases when required in the Council's coffee shops, restaurants and bars in line with business need and market forces.</p>	<p><b>Service Director, Property, Assets and Traded Services</b></p> <p>1. To authorise, following consultation with the Strategic Director, Resources and Digital, price increases when required in the Council's coffee shops, restaurants and bars in line with business need and market forces.</p>	To reflect the current management structure and responsibilities.
76	<p><b>General Delegations to Managers</b></p> <p>(c) A Service Director (including the Deputy Director of Corporate Resources)</p>	(c) A Service Director (including the Deputy Director of Children, Adults and Families)	To reflect the current management structure and responsibilities.
<b>Schedule 3 – Responsibility for Local Choice Functions</b>			
80	<p><b>Responsibility for delegations</b></p> <p>N/A</p>	<p><b>Responsibility for delegations</b></p> <p>Change references to the Service Director, Development and Public Protection to the Service Director, Climate Change, Compliance, Planning and Transport.</p>	To reflect the current management structure and responsibilities.
<b>Schedule 5 – Executive Functions Delegated to Managers</b>			
<b>Part 1 – Delegations to Individual Managers</b>			
86	<b>General Principles</b>		

Page	Previous Wording	Amended Wording	Reason
	(b) The references to Service Directors to include the post of Deputy Strategic Director of Corporate Resources.	(b) The references to Service Directors to include the post of Deputy Strategic Director of Children, Adults and Families.	To reflect the current management structure and responsibilities.
89	<b>2. Strategic Director, Communities and Environment</b>	<b>2. Strategic Director, Housing Environment and Healthy Communities</b>	To reflect the current management structure and responsibilities.
89	(1) To determine those vehicles and items of plant and equipment that are no longer required, and to dispose of them in a manner which best meets the Council's interests, provided that the equipment which he/she considers to be in a safe condition is offered for sale to sports clubs in the Borough at a price he/she determines, subject to:  a. The sports clubs being approved by the Service Director, Trading and Commercialisation; and	(2) To determine those vehicles and items of plant and equipment that are no longer required, and to dispose of them in a manner which best meets the Council's interests, provided that the equipment which he/she considers to be in a safe condition is offered for sale to sports clubs in the Borough at a price he/she determines, subject to:  a. The sports clubs being approved by the Service Director, Public Health and Wellbeing; and	To reflect the current management structure and responsibilities.
89	(5) To carry out facilities management functions for operational properties under his/her control.	Transfer the delegation to the Service Director, Property Assets and Traded Services.	To reflect the current management structure and responsibilities.
89	(6) Following delegation by the Chief Executive to exercise the power provided in section 76-93 of the Anti Social Behaviour	Provide the same delegation to the Service Director, Group Strategy and Residential Growth.	To reflect the current management structure and responsibilities.

Page	Previous Wording	Amended Wording	Reason
89	<p>Crime and Policing Act 2014.</p> <p>(7) To exercise powers under the Anti Social Behaviour Crime and Policing Act 2014 in relation to community protection notices and orders and closure of premises associated with nuisance or annoyance.</p>	Provide the same delegation to the Service Director, Group Strategy and Residential Growth.	To reflect the current management structure and responsibilities.
89	(8) To exercise powers given to local authorities under the Anti Social Behaviour Crime and Policing Act 2014 in relation to community protection orders, closure of premises notices and orders, public places protection orders and keeping dogs under control.	Provide the same delegation to the Service Director, Group Strategy and Residential Growth.	To reflect the current management structure and responsibilities.
90	(9) To exercise the powers of the Council and to authorise officers under his/her control to exercise such powers under Part 4 of the Redress Schemes for Lettings Agency Work and Property Management Work (requirement to belong to a scheme etc.) (England) Order 2014 to enforce any breach of the requirement to belong to a scheme as is necessary.	Transfer the delegation to the Service Director, Group Strategy and Residential Growth.	To reflect the current management structure and responsibilities.
90	(12) To make any changes or updates to the Local Development Scheme and to the Statement of Community Involvement, as and when required, following consultation	Transfer to the Strategic Director, Economy, Innovation and Growth	To reflect the current management structure and responsibilities.

Page	Previous Wording	Amended Wording	Reason
	with the Cabinet Members for Environment and Transport, Housing and Economy.		
90	(13) To designate the appropriate officer as the Council's Traffic Manager under the Traffic Management Act 2004.	Transfer to Service Director, Highways and Waste	To reflect the current management structure and responsibilities.
90	(14) To deal with the nomination of assets for inclusion on the list of community value.	Transfer to Service Director, Property, Assets and Traded Services.	To reflect the current management structure and responsibilities.
90	<b>Service Director, Development, Transport and Public Protection</b>	<b>Service Director, Climate Change, Compliance, Planning and Transport</b>	To reflect the current management structure and responsibilities.
91	(7) To exercise powers under the Anti Social Behaviour Crime and Policing Act 2014 in relation to community protection notices and orders and closure of premises associated with nuisance or annoyance.	Provide the same delegation to the Service Director, Group Strategy and Residential Growth	To reflect the current management structure and responsibilities.
91	(8) To exercise the powers of the Council to ensure that landlords meet their obligations under the Landlord and Tenant Act 1985.	Transfer the delegation to the Service Director, Group Strategy and Residential Growth	To reflect the current management structure and responsibilities.
91	(9) To exercise the powers of the Council and to authorise persons to exercise such powers, under the Public Health Acts 1936	Transfer the delegation to the Service Director, Group Strategy and Residential Growth	To reflect the current management structure and responsibilities.

Page	Previous Wording	Amended Wording	Reason
	and 1961, Prevention of Damage by Pests Act 1949, Local Government (Miscellaneous Provisions) Act 1982 and Housing Act 2004 and any other legislation conferring such powers, in order to prevent: (iv) Hazards (as defined by Housing Act 2004).		
92	(12) To authorise, sign and serve notices and take all necessary enforcement action under section 77 of the Criminal Justice and Public Order Act 1994.	Transfer the delegation to the Service Director, Group Strategy and Residential Growth	To reflect the current management structure and responsibilities.
92	(13) To issue mandatory licenses under Part 2 of the Housing Act 2004.	Transfer the delegation to the Service Director, Group Strategy and Residential Growth	To reflect the current management structure and responsibilities.
92	(15) To issue and deal with notices under the New Roads and Street Works Act 1999.	Transfer the delegation to the Service Director, Highways and Waste.	To reflect the current management structure and responsibilities.
92	(16) To grant licences, consents and approvals for apparatus in and under streets and excavations in streets; to secure the removal of obstructions in streets; and to take action to secure the safety of dangerous excavations.	Reword the delegation as follows: <ul style="list-style-type: none"> <li>• To grant licences, consents and approvals for apparatus in and under streets and excavations in streets. (Transfer this delegation to the Service Director, Highways and Waste)</li> <li>• To secure the removal of obstructions in streets; and</li> </ul>	To reflect the current management structure and responsibilities.

Page	Previous Wording	Amended Wording	Reason
		to take action to secure the safety of dangerous excavations. (This delegation to be retained by Service Director, Climate Change, Compliance, Planning and Transport)	
92	(17) To number houses and to name streets and to object in writing to any proposed street name.	Transfer the delegation to the Service Director, Highways and Waste	To reflect the current management structure and responsibilities.
92	(18) To agree the terms of agreements under sections 38 and 278 of the Highways Act 1980.	Transfer the delegation to the Service Director, Highways and Waste	To reflect the current management structure and responsibilities.
92	(19) To authorise the fixing of banners to bridges, and any events on bridges, in accordance with Council policy and subject to planning approval being obtained where necessary.	Transfer the delegation to the Service Director, Highways and Waste	To reflect the current management structure and responsibilities.
92	(21) To authorise the adoption of highways under section 228 of the Highways Act 1980.	Transfer the delegation to the Service Director, Highways and Waste	To reflect the current management structure and responsibilities.
92	(22) To make resolutions under section 205 (1) of the Highways Act 1980 and to carry out the necessary procedures under section 205 (3) of the Act.	Transfer the delegation to the Service Director, Highways and Waste	To reflect the current management structure and responsibilities.

Page	Previous Wording	Amended Wording	Reason
92	(23) To agree the adoption of highways constructed by the Council.	Transfer the delegation to the Service Director, Highways and Waste	To reflect the current management structure and responsibilities.
92	<p>(24) To act on behalf of the Council in connection with any power or duty imposed on the Council as traffic authority, and in particular:</p> <p>(a) To propose and make temporary traffic regulation orders or notices under sections 14 and 16 to the Road Traffic Regulation Act 1984 or orders under the Town and Police Clauses Act.</p> <p>(b) To propose, modify and make permanent or experimental traffic regulation orders or notices under sections 14 and 16 to the Road Traffic Regulation Act 1984 or orders under the Town and Police Clauses Act 1847.</p> <p>(c) To respond to requests, on behalf of the Council, to a proposal by traffic authority to make permanent, temporary or experimental traffic regulation orders or notices on a highway situated within the Borough and to propose and make the relevant order where considered appropriate.</p> <p>(d) To authorise the erection of temporary</p>	<p>Amend the delegation as follows and transfer the delegation to the Service Director, Highways and Waste.</p> <p>(24) To act on behalf of the Council in connection with any power or duty imposed on the Council as traffic authority, and in particular:</p> <p>(a) To propose and make temporary traffic regulation orders or notices under the Road Traffic Regulation Act 1984 or under the Town and Police Clauses Act.</p> <p>(b) To propose, modify and make permanent or experimental traffic regulation orders under the Road Traffic Regulation Act 1984.</p> <p>(c) To respond to requests, on behalf of the Council, to a proposal by traffic authority to make permanent, temporary or experimental traffic regulation orders or notices on a highway situated within the Borough and to propose and make the relevant order where considered appropriate.</p> <p>(d) To authorise the erection of temporary signs on the highway.</p> <p>(e) To formally respond to HGV Operator Licence applications.</p>	<p>To reflect the current management structure and responsibilities and to update the references to legislation.</p>

Page	Previous Wording	Amended Wording	Reason
93	<p>signs on the highway.</p> <p>(e) To formally respond to HGV Operator Licence applications.</p> <p>(25) To give notice of any proposal to stop up or divert a highway under section 116 of and schedule 12 to the Highways Act 1980, and provided consent of the appropriate Parish Council (where applicable) has not been refused, to request the Strategic Director, Corporate Services and Governance to apply to the Magistrates' Court for a stopping up or diversion order.</p>	<p>Transfer the delegation to the Service Director, Highways and Waste</p>	<p>To reflect the current management structure and responsibilities.</p>
93	<p>(26) To authorise School Travel Plans following consultation with the Service Director, Learning and Schools.</p>	<p>Amend the delegation as follows and transfer to the Strategic Director, Children, Adults and Families:</p> <ul style="list-style-type: none"> <li>To authorise Schools Travel Plans.</li> </ul>	<p>To reflect the current management structure and responsibilities.</p>
93	<p>(27) To amend the Council's Blue Badge Protocol, as and when necessary, following consultation with the appropriate Cabinet Member, to ensure that it continues to reflect both current legislation and local needs and circumstances.</p> <p>(28) To determine appeals against any decision to refuse a request for a Blue Badge, in line with criteria and processes set</p>	<p>Transfer delegations 27 - 32 to the Service Director, Highways and Waste.</p>	<p>To reflect the current management structure and responsibilities.</p>

Page	Previous Wording	Amended Wording	Reason
93	<p>out in the Council's Blue Badge Protocol.</p> <p>(29) To declare / designate sections of footway to be removed as footway under section 66(4) to the Highways Act 1980 and designate sections of footway as a cycle track in accordance with section 65(1) of the Highways 1980 Act.</p> <p>(30) To grant approvals for land drainage consents under section 23 of the Land Drainage Act 1991.</p> <p>(31) To agree the terms of adoption agreements for sustainable drainage systems under the Flood &amp; Water Management Act 2010 and to authorise the adoption of those systems under that Act.</p> <p>(32) To enter into future agreements with the Secretary of State for Transport, under section 4 of the Highways Act 1980, in respect of the A1 improvement works.</p> <p>(33) To implement the provisions of the Housing and Planning Act 2016 that seek to tackle rogue landlords and property agents who knowingly rent out unsafe and sub-standard accommodation.</p> <p>(34) To implement the provisions of the Licensing of Houses in Multiple Occupation</p>	<p>Transfer the delegation to the Service Director, Group Strategy and Residential Growth</p> <p>Transfer the delegation to the Service Director, Group Strategy and Residential Growth</p>	<p>To reflect the current management structure and responsibilities.</p> <p>To reflect the current management structure and responsibilities.</p>

Page	Previous Wording	Amended Wording	Reason
93	<p>(Prescribed Description) (England) Order 2018, and the Licensing of Housing in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018 in Gateshead.</p> <p><b>Service Director, Economic Development</b></p>	<p><b>Service Director, Business Employment and Skills</b></p>	
94	<p>(1) In accordance with agreed procedures and eligibility criteria, in consultation with the Service Director, Customer and Financial Services, to approve applications for financial assistance to businesses, or individual residents of the Borough seeking employment, training or educational opportunities, in the following categories:</p> <p><b>Service Director, Council Housing, Design and Technical Services</b></p>	<p>(1) In accordance with agreed procedures and eligibility criteria, in consultation with the Service Director, Customer Experience and Digital, to approve applications for financial assistance to businesses, or individual residents of the Borough seeking employment, training or educational opportunities, in the following categories:</p>	<p>To reflect the current management structure and responsibilities.</p>
94	<p>(1) In respect of Council housing stock, to exercise the powers of the Council and to authorise persons to exercise such powers, under the Public Health Acts 1936 and 1961, Prevention of Damage by Pests Act 1949, Local Government (Miscellaneous Provisions) Act 1982 and Housing Act 2004 and any other legislation conferring such powers, in order to prevent:</p>	<p>Transfer delegation 1 to the Service Director, Property and Assets, delegation 3 to the Service Director, Group Strategy and Residential Growth, delegation 4 to the Service Director, Locality Services and Housing Options and delete delegation 2.</p>	<p>To reflect the current management structure and responsibilities.</p>

Page	Previous Wording	Amended Wording	Reason
	<p>(i) Damaged or defective premises (or parts thereof).</p> <p>(ii) The deposit of noxious refuse.</p> <p>(iii) Prejudice to health, danger to the public and/or detriment to the amenities of the neighbourhood.</p> <p>(iv) Hazards (as defined by Housing Act 2004).</p> <p>(2) To monitor the performance of the Gateshead Housing Company as the nominated officer under the Gateshead Housing Agreement.</p> <p>(3) To act on behalf of the Council in relation to the Council's duties to review and address homelessness.</p> <p>(4) To accept leases and grant licenses of property (for which there is budgetary provision) necessary to meet the Council's obligations to provide temporary accommodation to homeless persons on an emergency basis and to those requiring supported housing.</p>		
95	<p><b>2. Strategic Director, Corporate Resources</b></p> <p>(9) Following consultation with the Strategic Director, Communities and Environment to bank, borrow, sell or buy landfill allowances</p>	<p>(9) Following consultation with the Strategic Director, Housing, Environment and Healthy Communities to bank, borrow, sell or buy landfill allowances in order to minimise any costs and maximise any benefits to the Council.</p>	<p>To reflect the current management structure.</p>

Page	Previous Wording	Amended Wording	Reason
	in order to minimise any costs and maximise any benefits to the Council. Periodic reports on such transactions will be reported to Cabinet.	Periodic reports on such transactions will be reported to Cabinet.	
96	<p><b>Service Director, Trading and Commercialisation</b></p> <p>(1) To order books and other materials within budgetary control;</p> <p>(2) To engage artists to a maximum cost, inclusive of expenses, of £10,000; engagements in excess of £10,000 are subject to consultation with the Strategic Director, Corporate Services and Governance with a view to drawing up an appropriate contract;</p> <p>(3) To arrange sales of surplus book stock and audio visual stock;</p> <p>(4) To make arrangements for leisure and sporting events within agreed budgets.</p> <p>(5) To make arrangements to undertake activity which can generate income to meet agreed targets set by the annual budget process.</p> <p>(6) Following consultation with the Strategic Directors, Corporate Resources and Corporate Services and Governance, to</p>	<p><b>Service Director, Commercialisation and Improvement</b></p> <p>Transfer delegations (1) to (3) to the Director of Public Health and Wellbeing</p> <p>Amend the remaining delegations as follows:</p> <p>(1) To make arrangements for major and community events within agreed budgets.</p> <p>(2) To make arrangements to undertake activity which can generate income to meet agreed targets set by the annual budget process.</p> <p>(3) Following consultation with the Strategic Directors, Resources and Digital and Corporate Services and Governance, to implement flexible pricing arrangements to increase income, as appropriate.</p>	To reflect the officers now responsible for these functions.

Page	Previous Wording	Amended Wording	Reason
	<p>implement flexible pricing arrangements to increase income, as appropriate.</p>		
98	<p><b>3. Strategic Director, Corporate Services and Governance</b></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>Reword (19) (a) as follows and transfer to the Strategic Director, Economy, Innovation and Growth:</p> <p>(a) Acquisitions and disposals in relation to interests in land which the Strategic Director, Economy, Innovation and Growth considers to have significant implications in respect of any ward and/or portfolio, in which case the Strategic Director, Economy, Innovation and Growth shall consult with the relevant portfolio holder and/or ward members before exercising the delegation above.</p> <p>Reword (19) (a) as follows and transfer to Strategic Director, Housing, Environment and Heathy Communities:</p> <p>(a) Transactions (other than acquisitions and disposals) in relation to interests in land which the Strategic Director, Housing, Environment and Healthy Communities considers to have significant implications in respect of any ward and/or portfolio, in which case the Strategic Director, Housing, Environment and Healthy Communities shall consult with the relevant portfolio holder and/or ward members before exercising the delegation above.</p> <p>Reword (b) as follows and transfer to Strategic Director, Economy, Innovation and Growth:</p>	<p>To reflect the current management structure and responsibilities.</p>

Page	Previous Wording	Amended Wording	Reason
98	<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>(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</p>	<p>(b) Acquisitions and disposals 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>Transfer (19) (c) – (d) to the Strategic Director, Economy, Innovation and Growth.</p> <p>Transfer delegations 20 -26 to the Strategic Director, Housing, Environment and Healthy Communities</p>	<p>To reflect the current management structure and responsibilities.</p>

Page	Previous Wording	Amended Wording	Reason
	<p>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, lease renewals, rent reviews, assignments, landlord's consents, lease surrenders, terminations and other interests in land.</p> <p>(26) To deal with the review of a decision to include land on the list of assets of community value.</p>		
100	<p><b>General Delegations to Managers</b></p> <p>(c) A Service Director (including the Deputy Director of Corporate Resources)</p>	<p>(c) A Service Director (including the Deputy Director of Children, Adults and Families)</p>	<p>To reflect the current management structure.</p>

Page	Previous Wording	Amended Wording	Reason
101	<p><b>(2) Lands and Buildings</b></p> <p>A manager in consultation with the Service Director, Trading and Commercialisation:</p> <p>a. Manage land and buildings under his/her control, provided that in the case of non-residential property, the Strategic Director, Corporate Services and Governance must be consulted on any proposal to create a lease, licence or other interest in a property.</p> <p>b. Deal with applications for hiring or letting accommodation under his/her control, in accordance with a scheme approved by the Council.</p>	<p><b>(2) Lands and Buildings</b></p> <p>A manager in consultation with the Service Director, Property, Assets and Traded Services:</p> <p>a. Manage land and buildings under his/her control, provided that in the case of non-residential property, the Strategic Director, Housing, Environment and Healthy Communities must be consulted on any proposal to create a lease, licence or other interest in a property.</p> <p>b. Deal with applications for hiring or letting accommodation under his/her control, in accordance with a scheme approved by the Council.</p>	To reflect the current management structure and responsibilities.
<b>The Freedom of Information Act 2000 - Statement</b>			
123	<p><b>Exceptions to the Right of Access</b></p> <p>8. The Council can withhold information including details of legal proceedings, information provided in confidence or covered by the Data Protection Act 1998.</p> <p><b>Access to Personal Information</b></p> <p>10. Personal information or data is covered by the Data Protection Act 1998.</p> <p>11. Requests for personal data must be responded to within 40 Days, confirming:</p>	<p>8. The Council can withhold information including details of legal proceedings, information provided in confidence or covered by the Data Protection Act 2018</p> <p>10. Personal information or data is covered by the Data Protection Act 2018.</p> <p>11. Requests for personal data must be responded to within one month, confirming:</p>	<p>To refer to the current legislation.</p> <p>To refer to the current legislation.</p> <p>To refer to the current timescale.</p>

Page	Previous Wording	Amended Wording	Reason
	<p>13. Questions about rights under the Freedom of Information Act 2000 or the Data Protection Act 1998 should be directed to the Council's Information Rights Officer.</p>	<p>13. Questions about rights under the Freedom of Information Act 2000 or the Data Protection Act 2018 should be directed to the Council's Information Rights Officer or Data Protection Officer.</p>	<p>To refer to the current legislation and relevant officers.</p>
<b>Data Protection Statement</b>			
124	<p><b>Data Protection Principles</b></p> <p>3. The Act is based on eight legally enforceable principles that organisations and individuals must apply when they process your personal data. The Act states that all personal data must:</p> <ul style="list-style-type: none"> <li>• Be processed fairly and lawfully</li> <li>• Only be obtained and processed for specified and lawful purposes</li> <li>• Be adequate, relevant for the purpose and not excessive</li> <li>• Be accurate and, where necessary, kept up to date</li> <li>• Not be kept longer than necessary</li> <li>• Be processed in accordance with the data subject's rights</li> <li>• Be kept secure</li> <li>• Not be transferred to other countries without adequate protection for the rights and freedoms of the data subject.</li> </ul>	<p>3. The Act is based on six legally enforceable principles that organisations and individuals must apply when they process your personal data. The Act states that all personal data must:</p> <ul style="list-style-type: none"> <li>• Be processed fairly, lawfully and transparently</li> <li>• Only be obtained and processed for specified, explicit and lawful purposes</li> <li>• Be adequate, relevant for the purpose and limited to what is necessary</li> <li>• Be accurate and, where necessary, kept up to date</li> <li>• Not be kept longer than necessary</li> <li>• Be processed in a manner that ensures appropriate security of the data</li> </ul> <p>The Act requires that the Council must be able to demonstrate compliance with the above principles.</p>	<p>To reflect the requirements of current legislation.</p>

Page	Previous Wording	Amended Wording	Reason
124	<p><b>What is Personal Data?</b></p> <p>The Act recognises that some types of personal data are more sensitive than others. There are extra rules for processing data about your ethnic origin, religious beliefs, trade union membership, party political opinions, sexuality, health, involvement in court proceedings, etc.</p>	<p>The Act recognises that some types of personal data require a more enhanced level of protection than others. There are extra rules for processing data about your racial or ethnic origin, religious or philosophical beliefs, trade union membership, party political opinions, sexuality (including sex life), health, or involvement in court proceedings. There are also extra rules for processing genetic or biometric data about you.</p>	<p>To reflect the requirements of current legislation.</p>
125	<p><b>Who processes my personal data?</b></p> <p>Council members and employees can access and process your personal data for their official council duties, but only the data needed for a specific purpose. They must not disclose your personal data to anyone else without your consent, unless they are legally obliged to do so.</p> <p>You can write and ask us to stop processing your personal data at any time. You must explain what processing you want us to stop and why. We must reply within 21 days to let you know what we have done about your request.</p>	<p>Council members and employees can access and process your personal data for their official council duties, but only the data needed for a specific purpose. They must not disclose your personal data to anyone else without your consent, unless they are legally obliged or permitted to do so.</p> <p>You can write and ask us to stop processing your personal data at any time. You must explain what processing you want us to stop and why. We must reply within one month to let you know what we have done about your request.</p>	<p>To reflect the current process.</p>
125	<p><b>Can I see my personal data?</b></p>	<p>The Data Protection Act 2018 gives you a general right of</p>	

Page	Previous Wording	Amended Wording	Reason
126	<p>The Data Protection Act gives you a general right of access to personal data that relates to you. Access requests must be made in writing; with enough information to locate the data requested and proof that you are the data subject.</p> <p>You will have to pay a fee of up to £10 (up to £50 for education records). We will confirm that when we receive your data subject access request.</p> <p>Data controllers like the Council must respond within 40 days confirming:</p> <p><b>How can I be sure my data is accurate?</b></p> <p>Under the Data Protection Act, the Council must try to keep your personal data accurate and up to date. If you think that your personal data is incorrect you can write telling us why and asking us to correct the data. We must reply within 21 days to let you know what we have done about your request.</p>	<p>access to personal data that relates to you. Access requests must include enough information to locate the data requested, and proof that you are the data subject may be requested.</p> <p>Data controllers like the Council must respond within one month confirming:</p> <p>Under the Data Protection Act 2018, the Council must try to keep your personal data accurate and up to date. If you think that your personal data is incorrect you can write telling us why and asking us to correct the data. We must reply within one month to let you know what we have done about your request.</p>	<p>To reflect the current process</p> <p>To reflect the current process</p>
<b>Overview and Scrutiny Rules</b>			
134	<p><b>2. Number and Terms of Reference</b></p> <p><b>N/A</b></p>	<p>Insert the following:</p> <p>2.6 The Housing, Environment and Healthy Communities</p>	<p>To reflect the current OSC structure.</p>

Page	Previous Wording	Amended Wording	Reason
		<p>OSC will include in its membership the following non-voting representatives:</p> <p>Four Housing Scrutiny Panel representatives Two Housing Assurance Board representatives</p> <p>When the Committee deals with matters which do not relate wholly or partly to housing functions which are the responsibility of the Cabinet, these representatives may stay in the meeting and speak.</p>	
<b>Table 1 – Terms of Reference of Overview and Scrutiny Committees</b>			
145	<p><b>Corporate Parenting Overview and Scrutiny Sub-Committee</b></p> <p>1. To receive and consider monitoring reports on children in the Council's care.</p> <p>2. To keep under review the Council's arrangements for ensuring that the Council fulfils its role as corporate parent.</p> <p>Membership: Nine members of the Council</p>	<p>Delete and transfer the terms of reference to the Families OSC.</p>	<p>To reflect changes in the OSCs' structure.</p>
146	<p><b>Communities and Place Overview and Scrutiny Committee</b></p> <p>5. matters relating to housing, including management of the Council's housing stock and relationships with the Gateshead</p>	<p><b>Housing, Environment and Healthy Communities Overview and Scrutiny Committee</b></p> <p>5. matters relating to housing, including management and maintenance of the Council's housing stock and private sector housing.</p>	<p>To reflect changes in the OSCs structure.</p>

Page	Previous Wording	Amended Wording	Reason
	Housing Company  N/A  N/A	Add the following to the role of the OSC:  10.Homelessness, rough sleeping and asylum matters.  Add the following to the membership of the OSC:  Four Housing Scrutiny Panel representatives and two Housing Assurance Board representatives (all non-voting)	
<b>Financial Regulations</b>			
169	<b>Regulation 13 Land and Property</b>  References to the Strategic Director, Corporate Services and Governance	Change references to Strategic Director, Housing, Environment and Healthy Communities	To reflect the current management structure and responsibilities.
<b>Employee Recruitment Rules</b>			
191	<b>3. Appointment of Head of Paid Service, Chief Officers and Deputy Chief Officers</b>  (e) An offer of appointment may not be made until the following steps have been taken:	(e) An offer of appointment in paragraphs (a), (b) and (c) above may not be made until the following steps have been taken:	To provide clarification that the process detailed is not applicable to Deputy Chief Officers.
193	<b>7. Dismissal of Chief Officers, Director of Public Health and Deputy Chief Officers</b>  (e) Step 2 - the Service Director, Human Resources and Workforce Development notifies every Cabinet member of:	(e) Step 2 - the proper officer notifies every Cabinet member of:	To provide consistency of reference.

Page	Previous Wording	Amended Wording	Reason
194	<p><b>8. Definitions</b></p> <p>In these Rules:</p> <p>‘proper officer’ means the Service Director, Human Resources and Organisational Development;</p>	<p>In these Rules:</p> <p>‘proper officer’ means the Service Director, Human Resources and Workforce Development;</p>	To provide consistency of reference.
<b>Code of Conduct for Councillors of Gateshead Council</b>			
196	N/A	Insert the current code of conduct for councillors approved by Council on 27 May 2021.	To reflect the current allowances scheme.
<b>Development Management – Protocol on Good Practice</b>			
	<b>12. Key Principles</b>		
206	2.3 The Strategic Director, Communities and Environment or the Strategic Director, Corporate Services and Governance are available to give advice, prior to or at Committee meetings, on what might constitute valid planning grounds for agreeing, imposing conditions on, or refusing planning consents. (The Council is legally required to give reasons for decisions to refuse a planning application).	2.3 The Strategic Director, Economy, Innovation and Growth or the Strategic Director, Corporate Services and Governance are available to give advice, prior to or at Committee meetings, on what might constitute valid planning grounds for agreeing, imposing conditions on, or refusing planning consents. (The Council is legally required to give reasons for decisions to refuse a planning application).	To reflect the current management structure and responsibilities.
207	<p><b>3. What this Means for Councillors - All Councillors</b></p> <p>3.1 (i) You should always think carefully about how you deal with anyone who approaches you about a planning</p>	<p>3.1 (i) You should always think carefully about how you deal with anyone who approaches you about a planning application. This may be an applicant or his/her agent, an</p>	To reflect the current management structure and responsibilities.

Page	Previous Wording	Amended Wording	Reason
	<p>application. This may be an applicant or his/her agent, an objector, a supporter or someone simply requiring information about an application or proposal. It is always open to you to refer the person to the Strategic Director, Communities and Environment, or the appropriate member of his staff, and you would be well-advised to do this if you feel that anyone is trying to put you under undue pressure or influence you unfairly. In particular, you should not allow yourself to be pressured into giving an ‘instant opinion’ on the application.</p> <p>i. You should be particularly careful in dealing with any approaches you may personally receive from developers or their agents. They may attempt to put pressure on you in order to secure some expression of commitment. Again, members should always refer the person concerned to the Strategic Director, Communities and Environment.</p> <p>ii. Councillors should not meet with builders/developers or their agents unless accompanied by the Strategic Director, Communities and Environment or his representative as this could be misconstrued.</p>	<p>objector, a supporter or someone simply requiring information about an application or proposal. It is always open to you to refer the person to the Service Director, Climate Change, Compliance, Planning and Transport, or the appropriate member of his/her staff, and you would be well-advised to do this if you feel that anyone is trying to put you under undue pressure or influence you unfairly. In particular, you should not allow yourself to be pressured into giving an ‘instant opinion’ on the application.</p> <p>i. You should be particularly careful in dealing with any approaches you may personally receive from developers or their agents. They may attempt to put pressure on you in order to secure some expression of commitment. Again, members should always refer the person concerned to the Strategic Director, Economy, Innovation and Growth.</p> <p>ii. Councillors should not meet with builders/developers or their agents unless accompanied by the Strategic Director, Economy, Innovation and Growth or his representative as this could be misconstrued.</p>	
208	(iv) If you are a member of the Planning and Development Committee, you should not	(iv) If you are a member of the Planning and Development Committee, you should not close your mind to the outcome	To reflect the current management structure

Page	Previous Wording	Amended Wording	Reason
210	<p>close your mind to the outcome of an application before it is considered by the Committee, or give the impression that you have done so, even though you may hold strong views about it. You should bear in mind that your ward colleagues who are not members of the Committee will be better placed to undertake this role. Similarly, if the question arises of writing letters of objection (or support) to the Strategic Director, Communities and Environment it would be more appropriate if these came from ward colleagues who are not on the Committee.</p> <p><b>Planning Appeals</b></p> <p>3.6 Where a public inquiry is held to consider an appeal, all councillors should contact the Strategic Director, Corporate Services and Governance and/or the Strategic Director, Communities and Environment before making representations and certainly before attending the inquiry. If councillors present evidence on immaterial considerations there is a risk that the Council's case will be undermined.</p>	<p>of an application before it is considered by the Committee, or give the impression that you have done so, even though you may hold strong views about it. You should bear in mind that your ward colleagues who are not members of the Committee will be better placed to undertake this role. Similarly, if the question arises of writing letters of objection (or support) to the Strategic Director, Economy, Innovation and Growth it would be more appropriate if these came from ward colleagues who are not on the Committee.</p> <p>3.6 Where a public inquiry is held to consider an appeal, all councillors should contact the Strategic Director, Corporate Services and Governance and/or the Strategic Director, Economy, Innovation and Growth before making representations and certainly before attending the inquiry. If councillors present evidence on immaterial considerations there is a risk that the Council's case will be undermined.</p>	<p>and responsibilities.</p> <p>To reflect the current management structure and responsibilities.</p>
<b>Regulatory Committee – Protocol on Good Practice Relating to Regulatory Matters</b>			
226	<p><b>2. Key Principles</b></p> <p>2.3. The Strategic Director, Communities and Environment or the Strategic Director, Corporate Services and Governance are</p>	<p>2.3. The Strategic Director, Economy, Innovation and Growth or the Strategic Director, Corporate Services and Governance are available to give advice, prior to or at</p>	<p>To reflect the current management structure and responsibilities.</p>

Page	Previous Wording	Amended Wording	Reason
	<p>available to give advice, prior to or at Committee meetings, on what might constitute valid grounds for refusing licence applications. (The Council is legally required to give reasons for decisions for refusing applications).</p>	<p>Committee meetings, on what might constitute valid grounds for refusing licence applications. (The Council is legally required to give reasons for decisions for refusing applications).</p>	
226	<p><b>3. What this Means for Councillors</b></p> <p>(i) You should always think carefully about how you deal with anyone who approaches you about a licence application. This may be an applicant, an objector, a supporter or someone simply requiring information about an application. It is always open to you to refer the person to the Strategic Director, Communities and Environment, and you would be well-advised to do this if you feel that anyone is trying to put you under undue pressure or influence you unfairly. In particular, you should not allow yourself to be pressured into giving an ‘instant opinion’ on the application.</p>	<p>(i) You should always think carefully about how you deal with anyone who approaches you about a licence application. This may be an applicant, an objector, a supporter or someone simply requiring information about an application. It is always open to you to refer the person to the Strategic Director, Economy, Innovation and Growth, and you would be well-advised to do this if you feel that anyone is trying to put you under undue pressure or influence you unfairly. In particular, you should not allow yourself to be pressured into giving an ‘instant opinion’ on the application.</p>	<p>To reflect the current management structure and responsibilities.</p>
226	<p>(ii) You should be particularly careful in dealing with any approaches you may personally receive from applicants. They may attempt to put pressure on you in order to secure some expression of commitment. Again, councillors should always refer the person concerned to the Strategic Director,</p>	<p>(ii) You should be particularly careful in dealing with any approaches you may personally receive from applicants. They may attempt to put pressure on you in order to secure some expression of commitment. Again, councillors should always refer the person concerned to the Strategic Director, Economy, Innovation and Growth.</p>	<p>To reflect the current management structure and responsibilities.</p>

Page	Previous Wording	Amended Wording	Reason
227	<p>Communities and Environment.</p> <p>(v) If you are a member of the Regulatory Committee, you should not close your mind to the outcome of an application before it is considered by the Committee, or give the impression that you have done so, even though you may hold strong views about it. You should bear in mind that your ward colleagues who are not members of the Committee will be better placed to undertake this role. Similarly, if the question arises of writing letters of objection (or support) to the Strategic Director, Communities and Environment it would be more appropriate if these came from ward colleagues who are not on the Committee.</p>	<p>(v) If you are a member of the Regulatory Committee, you should not close your mind to the outcome of an application before it is considered by the Committee, or give the impression that you have done so, even though you may hold strong views about it. You should bear in mind that your ward colleagues who are not members of the Committee will be better placed to undertake this role. Similarly, if the question arises of writing letters of objection (or support) to the Strategic Director, Economy, Innovation and Growth it would be more appropriate if these came from ward colleagues who are not on the Committee.</p>	<p>To reflect the current management structure and responsibilities.</p>
<b>Code of Conduct for Employees</b>			
245	<p><b>5.2 Personal Interests</b></p> <p>5.2.4 Employees in certain services can occasionally be placed in a position where, within the normal scope of their duties, they may be faced with the problem of making official, professional decisions about matters in which they have a personal involvement. Examples of such employees and services are Building Control staff in Communities and Environment; Development Management staff in Communities and Environment; Lettings and Area Housing</p>	<p>5.2.4 Employees in certain services can occasionally be placed in a position where, within the normal scope of their duties, they may be faced with the problem of making official, professional decisions about matters in which they have a personal involvement. Examples of such employees and services are Building Control and Development Management staff in Economy, Innovation and Growth, Lettings and Area Housing staff in Housing, Environment and Healthy Communities; Domiciliary Care staff in Children, Adults and Families. The following general guidelines are issued for the assistance of employees to</p>	<p>To reflect the current management structure and responsibilities.</p>

Page	Previous Wording	Amended Wording	Reason
	staff in Community Based Services; Domiciliary Care staff in Care, Wellbeing and Learning. The following general guidelines are issued for the assistance of employees to avoid possible conflicts of interest.	avoid possible conflicts of interest.	
248	<p><b>6. Use of Confidential Information</b></p> <p>6.7 Employees should be made aware of the implications of the Data Protection Act 1984. Personal data (ie consisting of information about a living individual from which that individual can be identified) held on computing equipment, must be disclosed to persons or organisations who are not registered as receivers of such information. Contraventions of this Act can result in the Data Protection Registrar taking proceedings for prosecution of offences under the Act.</p>	6.7 Employees should be made aware of the implications of the Data Protection Act 2018 and the General Data Protection Regulations and the restrictions these place of the use of personal data.	To reflect current legislation requirements.
<b>Protocol – The Role of the Monitoring Officer</b>			
251	<p><b>Local Government Ombudsman</b></p> <p>4.4 The Service Director, Legal, Democratic and Property Services and the Customer Services Manager will inform the Monitoring Officer where it appears appropriate, of complaints which are being reviewed under the Council's corporate complaints procedure or are being dealt with by the Local Government Ombudsman.</p> <p>N/A</p>	<p>4.4 The Service Director, Legal and Democratic Services will inform the Monitoring Officer where it appears appropriate, of complaints which are being reviewed under the Council's corporate complaints procedure or are being dealt with by the Local Government Ombudsman.</p> <p>Insert the following:</p>	<p>To reflect the current officer structure and responsibilities.</p> <p>To ensure that the Monitoring Officer is fully</p>

Page	Previous Wording	Amended Wording	Reason
		<p>4.5: Housing Ombudsman</p> <p>The Service Director, Strategic Housing &amp; Residential Growth will inform the Monitoring Officer where it appears appropriate, of complaints which are being reviewed under the Council's corporate complaints procedure or are being dealt with by the Housing Ombudsman. The Monitoring Officer will also be informed of issues relating to:</p> <ul style="list-style-type: none"> <li>• where the Housing Ombudsman has made a finding of maladministration (or appears likely to do so)</li> <li>• where the Housing Ombudsman suggests a local settlement</li> <li>• where there appears to have been a significant failing on the Council's part even if this does not amount to maladministration in the strict sense.</li> </ul>	advised Housing Ombudsman case outcomes.
<b>Part 6 – Councillors' Allowance Scheme</b>			
275	N/A	To be updated to reflect the current allowances	To show current scheme.
<b>Part 7 – Management Structure</b>			
280	N/A	To be updated to reflect the current management structure	To show current structure.

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**STRATEGIC HOUSING BOARD – PROPOSED ADDITION TO THE  
CONSTITUTION**

Insert the following into the Cabinet Procedure Rules - Section 3: Advice and Consultation

**3.3 Strategic Housing Board**

The Strategic Housing Board will advise the Cabinet and Council on a range of proposals relating to housing strategy, tackling homelessness, enabling independent living, promoting residential growth, policies relating to all housing sectors, and the contribution housing needs to make towards the Council's Thrive ambition and delivery of the Health and Wellbeing Strategy (see Annex 2B).

**ANNEX 2B**

**Strategic Housing Board**

The Council has established the Strategic Housing Board which is a formal advisory committee.

It will consider a range of proposals relating to housing strategy, tackling homelessness, enabling independent living, promoting residential growth, policies relating to all housing sectors, and the contribution housing needs to make towards the Council's Thrive ambition and delivery of the Health and Wellbeing Strategy.

**Composition and Procedure**

a) Membership

The Strategic Housing Board will consist of 21 members as follows:

- Fifteen councillors (including the Chair and Vice Chair)
- Chair of the Health and Wellbeing Board
- Chair of the Community Safety Partnership
- Three tenant representatives
- Three partner representatives.

The councillors are appointed by the Council.

The Council may appoint such other persons or representatives as it thinks appropriate having consulted the Strategic Housing Board.

The Strategic Housing Board may itself appoint such additional persons to be members of the Strategic Housing Board as it thinks appropriate.

b) Voting Rights

Each member of the Strategic Housing Board shall be entitled to vote at meetings.

The political balance rules will apply to the Strategic Housing Board.

c) Quorum

The quorum for a meeting of the Strategic Housing Board shall be one third of its members, no less than seven.

d) Frequency of Meetings

The Board shall meet on a bi-monthly basis or at such other times as the Strategic Housing Board shall determine.

e) Sub-committees of the Strategic Housing Board

The Strategic Housing Board may appoint one or more sub-committees to advise the Strategic Housing Board with regard to any matter relating to the discharge of its functions.

### **Role and Function**

As a formal advisory Committee of the Council, the Strategic Housing Board will consider and make recommendations on a range of proposals relating to:

- a) Housing Strategy;
- b) Residential and affordable housing development;
- c) Area based and housing led regeneration proposals and plans;
- d) Tackling homelessness, rough sleeping and specialist housing provision;
- e) Independent living;
- f) Ensuring regulatory and statutory compliance for the Council's homes;
- g) The management and maintenance of the Council's homes;
- h) Private sector housing;
- i) Locality planning, sustainability and management;
- j) Waste, environmental and community safety management;
- k) Social inclusion and community development;
- l) The tenant and wider community voice;
- m) Housing related planning policies and guidance;
- n) Partnership working with key stakeholders;

- o) Bids, relevant funding and investment plans;
- p) Housing's contribution to the delivery of the Health and Wellbeing Strategy and Thrive ambition.

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## CONTRACT PROCEDURE RULES (Current Version)

### 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.

3.1 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.

## **CONTRACT PROCEDURE RULES (Proposed Amended Version)**

### **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 "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.

1.2.3 "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;

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

1.2.5 "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

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

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

1.2.8 "Threshold" means the thresholds prescribed in Regulation 5 of the Regulations.

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 1999;
- 1.4.2 where applicable, the Public Contracts Regulations 2015;
- 1.4.3 the Council's Constitution including the Codes of Conduct and Scheme of Delegation
- 1.4.4 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.

3.1 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

4.1.1.2 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 £2,500 in value;

5.2.2 between £2,500 and £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 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;

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 relevant 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 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 relevant 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 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 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 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.

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## Proposed Constitution Changes

Financial Regulation	Owner
1. Budget Management	Corporate Finance Manager <del>(Resources)</del>
2. Capital <u>Budget Preparation, Control and Accounting</u> <del>Expenditure</del>	Corporate Finance Manager <del>(Resources)</del>
3. Revenue Budget Preparation, Control and Accounting	Corporate Finance Manager <del>(Resources)</del>
4. Internal Audit	Chief Internal Auditor
5. Income	Service Director – <u>Financial Management</u> <del>Customer &amp; Financial Services</del>
6. Banking Arrangements	Corporate Finance Manager <del>(Resources)</del>
7. Treasurer, Accountable Body and other Similar Financial Arrangements	Corporate Finance Manager <del>(Resources)</del>
8. Grants and Contributions Given	Corporate Finance Manager <del>(Resources)</del>
9. Grants and Contributions Receivable	Corporate Finance Manager <del>(Strategic)</del>
10. Purchases and Payments	Service Director – <u>Financial Management</u> <del>Customer &amp; Financial Services</del>
11. Payroll and Pensions	Service Director – <u>Financial Management</u> <del>Customer &amp; Financial Services</del>
12. Travelling and Subsistence	Service Director – <u>Financial Management Experience</u> <del>Customer &amp; Financial Services</del>
13. Land and Property	Corporate Property Manager
14. Treasury Management	Corporate Finance Manager <del>(Resources)</del>
15. Bequests, Trusts, Client and Amenity Fund Monies	Corporate Finance Manager <del>(Resources)</del>
16. Insurance	Corporate Finance Manager <del>(Strategic)</del>
17. Risk Management	Chief Internal Auditor
18. Stocks and Stores	Corporate Finance Manager <del>(Strategic)</del>
19. Control of Assets (excluding Land and Property)	Corporate Finance Manager <del>(Resources)</del>
20. Fees and Charges	Corporate Finance Manager <del>(Resources)</del>
21. Taxation	Corporate Finance Manager <del>(Strategic)</del>
22. Fraud and Corruption	Chief Internal Auditor

1. Budget Management	
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 <u>is unable to deliver an outturn within budget and its</u> 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 <u>who are suitably competent to be responsible for managing and controlling a budget-</u></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 <u>Financial Management</u><del>Corporate Finance</del> and comply with the roles and responsibility set out in the budget holder manual.</p> <p><u>Managers understand they are responsible for delivering services cost effectively, securing value for money and will be held accountable for doing so.</u></p> <p><u>Budget holders will receive regular reports on performance against their budget allocations, identifying any significant variations from the agreed budget and must take prompt action to address them.</u></p> <p><del>All budget monitoring information will be recorded on the Council's financial ledger system (Agresso) in order to feed into corporate financial reporting.</del></p> <p><u>The Council operates a financial information system (Agresso) that enables the consistent production of comprehensive, accrual based, accurate and up to date data that fully meets user's needs. All budget monitoring information will be recorded on the council's financial ledger system in a timely manner in order to inform corporate financial reporting.</u></p> <p><u>Budget holders must ensure they oversee the implementation of agreed savings related activities and the achievement of the savings themselves with the appropriate levels of consultation.</u></p>

Form

	<u>Strategic and Service directors will raise any significant financial issues as they become known with the Strategic Director, Resources and Digital, or their representative.</u>
Guidance	Manual of Financial Procedures Budget Holder Manual

<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> <p>Project outputs / outcomes are not achieved.</p> <p>The Council <u>fails to deliver the programme within budget and the's financial position is unsustainable in the medium term</u></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. <u>Project managers must hold the necessary competencies for effectively managing a capital budget.</u></p> <p>The Strategic Director, <del>- Resources and Digital Corporate Resources-</del> 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. <u>Corrective action must be taken where projections show an overspend position.</u></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>

3. Revenue Budget Preparation, Control and Accounting	
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 <u>of the Council must be recorded as soon as, and as accurately as reasonably practicable.</u> All budgets and budget forecasts must be maintained on the Council's financial ledger system (Agresso) unless otherwise agreed by the Strategic Director, <del>Resources and Digital Corporate Resources.</del></p> <p><u>Budgets will be loaded into the council's financial system in good time for the coming financial year to aid monitoring.</u></p> <p><del>All financial transactions of the Council must be recorded as soon as, and as accurately as reasonably practicable.</del> Budget holders are responsible for informing <u>Financial Management</u> of any issues impacting upon the accuracy of financial projections.</p> <p><del>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 Reserve Policy.</del></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, <del>Resources and Digital Corporate Resources.</del></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><u>Managers understand that they are responsible for delivering services cost effectively, securing value for money and will be held accountable for doing so.</u></p> <p><u>Budget holders will work with Financial Management to develop a budget for the coming year including fees and charges increases and in line with the constitution.</u></p> <p><u>Purchase card holders must follow the agreed guidance. Terms and Conditions for use of the card including the coding and approving of transactions in a timely manner.</u></p> <p>The Strategic Director, <del>Resources and Digital Corporate Resources</del> must be consulted before entering into the following types of arrangement:</p> <p style="text-align: center;">158</p> <ul style="list-style-type: none"> <li>• A lease or similar arrangement.</li> <li>• A loan.</li> </ul>

4. Internal Audit	
Objectives	<p>To promote an effective Internal Audit Service on behalf of the Strategic Director, <del>Resources and Digital</del> <del>Corporate Resources</del>, 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, <del>Resources and Digital</del> <del>Corporate Resources</del> 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>

5. Income	
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> <p><u>Service Directors and budget holders are responsible for ensuring that any income records held outside of Agresso are flagged with the relevant business partner to ensure performance monitoring at year end accounting takes place.</u></p>
Guidance	<p>Manual of Financial Procedures</p> <p>Anti Money Laundering Policy, Procedures and Reporting Arrangements.</p>

6. Banking Arrangements	
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, <u>Resources and Digital Corporate Resources</u> 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, <u>Resources and Digital Corporate Resources</u> 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, <u>Resources and Digital Corporate Resources</u>.</p>
Guidance	Manual of Financial Procedures

7. Treasurer, Accountable Body and Other Similar Financial Arrangements	
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><u>Financial commitments or underwritings are given without the Council's agreement of knowledge</u></p> <p>Poor financial decisions due to inaccurate financial information.</p>
Key Rule(s)	<p>The Strategic Director, <u>Resources and Digital Corporate Resources</u> 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, <u>Resources and Digital Corporate Resources</u> 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, <u>Resources and Digital Corporate Resources</u>.</p> <p>The Strategic Director, <u>Resources and Digital Corporate Resources</u> 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, <u>Resources and Digital Corporate Resources</u>.</p>
Guidance	Manual of Financial Procedures

8. Grants and Contributions Given	
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 <u>and it is subject to clawback.</u></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 <u>by an appointed responsible officer</u> 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. <u>Legal advice must be sought.</u></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

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9. Grants and Contributions Receivable	
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><u>No effective exit strategy in place resulting in future commitments once grant comes to an end placing pressure on existing budgets.</u></p>
Key Rule(s)	<p>The Strategic Director, <u>Resources and Digital Corporate Resources</u> shall be consulted prior to the submission of applications for funding, including any requirements for match-funding.</p> <p><u>Grants the Council seeks to bid for must be line with key strategic priorities</u></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, <u>Resources and Digital Corporate Resources</u> must <u>agree to proposed arrangements</u> <del>also be consulted</del> where <del>by</del> the Council is the accountable body and where the funder requires an external audit.</p> <p>The Strategic Director, <u>Resources and Digital Corporate Resources</u> 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, <del>Corporate Resources and Digital Corporate Resources</del> 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, <u>Resources and Digital Corporate Resources</u> or authorised representative.</p> <p>The Strategic Director, <u>Resources and Digital Corporate Resources</u> is responsible for ensuring that all grant monies claimed are received and correctly accounted for.</p>
Guidance	Manual of Financial Procedures <sup>168</sup>

10. Purchases and Payments	
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, <a href="#">Resources and Digital Corporate Resources</a>. Any variation to the procedures must be agreed by the Strategic Director, <a href="#">Resources and Digital Corporate Resources</a>.</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, <del>Resources and Digital</del><del>Corporate Resources</del>, 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. <u>All receipts for Purchasing Card and Petty Cash transactions must be retained and if VAT is claimable, a proper VAT receipt obtained and kept. Where VAT receipts are not provided the service will bare the cost of VAT. Purchase card transactions must be coded in a timely manner to aid effective budget monitoring.</u></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><del>All receipts for Purchasing Card and Petty Cash transactions must be retained and if VAT is claimable, a proper VAT receipt obtained.</del></p>
Guidance	Manual of Financial Procedures Contract Procedure Rules

11. Payroll and Pensions	
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, <del>Resources and Digital</del> <a href="#">Corporate Resources</a>, 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>

<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, <u>Resources and Digital</u><del>Corporate Resources</del>.</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>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, <u>Resources and Digital Corporate Resources</u> 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, <u>Resources and Digital Corporate Resources</u> 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, <u>Resources and Digital Corporate Resources</u> 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>

15. Bequests, Trusts, Client and Amenity Fund Monies	
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, <del>Resources and Digital Corporate Resources</del> 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, <del>Resources and Digital Corporate Resources</del> 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, <del>Resources and Digital Corporate Resources</del> 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

16. Insurance	
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, <a href="#">Resources and Digital Corporate Resources</a> .
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, <a href="#">Resources and Digital Corporate Resources</a> is responsible for arranging all insurance.</p> <p>The Strategic Director, <a href="#">Resources and Digital Corporate Resources</a>, 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, <a href="#">Resources and Digital Corporate Resources</a> 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, <a href="#">Resources and Digital Corporate Resources</a> 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, <a href="#">Resources and Digital Corporate Resources</a> of any loss, liability or damage.</li> <li>• Supplying information to the Strategic Director, <a href="#">Resources and Digital Corporate Resources</a>, 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

17. Risk Management	
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, <a href="#">Resources and Digital</a><del>Corporate Resources</del>.</p> <p>Accountable officers will ensure that appropriate, cost effective actions are taken to manage and control risks.</p>

20. Fees and Charges	
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)	<p>All fees and charges must be reviewed at least once per year as part of the Council's annual budget process.</p> <p>Within the annual review all fees and charges which are locally determined should be increased in line with guidance provided by the Strategic Director, <u>Resources and Digital Corporate Resources</u>.</p> <p>Charges should be set at a level to ensure that all relevant costs are fully recovered, unless agreed otherwise.</p> <p>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, <u>Resources and Digital Corporate Resources</u> and the reasons set out in the Annual Fees and Charges Report.</p> <p><u>Only the delegations set out in the Constitution allow for changes to fees and Charges throughout the financial year.</u></p> <p><u>Groups and Services must ensure that the correct approved fees and charges are correctly displayed and charged.</u></p> <p>The introduction of a completely new fee or charge, arising due to changes in policy or new policies, <u>or a change to an existing charge throughout the financial year</u> must be referred to Cabinet for approval <u>and appropriate consultation should take place. This is the responsibility of the relevant Service Director.</u></p>
Guidance	Manual of Financial Procedures Annual fees and charges guidance

21. Taxation	
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, <u>Resources and Digital</u> <del>Corporate Resources</del> 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, <del>Resources and Digital Corporate Resources</del> of that matter.</p> <p>The Strategic Director, <del>Resources and Digital Corporate Resources</del> 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, <del>Resources and Digital Corporate Resources</del> 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>