

PROPOSED AMENDMENTS TO THE CONSTITUTION

Page	Previous Wording	Amended Wording	Reason
47	<p>Article 16 – Review and Revision of the Constitution</p> <p>16.01 Duty to Monitor and Review the Constitution</p> <p>N/A</p>	<p>Article 16 – Review and Revision of the Constitution</p> <p>16.01 Duty to Monitor and Review the Constitution</p> <p>Insert the following after the first paragraph:</p> <p>The Monitoring Officer may make changes to any part of the Constitution:-</p> <ul style="list-style-type: none"> (i) if he/she considers it necessary to comply with the law, including all necessary updating to comply with new legislation; or (ii) to give effect to any decision of the Council or Cabinet. <p>If the Monitoring Officer takes action under (i) or (ii) above in respect of an executive or non-executive function, it shall be reported to Cabinet and Council at the next annual review of the Constitution.</p>	<p>To ensure that the constitution reflects current legislation and Council and Cabinet decisions.</p>
	<p>Schedule 2 – Non-Executive Functions – Delegations to Managers</p> <p>1. Strategic Director, Communities and Environment</p>	<p>Schedule 2 – Non-Executive Functions – Delegations to Managers</p> <p>1. Strategic Director, Communities and Environment</p>	

62	N/A	<p>Insert the following before the delegations to the Service Directors:</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>	To reflect the previous decision of the Council in this matter.
63	<p><u>Service Director, Development and Public Protection</u></p> <p>N/A</p> <p>(7) 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) for major development as defined as:</p> <p>(7)c Applications which are a departure from</p>	<p><u>Service Director, Development, Public Protection and Transport Strategy</u></p> <p>Insert the following after delegation 1(1)m:</p> <p>n) Climate Change</p> <p>(7) 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> <p>(7)c Applications which are a departure</p>	<p>To reflect current post title.</p> <p>To enable enforcement of the legislation in respect of charging for carrier bags.</p> <p>To expedite larger scale applications within the Team Valley where they comply with policy and have no objections within the community.</p> <p>To take into account</p>

	<p>the Development Plan and which would need to be notified to the Secretary of State under the Town and Country Planning (Development Plans and Consultations) direction 1992 if the Council was minded to grant permission for them.</p> <p>(7)d Applications which are subject to an objection from a statutory consultee (as defined in Article 10 of the Town and Country Planning (General Development Procedure) Order 1995) which has not been resolved by negotiation or the imposition of conditions.</p> <p>(7)h Applications where three or more relevant and material planning objections have been lodged in writing, or a member of the Council, Member of Parliament for the Borough, Member of the European Parliament for the Borough or a parish council within the Borough has objected to it or asked that it be determined by the Planning and Development Committee.</p> <p>(7)i Applications where speaking rights have been requested and where there are three or more relevant and material objections have been lodged in writing in accordance with the scheme for speaking at Planning and Development Committee.</p>	<p>from the Development Plan as defined by the Town and Country Planning (Development Procedure) (England) Order 2015 if the Council was minded to grant permission for them.</p> <p>(7)d Applications which are subject to an objection from a statutory consultee (as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 which has not been resolved by negotiation or the imposition of conditions.</p> <p>(7)h Applications where five or more relevant and material planning objections have been lodged in writing, or a member of the Council, Member of Parliament for the Borough, Member of the European Parliament for the Borough or a parish council within the Borough has objected to it or asked that it be determined by the Planning and Development Committee.</p> <p>(7)i Applications where speaking rights have been requested and where there are five or more relevant and material objections have been lodged in writing in accordance with the scheme for speaking at Planning and Development Committee.</p>	<p>legislative changes.</p> <p>To take into account legislative changes.</p> <p>To ensure that the Planning and Development Committee only consider those applications which have no significant objections in the community.</p> <p>To ensure that the Planning and Development Committee only consider those applications which have no significant</p>
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	<p>(12) To enforce conditions requiring replacement planting.</p> <p>(14) To determine applications for prior approval in relation to permitted development proposals for agricultural, forestry, demolitions and telecommunications in accordance with the Town and Country Planning (General Permitted Development) Order 1995 and any subsequent amendments to it.</p> <p>(20) To exercise the power of the Council under section 61 of the Local Government (Miscellaneous Provisions) Act 1976 to suspend the licence(s) of Hackney Carriage and Private Hire Vehicle drivers with immediate effect where doing so appears to be in the interests of public safety.</p> <p>(21) To approve the issuing of Hackney Carriage and Private Hire Vehicle licences where the vehicle exceeds the Council's age policy and:</p> <p>(i) where the vehicle is in "exceptional condition" (as determined by the</p>	<p>Delete</p> <p><i>Then renumber remaining delegations.</i></p> <p>(13) To determine applications for prior approval in relation to any permitted development proposals in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 and any subsequent amendments to it.</p> <p>(20) To exercise the power of the Council under section 61 of the Local Government (Miscellaneous Provisions) Act 1976 to suspend or revoke the licence(s) of Hackney Carriage and Private Hire Vehicle drivers with immediate effect where, following consultation with the Chair and/or Vice Chair of the Regulatory Committee, doing so appears to be in the interests of public safety.</p> <p>(21) To approve the renewal of Hackney Carriage and Private Hire Vehicle licences where the vehicle exceeds the Council's upper age policy and:</p> <p>(i) the vehicle does not exceed the Council's upper age policy by more than 12 months;</p>	<p>objections from the local community.</p> <p>This delegation is already covered in delegation 7.</p> <p>To take into account legislative changes.</p> <p>To enhance the Council's ability to take proportionate action in a timely manner to protect public safety.</p> <p>To increase the involvement of the Regulatory Committee in determining applications and to protect public safety.</p>
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67	<p>Council’s approved testing procedure); and (ii) upon the condition that the vehicle be tested three times during the twelve month licence period (pro rata) at the licensee’s expense.</p> <p><u>Service Director, Transport Strategy</u></p> <p>(1) To authorise the submission of applications, including proposed conditions, on behalf of the Council to the Secretary of State under s.247 of the Town and Country Planning Act 1990.</p> <p>(2) 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.</p> <p>(3) To authorise the making of orders under s.3 of the Cycle Tracks Act 1984, except where the Service Director for Transport Strategy considers such an application should be determined by the Rights of Way Committee.</p> <p>(4) To authorise the serving of notices under section 220 of the Highways Act 1980.</p>	<p>(ii) where the vehicle is in “exceptional condition” (as determined by the Council’s approved testing procedure); (iii) the vehicle meets all of the Council’s standard conditions; and (iv) upon the condition that the vehicle be tested three times during the twelve month licence period (pro rata) at the licensee’s expense.</p> <p>Transfer the delegations as follows:</p> <p><u>Service Director, Development, Public Protection and Transport Strategy</u></p> <p>(27) To authorise the submission of applications, including proposed conditions, on behalf of the Council to the Secretary of State under s.247 of the Town and Country Planning Act 1990.</p> <p>(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.</p> <p>(29) To authorise the making of orders under s.3 of the Cycle Tracks Act 1984, except where the Service Director for Transport Strategy considers such an application should be determined by</p>	<p>To reflect the current management structure and responsibilities.</p>
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<p>67</p> <p>69</p>	<p>Service Director, Waste Services and Grounds Maintenance</p> <p>4. Strategic Director, Corporate Services and Governance</p> <p>N/A</p>	<p>the Rights of Way Committee.</p> <p>(30) To authorise the serving of notices under section 220 of the Highways Act 1980.</p> <p>Service Director, Waste Services, Grounds Maintenance and Fleet Management</p> <p>4. Strategic Director, Corporate Services and Governance</p> <p>Insert the following delegation:</p> <p>(22) As Monitoring Officer to may make changes to any part of the Constitution:-</p> <ul style="list-style-type: none"> (i) if he/she considers it necessary to comply with the law, including all necessary updating to comply with new legislation; or (ii) to give effect to any decision of the Council or Cabinet 	<p>To reflect current post title.</p> <p>To ensure that the constitution reflects current legislation and Council and Cabinet decisions.</p>
<p>79</p>	<p>Schedule – Executive Functions Dealt with under Joint Arrangements</p> <p>Annex 1D</p> <p>Function 4: Economic Development – management of grants formerly administered by TWEDCO</p> <p>Body – Tyne and Wear Economic</p>	<p>Delete</p> <p><i>Then renumber remaining functions.</i></p>	<p>This body no longer exists.</p>

	Development Joint Committee		
84	<p>Schedule 5 – Executive Functions Delegated to Managers</p> <p>Part 1 – Delegations to Individual Managers</p> <p>2. Strategic Director, Communities and Environment</p> <p>Service Director, Transport Strategy</p> <p>(1) To issue and deal with notices under the New Roads and Street Works Act 1999.</p> <p>(2) 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.</p> <p>(3) To number houses and to name streets and to object in writing to any proposed street name.</p> <p>(4) To agree the terms of agreements under sections 38 and 278 of the Highways Act 1980.</p> <p>(5) To authorise the fixing of banners to bridges, and any events on bridges, in accordance with Council policy and</p>	<p>Schedule 5 – Executive Functions Delegated to Managers</p> <p>Part 1 – Delegations to Individual Managers</p> <p>2. Strategic Director, Communities and Environment</p> <p>Transfer the delegation as follows:</p> <p>Service Director, Development, Public Protection and Transport Strategy</p> <p>(13) To issue and deal with notices under the New Roads and Street Works Act 1999.</p> <p>(14) 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.</p> <p>(15) To number houses and to name streets and to object in writing to any proposed street name.</p> <p>(16) To agree the terms of agreements under sections 38 and 278 of the Highways Act 1980.</p>	<p>To reflect the current management structure and responsibilities.</p>

	<p>subject to planning approval being obtained where necessary.</p> <p>(6) For the purposes of the General Safety Certificate issued under the Safety at Sports Grounds Act 1975, to give approval to organised entertainments at Gateshead International Stadium.</p> <p>(7) To authorise the adoption of highways under section 228 of the Highways Act 1980.</p> <p>(8) 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.</p> <p>(9) To agree the adoption of highways constructed by the Council.</p> <p>(10) 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</p>	<p>(17) 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.</p> <p>(18) For the purposes of the General Safety Certificate issued under the Safety at Sports Grounds Act 1975, to give approval to organised entertainments at Gateshead International Stadium.</p> <p>(19) To authorise the adoption of highways under section 228 of the Highways Act 1980.</p> <p>(20) 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.</p> <p>(21) To agree the adoption of highways constructed by the Council.</p> <p>(22) 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>	
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	<p>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 signs on the highway.</p> <p>(e) To formally respond to HGV Operator Licence applications.</p> <p>(11) 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>(12) To authorise School Travel Plans following consultation with the Service Director, Children's Commissioning.</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 signs on the highway.</p> <p>(e) To formally respond to HGV Operator Licence applications.</p> <p>(23) 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>	
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	<p>(13) 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>(14) To determine appeals against any decision to refuse a request for a Blue Badge, in line with criteria and processes set out in the Council's Blue Badge Protocol.</p> <p>(15) 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>(16) To grant approvals for land drainage consents under section 23 of the Land Drainage Act 1991.</p> <p>(17) To agree the terms of adoption agreements for sustainable drainage systems under the Flood & Water Management Act 2010 and to authorise the adoption of those systems under that Act.</p> <p>(18) 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>(24) To authorise School Travel Plans following consultation with the Service Director, Children's Commissioning.</p> <p>(25) 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>(26) To determine appeals against any decision to refuse a request for a Blue Badge, in line with criteria and processes set out in the Council's Blue Badge Protocol.</p> <p>(27) 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>(28) To grant approvals for land drainage consents under section 23 of the Land Drainage Act 1991.</p> <p>(29) To agree the terms of adoption agreements for sustainable drainage systems under the Flood & Water Management Act 2010 and to authorise the adoption of those systems under that Act.</p>	
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86	<p>Service Director, Development and Public Protection</p> <p>4. Strategic Director, Corporate Services and Governance</p>	<p>(30) 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>Service Director, Development, Public Protection and Transport Strategy</p> <p>4. Strategic Director, Corporate Services and Governance</p>	<p>To reflect the current post title.</p>
90	<p>Service Director, Legal, Democratic and Property Services</p> <p>(10) To manage the Council's non-operational property and carry out functions that do not involve a new letting, sub-letting or lease renewal; for example, rent reviews, assignments, landlord consents, lease surrenders and terminations.</p> <p>(11) To approve all leases granted in accordance with the parameters set out in the recommendations of space within the Northern Design Centre and all other business centres, including Digital Quay, where they are in accordance with agreed fees and charges and external funding conditions.</p>	<p>Service Director, Legal, Democratic and Property Services</p> <p>(10) To manage the Council's non-operational property and carry out functions that do not involve a new letting, sub-letting or lease renewal; to include all decisions relating to, rent reviews, assignments, landlord's consents, lease surrenders, terminations and other interests in land.</p> <p>(11) To approve all leases granted in accordance with agreed parameters, fees and charges and external funding conditions for space within Council business centres.</p>	<p>To ensure the management of other Council property interests outside of the non-operational portfolio are included in the delegation.</p> <p>To clarify the delegation.</p>

87	<p>Service Director, Culture, Communities and Volunteering</p> <p>5. Director Public Health</p>	<p>Service Director, Culture, Communities, Leisure and Volunteering</p> <p>5. Director of Public Health</p>	<p>To reflect the current post title.</p>
91	<p>N/A</p>	<p>Insert the following:</p> <p>2. The Director of Public Health shall have delegated authority to select and maintain, subject to periodic review, an approved list of primary health care providers to deliver such public health services as he/she may from time to time determine and to award contracts from that list on the basis of an appropriate selection process and the evaluation of all relevant considerations; such authority is to be exercisable, following consultation with the Cabinet Member for Health, the Strategic Directors for Corporate Services and Governance and Corporate Resources and the Service Director, Corporate Commissioning and Procurement”.</p>	<p>To clarify the Director’s authority in respect of the award of contracts.</p>
91	<p>6. Assistant Chief Executive</p> <p>Service Director, Economic and Housing Growth</p> <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</p>	<p>6. Assistant Chief Executive</p> <p>Service Director, Economic and Housing Growth</p> <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</p>	<p>Deletion of schemes which are no longer operational.</p>

	<p>Borough seeking employment, training or educational opportunities, in the following categories:</p> <ul style="list-style-type: none"> (a) Financial assistance grants (b) Wage subsidy (c) Flood Support Scheme (d) Repair and Renew Grant (e) Occupier Incentives for all Council Business Centres <p>(2) To deal with applications received for mandatory disabled facilities grants, and for any other financial assistance, including grants and loans, as defined in the Council's Housing Strategy and Financial Assistance Policy.</p> <p>(3) To approve applications for assistance through the Grants for Businesses and Innovation and Investment Fund schemes, following consultation with the Cabinet member for Employment and Skills.</p> <p>(4) In relation to the Council's Housing Strategy and Financial Assistance Policy, following consultation with the Panel comprising the Service Director, Economic and Housing Growth and two members of the Council:</p> <ul style="list-style-type: none"> (a) to approve applications for equity loans for relocation and/or renewal 	<p>Borough seeking employment, training or educational opportunities, in the following categories:</p> <ul style="list-style-type: none"> (a) Financial assistance grants (b) Wage subsidy <p>(2) To deal with applications received for financial assistance, including grants and loans, as defined in the Council's Housing Strategy and Financial Assistance Policy.</p> <p>Delete</p> <p><i>Renumber remaining delegations.</i></p> <p>(3) In relation to the Council's Housing Strategy and Financial Assistance Policy, following consultation with the Panel comprising the Service Director, Economic and Housing Growth and two members of the Council:</p> <ul style="list-style-type: none"> (a) to approve applications for loans for relocation and/or renewal that fall 	<p>To reflect the current scope of the service.</p> <p>This scheme has ceased.</p> <p>To reflect the current scope of the service.</p>
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	<p>that fall outside of the Council's approved loan policies and procedures;</p> <p>(5) To approve financial assistance in the form of occupier incentives to tenants and also to award financial assistance to participants of the business growth acceleration programme, also funded through the Scape Community Investment Fund.</p>	<p>outside of the Council's approved loan policies and procedures;</p> <p>(4) To approve financial assistance in the form of incentives to business centre occupiers or prospective occupiers and also to award financial assistance to enterprises participating in business support programmes.</p>	<p>To provide greater flexibility.</p>
105	<p>Part 4 – Rules of Procedure</p> <p>Council Procedure Rules</p> <p>20. Voting</p> <p>N/A</p>	<p>Part 4 – Rules of Procedure</p> <p>Council Procedure Rules</p> <p>20. Voting</p> <p>Insert the following:</p> <p>20.4 A recorded vote will be taken at a meeting of the Council on business to approve the budget or set council tax and the minutes of that meeting will record the names of the councillors who voted for the decision or against the decision or who abstained from voting.</p>	<p>To formalise the existing arrangement in accordance with legislation.</p>
255	<p>Part 7 – Management Structure</p> <p>N/A</p>	<p>Part 7 – Management Structure</p> <p>Amend Part 7 to reflect the current management structure.</p>	<p>To reflect changes in the management structure since the last review of the constitution.</p>