

APPENDIX 9 – Table of Changes

Section of constitution	Change	Detail
The whole document and Article 12	<p>Updated terminology throughout the document.</p> <p>Clarification on references to legislation</p>	<p>Whole document- To amend the terminology of ‘Chairman’ to a gender-neutral title of ‘Chair’, and that other references to gender throughout the document be neutralised, with such references as he/she, himself/herself, be replaced according to the data subject referenced whether that be member/ councillor/ officer/ member of the public etc.</p> <p>Art 12- Review, Revision and Suspension of the Constitution- 12.04 inclusion of an additional sentence to provide clarification that any reference to legislation in the constitution also includes subsequent amendments to it without the need to reference in the document.</p>
Articles	To amend the terms of reference of the Corporate Parenting Panel.	Art 4 E – Corporate Parenting Panel– to make minor corrections, and includes an increase in the number of non-voting co-opted members, consisting of school representatives and representatives from other agencies, from 6 to 10. The change is required to seek an increase in attendance by external professionals at meetings of the panel and its sub groups.
Officer Scheme of Delegations	Updated to reflect changes in legislation and organisational structure	<p><u>Table 4- Corporate Director of Adult and Health Services</u></p> <ul style="list-style-type: none"> • Paragraph 3 relating to the delegations to the Director of Public Health have minor amendments to clarify the role of the Director. <p><u>Table 5- Corporate Director of Regeneration and Local Services</u></p> <ul style="list-style-type: none"> • Executive functions- to amend the delegated transport functions to reflect these are from the North East Transport Committee. • Streamline the delegations to the Corporate Director of Regeneration and Local Services by removing extensive lists of legislation and replace with generic wording relating to the functions of the Directorate. These changes do not add to/remove

delegated powers to the Corporate Director but will make the delegations more consistent with those to the other Corporate Directors.

- Extension to the range of delegated decisions the Head of Planning by the addition of:-
 - (a) Review of existing mineral planning permissions which generally relate only to the variation/addition of conditions and
 - (b) Waste sites smaller than 4 hectares
- A new paragraph 19 has been added to make clear that the Head of Planning may dispose of applications which members were minded to grant if a suitable s 106 agreement was entered when applicants have failed within a reasonable time to enter the agreement.
- Paragraph 35 makes it clear that officers can grant consents under tree preservation orders as well as make or vary the original order.
- Paragraph 36 is intended to establish the delegated power to take necessary decisions under the Neighbourhood planning system.
- Paragraph 39 makes it clear that default action on complaints about high hedges is delegated to officers.
- The above changes are proposed as a result of experiencing potential loopholes in the existing Constitution which need remedying to avoid Cabinet or Committees unnecessarily dealing with minor decisions which can properly be delegated.

Table 6- Corporate Director of Resources

- Paragraph 1- Adding to the delegation by including making arrangements for the use of Enforcement Agents where appropriate.

Enforcement Agents (bailiffs) powers are covered by statutory regulation as is their fees and charges. We currently have two externally appointed Enforcement Agents on a contract until June 2020. We are considering (as part of our MTFP proposals) in-sourcing this at that point and having our own internal bailiff service. The Debt Management Strategy references the use of Enforcement Agents (Bailiffs) as part of our recovery processes but the scheme of delegation is totally silent on this.

		<ul style="list-style-type: none">• A new paragraph 3 to establish and amend / update the Councils Discretionary Housing Payments Policy. The DHP Policy is overseen by the PASG. We have in recent years made several tweaks to the Policy to ensure we fully allocate / spend the DHP grant that is provided to us. Each time we need to report back to Cabinet any such amendment to the Policy, which are often after the fact and reported for information, with decisions having been taken under delegated “emergency powers” outside of the Cabinet process. Including this in the scheme of delegation will ensure that such decisions are streamlined in future. Relevant Cabinet members would be involved in any delegated decision making in this regard. Any major changes would be still presented to Cabinet if required.• A new paragraph 4 to establish and amend / update the Council’s Welfare Assistance Scheme Policy and to administer applications and awards under the scheme.• A new paragraph 5 to establish and amend / update the Council’s Residential Care Charging Policy, in line with the Care Act 2014, and the administration of billing and recovery of charges levied, including making arrangements for Deferred Payment, including:<ul style="list-style-type: none">(a) To waive or reduce charges for care services in individual cases.(b) To disregard the value of a property in a financial assessment.• A new paragraph 6 to establish and amend / update the Council’s Non-Residential Care Charging Policy, in line with the Care Act 2014, and the administration of billing and recovery of charges levied, including making arrangements for Deferred Payment Arrangements, including:<ul style="list-style-type: none">(a) To waive or reduce charges for care services in individual cases.(b) To disregard the value of a property in a financial assessment. <p>The proposals are to give the Corporate Director delegated powers to update and amend policies as applicable amounts etc are updated without the need to go back to Cabinet. Including this in the scheme of delegation will ensure that such decisions are streamlined in future. Relevant Cabinet members would be involved in any delegated decision making in this regard. Any major changes would be still presented to Cabinet if required.</p>
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administer applications for relief under Section 13A(1)(c) of the Local Government Finance Act 1988.

Currently any minor wording change needs to be agreed by and appended to a Cabinet report. Having established these Policies, this provision would allow for it to be updated under delegations with only a summary of any changes being reported for information going forward. Including this in the scheme of delegation will ensure that such decisions are streamlined in future. Relevant Cabinet members would be involved in any delegated decision making in this regard. Any major changes would be still presented to Cabinet if required.

- To amend paragraph 28 (new 34):- To liaise with the Schools Forum on School Funding formula allocations and to advise Council on formula changes to ensure compliance with Department for Education guidance and regulations and the proper administration of Dedicated Schools Grant (DSG) allocations, including making applications to the Secretary of State for Education as appropriate for any necessary transfer of funding between the DSG funding blocks.
Included for clarification – this is what happens now. The (Assessment and Awards Manager) is the nominated Financial Deputee / Appointee.
- To amend paragraph 29 (new 35):-
To apply to the Court of Protection for Deputyship or single orders related to finance and property and to act as dually appointed Financial Appointee or Deputee for those individuals who lack mental capacity and are subject to such orders.
Included for clarification / future proofing as we develop our integration plans – covers the joint working on Winter Pressures spending etc.
- To add to the pension delegations at paragraph 33 (new 39):-
 - (a) To authorise sending instructions to and completing contracts, deeds or agreements with Border to Coast Pensions Partnership Limited to facilitate transition of assets to and management of collective investment vehicles within the pooled arrangements.
 - (b) To monitor and review the investments made by Border to Coast Pensions Partnership Limited under pooled arrangements and to review performance against established benchmarks. To report on the performance of the investment managers to each meeting of the Pension Fund Committee.

		<p>The scheme of delegation needs to be updated to reflect the creation of the BCCP.</p> <ul style="list-style-type: none"> To amend paragraph 40 (new 46):- To approve overtime payments for employees above Grade 8, in line with the Local Collective Agreement <p>New Spinal Column Points will apply from 1 April 2019 as part of the local government pay settlement. Current SCP 28 is bottom of Grade 8. This is a more appropriate reference and is included for future proofing this part of the scheme of delegation.</p>
Council Procedure Rules/ Executive procedure Rules	Updated to reflect changes in practice	<p>Rule 2 of Council Procedure Rules be amended to reflect at the ordinary meeting of council where there is consideration of the annual budget and setting of the council tax (usually held in February) agenda items relating to motions on notice, and questions from the area action partnerships will not be taken, unless there are exceptional circumstances and have the approval of the Chairman of the Council, and Head of Legal and Democratic Services.</p> <p>Rule 9.5 of Council Procedure Rules and 2.8.1 of the Executive Procedure Rules- amend the rules relating to the scope of questions that are to be considered at meetings of the Executive and Council. The current rules provide that a question will be rejected if it is substantially the same as a question which has been considered in the last 6 months. However, it is proposed that this is strengthened slightly to include questions which are similar to a question asked in the last 6 months.</p> <p>Rule 12.5 of Council Procedure Rules- amend to clarify that a member with the right of reply on a motion under consideration has no more than 3 minutes to speak</p>
Financial Procedure Rules	Updated to reflect changes in external auditors, and legislation.	Amend references to the Audit Commission following the appointment of external auditors, and the references to the Accounts and Audit Regulations 2011, which have now been superseded by the 2015 version.
Contract Procurement Rules	Updated to reflect changes in the organisational structure of the Council	<p>The key changes summarised:</p> <ul style="list-style-type: none"> Rule 5 - point (d) has been amended to capture all potential spend and fees payable to DVLA/DVSA by the Council.

	<p>A small number of other minor changes are made for accuracy and readability</p>	<ul style="list-style-type: none"> • Rule 5 – point (o) has been expanded to provide clarity regarding payments to authorising offices/notaries. • Rule 7 – point 3, expanded for clarity with regard to the inclusion of an assessment of social value opportunities within a procurement process. • Rule 9 - point 2.4 is in line with the Public Contract Regulations 2015 (PCRs), the amendment allows for flexibility by the Chief Procurement Officer to authorise longer contract durations as a result of Single Supplier Negotiations, in context to risk. • Rule 10 – point 3 amendment to provide clarity regarding the use of E-Exemptions (paper based procurement activities), there must be a clear rationale for use, and the contract value must be below the relevant European Union advertised tender (OJEU publication) financial threshold. • Rule 16 – point 2.1 with regard to contract signatures this rule has been updated to provide clarity on use of e-signatures as this is likely to be in development in the coming 12mths. • Rule 19 – point 5 has been added to provide clarity on the appropriate recording of contract modifications to ensure that additional spend is appropriately authorised and accurately recorded. • Rule 21 – point 3 has been added to provide clarity, where in certain circumstances, such as rolling contract periods, that contract spend is appropriately authorised and accurately recorded. • Some overall minor updates have been made with regard to corrections of previous typing errors or formatting, these are not significant, and therefore have not been itemised above. • Procurement Strategy & Planning group also considered whether there was any need to amend the competitive procurement threshold. On balance it is felt that retaining
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<p>Code of Practice for Members & Officers dealing with Planning Matters</p>	<p>Updated to reflect changes in practice, and in line with changes in legislation.</p>	<p>A new paragraph 9.6 to make it clear that members cannot vote on the application if they have missed part of the presentation or debate.</p> <p>The Code has been updated to reflect the interest arrangements of members under the Localism Act 2011.</p>