



South Tyneside Council

Item 11

In Year Proposed Amendments to Council Constitution

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Lucy Keating, Director of Legal & Governance
(Monitoring Officer)
Council – 30 July 2026

Report to Council

Cabinet Portfolio/Lead Member: Cllr Paul Mackings, Leader of the Council

Report of Lucy Keating, Interim Director of Legal & Governance (Monitoring Officer)

Subject: In-Year Constitution Changes

Date: 30 July 2026

Wards affected: All Wards are equally represented by the work of the Constitution Committee.

Council ambitions: This will help us achieve and drive forward all five of our Ambitions in everything we do.

Does the report and any appendices contain information which has been identified as confidential or exempt?

No

For Executive Decisions only:

Is the decision a Key Decision? No

Is it included in the Forward Plan? No

If not in the Forward Plan is the report:

Relevant Scrutiny Chair: N/A

Is the decision eligible for call-in by Scrutiny? No

Purpose of Report

1. To seek Council approval for a consolidated set of in-year amendments to the Constitution.
2. The proposed amendments relate to:
 - (1) Community Area Forum financial controls;
 - (2) the standardisation of Chair's casting vote provisions; and
 - (3) motion allocation arrangements at Borough Council meetings.
3. If approved, the Monitoring Officer will incorporate the agreed changes into the Constitution and make any necessary consequential amendments.

Background Information

4. The Constitution sets out the Council's governance framework, including the rules for Community Area Forums, meeting procedure and the submission and allocation of motions.
5. A review of existing arrangements has identified areas where amendments are required to improve consistency, clarity, transparency and financial assurance.
6. The Constitution Committee considered the proposed changes as part of the governance process prior to consideration by Borough Council.

Main issues and Options to be Considered

Community Area Forum financial controls

7. Article 11.10.7 currently requires receipts to be provided where expenditure funded through a Community Area Forum grant exceeds £500.
8. A review of CAF arrangements has identified that the £500 threshold does not provide sufficient assurance that all expenditure of public funds is appropriately evidenced.
9. It is proposed that the threshold is reduced from £500 to £0, so that all CAF-funded expenditure must be supported by valid receipts or, where receipts are not reasonably practicable, other appropriate documentary evidence.

10. The proposed amendment will strengthen financial governance, improve traceability of public funds, reduce audit and reputational risk and align CAF processes more closely with wider Council financial controls.

Chair's casting vote provisions

11. The Constitution currently contains inconsistent wording concerning the exercise of a Chair's casting vote.
12. Committee Procedure Rule 19.4 provides that the Chairperson "will have a casting vote" where votes are equally divided, whereas Rule 29.2 provides that the Mayor "may exercise a casting vote".
13. It is proposed that Rule 29.2 is amended by replacing "may" with "will", to ensure consistency across the Constitution and avoid procedural ambiguity or deadlock.

Motion allocation arrangements

14. The Constitution currently allows a maximum of four motions at any one Borough Council meeting, with two motions allocated to the main group and one motion allocated to each opposition group.
15. Following the May 2026 elections, the Council's political composition changed significantly. Reform UK now holds 40 of the Council's 54 seats, with 10 Green Members, 2 Independent Members, 1 Labour Member and 1 vacancy.
16. The current arrangements were developed on the assumption of a dominant administration and a small number of opposition groups of a meaningful size. They therefore require review to ensure they remain fair, proportionate, inclusive and administratively workable.
17. It is proposed that the Council adopts proportionate allocation with cross-group sponsorship. This retains the four-motion limit and allocates motion slots broadly in proportion to group size, while enabling smaller groups to secure the necessary five signatories from across the Council.
18. In practice, under the current political composition, this means that the Reform administration will be allocated two motions at an Ordinary Council meeting, the Green Group will be allocated one motion at an Ordinary Council meeting, and one motion will be reserved for Members of the South Tyneside Alliance Group (STAG) or Labour.

Proposed Constitutional Changes:

Area	Current Position	Proposed Change	Purpose / Effect
CAF financial controls	Receipts required for CAF expenditure exceeding £500.	Require receipts or appropriate documentary evidence for all CAF-funded expenditure.	Strengthens financial assurance, audit compliance and transparency.
Chair's casting vote	Inconsistent wording: some provisions say a casting vote "will" be exercised, while Rule 29.2 says "may".	Replace "may" with "will" in Rule 29.2.	Ensures consistency, clarity and effective meeting management.
Motion allocation	Four-motion limit with two motions for the main group and one per opposition group (refers to there being two).	Adopt proportionate allocation with cross-group sponsorship.	Reflects changed political composition while supporting inclusive participation and procedural clarity.

Implications

Financial and Resources

19. The proposals can be implemented within existing resources. There are no significant financial implications arising from the proposed amendments.
20. The CAF amendment may reduce financial risk exposure by strengthening evidence requirements for public expenditure.

Legal and Governance

21. The Constitution must be formally amended - amendments required to provisions relating to:
 - (a) Chair's casting vote
 - (b) CAF financial thresholds
 - (c) Motion Allocations

- 22. The proposed amendments remain consistent with the Council's wider Financial Procedure Rules.
- 23. There may be a manageable increase in administrative requirements for Members, Officers and any members of the public seeking CAF grant monies.
- 24. There will be a requirement for clear guidance to CAF Chairs and Members regarding any changes to CAF Operating Procedures.

Risk

- 25. Failure to clarify casting vote provisions may result in inconsistent interpretation of constitutional requirements and potential challenges to decision-making processes.
- 26. The requirement to provide evidence for all CAF expenditure may create a modest additional administrative burden, however this will be mitigated through the provision of clear guidance and support. Failure to strengthen controls may increase the risk of unsupported expenditure, audit findings and reputational harm to the Council
- 27. Failure to amend the Constitution may create risks relating to inconsistent interpretation of casting vote provisions, procedural challenge or perceived unfairness in motion allocation arrangements.

Equality and Diversity and Community

- 28. The proposed amendments are procedural and governance-related in nature and are intended to apply consistently across the Council's constitutional arrangements.
- 29. No adverse impacts on individuals or groups with protected characteristics have been identified as a result of these proposals.
- 30. The amendments support transparent, accountable and effective governance arrangements for the benefit of all communities.

Environmental and Sustainability

- 31. There are no direct environmental or sustainability implications arising from this report.

Council Ambitions, Policies, Strategies and Plans

- 32. The proposal supports the Council's ambitions by promoting strong governance, transparency and responsible use of public resources.
- 33. It aligns with the Council's Financial Procedure Rules and wider corporate governance framework.

Consultation and Engagement

- 34. In relation to the proposed CAF amendments, initial feedback has been obtained from officers involved in CAF delivery and financial administration.
- 35. The views of the Constitution Committee were sought as part of the governance process prior to consideration by Full Council and the recommendations contained within this report for Borough Council were shaped by the views and recommendations of Constitution Committee.

Recommendations

- 36. Council is recommended to:
 - 1. Approve the amendment to the Constitution requiring receipts or other appropriate documentary evidence for all CAF-funded expenditure.
 - 2. Approve the amendment to the Constitution to standardise casting vote provisions by replacing the word "may" with "will" in Rule 29.2.
 - 3. Approve the adoption of proportionate motion allocation with cross-group sponsorship as the basis for motion allocation at Borough Council meetings.
 - 4. Authorise the Monitoring Officer to incorporate the agreed amendments into the Constitution and make all consequential amendments required to give effect to the changes, including any procedural detail regarding the operation of the shared motion slot.

Reasons for Recommendations

- 37. To ensure consistency, clarity and robustness within the Council's constitutional framework.
- 38. To strengthen financial governance and ensure that CAF expenditure is appropriately evidenced.

- 39. To reduce audit, governance and reputational risks associated with unsupported expenditure or ambiguous constitutional wording.
- 40. To ensure motion allocation arrangements remain fair, transparent and proportionate following the change in political composition of the Council.
- 41. To support inclusive participation while maintaining efficient and orderly Council meetings.

List of Appendices

None

Proposed Amendment to the Constitution: Community Area Forum Financial Controls and Chair's Casting Vote Provisions

The following is a list of the background papers (excluding exempt papers) relied upon in the preparation of the above report:

Background Paper	File Ref:	File Location
South Tyneside Council Constitution (Part B, Article 11)	N/A	Council Constitution - South Tyneside Council
Constitution Committee papers and minutes, 14 July 2026	N/A	