
Meeting: General Purposes Committee
Date: 3 December 2013
Subject: Constitution – Proposed Amendments
Report of: Cllr Maurice Jones, Executive Member for Corporate Resources
Summary: The report proposes a number of amendments to the Constitution to bring it up to date.

Advising Officer: Melanie Clay, Monitoring Officer
Contact Officer: Mel Peaston, Committee Services Manager
Public/Exempt: Public
Wards Affected: All
Function of: Council

CORPORATE IMPLICATIONS

Financial:

1. There are no financial implications.

Legal:

2. The Constitution requires that the Council maintains an up to date Constitution (Part A2 paragraph 1.2). This report enables the Constitution to be brought up to date.

Risk Management:

3. The purpose of the Constitution is to provide a framework of rules governing the way the Council exercises its functions and takes decisions (Constitution, Part A2 paragraph 1.1). If the Constitution is not up to date, there is risk that decisions may not be clear and transparent which could leave the Council open to challenge.

Staffing (including Trades Unions):

4. Not Applicable.

Equalities/Human Rights:

5. To ensure that any decision does not unfairly discriminate, public authorities must be rigorous in reporting to Members the outcome of an equality impact assessment and the legal duties.

6. Public Authorities must ensure that decisions are made in a way which minimises unfairness, and without a disproportionately negative effect on people from different ethnic groups, disabled people, women and men. It is important that Councillors are aware of this duty before they take a decision. When decisions are made, decision makers must have the relevant data, including the results of equality impact assessment, and of consultation and involvement, to ensure they reach an informed decision.”
7. No equality impact assessment has been carried out to advise the preparation of this report. Amendments affecting financial and procurement arrangements are proposed at the request of the Chief Finance Officer and the Head of Procurement respectively.

Public Health

8. There are no public health implications.

Community Safety:

9. Not applicable.

Sustainability:

10. The Constitution is published on the Council’s website, reducing the need for paper copies. If any member of the public, councillor or officer of the Council wishes to see or have a paper copy or extracts, arrangements can be made accordingly.

Procurement:

11. Not applicable.

Overview and Scrutiny:

12. This matter has not been considered by overview and scrutiny.

RECOMMENDATIONS:

The Committee is asked to:

1. **authorise the Monitoring Officer to amend the Constitution as set out in Appendix A (attached);**
2. **RECOMMEND TO COUNCIL the changes proposed to Part I3 of the Constitution, Code of Procurement Governance, as set out in Appendix B (attached).**

Summary

13. The Constitution provides that the Monitoring Officer may, after consultation with the General Purposes Committee, make urgent amendments to the Constitution, amendments to give effect to changes in the law, and minor amendments to correct errors and to ensure that the constitution is up to date. (Part B1 paragraph 1.1; also Part A5 paragraph 2.3)
14. This report sets out some proposed amendments which fall into those categories.
15. Otherwise, the constitution can only be changed by Council (Part B1 paragraphs 1 and 1.1). It is suggested that the changes proposed to Part I3 Code of Procurement Governance fall into this category.

Introduction

16. A number of matters in the Constitution should be addressed to correct some errors and also to bring the document up to date, to reflect current or introduce best practice.

Minor adjustments

17. A list of minor adjustments is set out at **Appendix A**. These include correcting typographical errors and updating details such as current Chief Officer titles, latest legislation etc. The reasons for the amendment are given in each case together with the proposed revised wording.
18. The Committee can authorise the Monitoring Officer to make all the amendments which are within Appendix A.

Referral to Council – Code of Procurement Governance

19. **Appendix B** sets out Part I3 of the Constitution, which is the Code of Procurement Governance.
20. The Head of Procurement has identified a number of proposed changes to this section. These can be seen as tracked changes, and include:
 - setting out the procurement procedures more clearly in a table which is defined by the amount of the contract order
 - changing the contract value at which contracts must be recorded on the Council's register of contracts
 - requiring that value for money reviews of contracts must take place as a minimum on an annual basis and before any contract extension.

21. The reasons for reducing the value of contracts which must be recorded on the Council's register from £60,000 to £20,000 are:
- to provide that the visibility and management of a wider spectrum of CBC spend through our contracts for goods and services is improved. It will also match the requirement that for procurements above £20,000 the council's electronic tendering system must be used. To aid implementation an improved contract management system is being considered for implementation in the new year.
22. Requiring value for money reviews annually and before contract extensions ensures:
- consistency of approach to our supply base
 - delivery of as much value as possible.
23. It is not appropriate for the Monitoring Officer to make the proposed changes to Part I3 as they are neither urgent, nor corrections, nor simple updates. The appropriate route is for the Committee to recommend these changes to Council. Council will meet on 30 January and can consider the Committee's recommendations then.

Conclusion and Next Steps

24. Whilst all the amendments proposed in Appendix A can be effected by the Monitoring Officer, subject to the approval of the Committee, the changes proposed through Appendix B should be made by Council.

Appendices:

Appendix A – Schedule of Minor Proposed Amendments

Appendix B – Part I3, Code of Procurement – Proposed Amendments

Background Papers: (open to public inspection)

None