

<b>Report of:</b>	Head of Democratic Services – Sylvia Reynolds
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**AGENDA ITEM 16**

<b>Submitted to:</b>	Council – 14 October 2020
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<b>Subject</b>	Update - Council Constitution
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**Summary**

<b>Proposed decision(s)</b>
To approve the revised Financial and Contract Procedure Rules

<b>Report for:</b>	<b>Key decision:</b>	<b>Confidential:</b>	<b>Can be called-in:</b>
Decision	No	No	No

**Contribution to delivery of the 2020-23 Strategic Plan**

<b>People</b>	<b>Place</b>	<b>Business</b>
Not applicable	Not applicable	The Constitution sets out how the Council operates, how decisions are made and the procedures, which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.

**Ward(s) affected**

Not applicable
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**What is the purpose of this report?**

1. The Council’s Constitution is subject to an annual review together with any associated documents. The Financial and Contract Procedure Rules were reviewed and submitted to the Constitution and Members Development Committee. The Constitution and Members Development Committee approved the revised Financial and Contract Procedure Rules and recommended that they be submitted to Council for final approval.

## **Why does this report require a Member decision?**

2. The Constitution is a live document, which from time to time requires adjustment to reflect how the Council operates. It is sometime since a comprehensive review has been undertaken and therefore a phased review is underway to ensure that the constitution is fully up to date. The Constitution and Member Development Committee initially consider changes to the Constitution before being approved by full Council.
3. Changes to the Constitution usually fall within three broad areas, and the proposed changes that have been endorsed by the committee are described as follows:-
  - I. **Alterations made as a result of decisions of either the Council or the Executive.**
    - A separate report detailing changes to the Executive Scheme of Delegation is included as part of this agenda.
  - II. **Alterations made under the delegated powers given to the Monitoring Officer to deal with changes required because of legislative changes.**
    - A report confirming the designation of the Chief Finance Officer and Section 151 Officer was submitted to Council on 2 September 2020.
  - III. **Alterations to improve the working of the Council or, to attempt to resolve ambiguities or amend typographical or drafting errors.**
    - Revised Financial and Contract Procedure Rules (Standing Orders) – attached at Appendix A. Members of The Constitution and Members Development Committee suggested that the term “Councillor” be changed to “Member”.
    - Following a recommendation by Audit, the Joint Health and Wellbeing Board was included under Article 10 – Joint Arrangements.

## **What decision(s) are being asked for?**

4. That Council consider proposals to update the Constitution and agree as follows:
  - (a) That Council approves the proposed changes to the Constitution as detailed in the report and notes that the Monitoring Officer will, under delegated powers, amend the Constitution accordingly.
  - (b) That the Monitoring Officer, maintains under delegated powers to be authorised to amend the Constitution and make any necessary minor textual changes or further adjustments to comply with any subsequent legislative changes, changes to reflect decisions taken by Council and/or Executive and changes which are of typographical/drafting error nature.

## **Other potential decisions and why these have not been recommended**

5. No other options were considered.

## **Impact(s) of recommended decision(s)**

### ***Legal***

6. No impact.

### ***Financial***

7. No impact.

### ***Policy Framework***

8. Not applicable. The report does not propose an amendment to the policy framework.

### ***Equality and Diversity***

9. Not applicable.

### ***Risk***

10. If the Council does not have adequate governance processes in place to ensure that it complies with all relevant legislation, it could result in a breach in governance requirements leading to (depending on the seriousness of the breach) fines, reputational damage, government intervention alongside failure to deliver organisational priorities

## **Actions to be taken to implement the decision(s)**

11. The Monitoring Officer will make any necessary changes to the Constitution, as agreed by Council.