

DECISION-MAKER:	GOVERNANCE COMMITTEE COUNCIL		
SUBJECT:	ANNUAL REVIEW OF THE CONSTITUTION		
DATE OF DECISION:	15 APRIL 2019 (GOVERNANCE COMMITTEE) 15 MAY 2019 (COUNCIL)		
REPORT OF:	DIRECTOR OF LEGAL & GOVERNANCE		
<u>CONTACT DETAILS</u>			
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STATEMENT OF CONFIDENTIALITY			
None			
BRIEF SUMMARY			
This report sets out the annual review of the Constitution. This will be considered and initially discussed by Governance Committee on 15 th April 2019. The recommendations to both the Governance Committee and Council are included below.			
As ever, the Constitution is a document that changes regularly and, therefore, further revisions may be proposed prior to or at Council.			
RECOMMENDATIONS:			
Governance Committee			
	(i)	To consider and recommend the changes to the Constitution to Council for adoption.	
Council			
	(i)	To agree the minor changes to the Constitution and associated arrangements as set out in this report;	
	(ii)	To authorise the Director of Legal & Governance to finalise the arrangements as approved by Full Council and make any further consequential or minor changes arising from the decision;	
	(iii)	To approve the City Council's Constitution, as amended, including the Officer Scheme of Delegation, for the Municipal Year 2019-20.	
REASONS FOR REPORT RECOMMENDATIONS			
1.	It is appropriate as a core tenet of good governance for the Council to keep its Constitution under regular review and to amend it, both to reflect experience and changing circumstances.		
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED			
2.	The Council has previously resolved to review its Constitution annually. Therefore, it is appropriate that this report is considered by Members. There are a range of recommendations set out within the report, none of which are		

	substantial changes. Members have a range of options about various changes not least of which is to amend or reject some or all of them.
DETAIL (Including consultation carried out)	
<u>Scheme of Delegation to Officers</u>	
3.	This has been updated to reflect revised job titles and other minor matters, remove duplication and to include delegations required to give effect to the new and revised legislation. No new delegations are included.
<u>Council Procedure Rules</u>	
4.	Addition of a clause (11.4(c)) relating to the Annual General Meeting and the notice required for Member questions. The time for submitting formal questions is extended following annual elections.
5.	Addition of a clause (11.5(a)) regarding the form of response to Member Questions to simply reflect the fact that written responses can be tabled.
<u>Contract Procedure Rules (CPRs)</u>	
6.	The amendments proposed are to assist the Council to achieve value for money for its goods, services and works through an appropriate and proportionate approach to procurement activity.
7.	The proposed version of the CPRs do not anticipate the UK's position post leaving the EU and any subsequent changes that may be made. On exit all EU law will transpose into UK law. Whilst it is not expected that there will be any significant changes to the UK's procurement approach in the short term, the CPRs will be revisited if and when any changes occur.
8.	Summarised below are the key changes proposed and a brief rationale for each:
a.	Increase the low value transaction threshold from £1,000 to £5,000 meaning that officers are able to make purchases directly up to the value of £5,000 provided that they have obtained at least one written quote;
b.	Amend the drafting in respect of the use of framework agreements to clarify that the use of specific framework agreements must only be approved for use by the Service Director – Business and Digital Operations on a single occasion, after which their appropriateness for use is determined by Procurement Services Team on a case-by-case basis;
c.	Mandate that where the Council has in place specific contracts with suppliers to provide supplies, services or works these contracts must be used to source relevant requirements, unless directed otherwise by the Service Director - Digital and Business Operations;
d.	Transfer the approval of Integrated Commissioning Unit (ICU) exemptions from the Service Director – Digital and Business Operations to the Service Director - Quality and Integration;
e.	Amend the 'Intermediate-Value Transactions' procedure to allow Officers sourcing temporary staff to obtain three quotes or use approved frameworks directly without need to go involve the Procurement Services Team;

	f.	Create a new requirement for at least one quote to be sought from a Small or Medium-sized Enterprise (SME) supplier for all requirements of above £5,000 in contract value;
	g.	Expand the arrangements captured in the Contracts Register to capture “one off” as well as recurring payments and
	h.	Include a clear obligation on Officers to communicate any agreed extensions or variations to contracts to the Procurement Services Team to ensure that these are reflected in the Contracts Register.
Chief Officer Employment Panel		
9.		Currently the terms of reference encompass appointment and dismissal, where they can lawfully do so, of all officers on CO grades. By definition this includes some, but not all, Service Leads. After discussion with Group Leaders it is considered that the most appropriate use of Members’ valuable time is to concentrate on the more senior officers, ie Chief Officers, as the title suggests, including statutory officers.
RESOURCE IMPLICATIONS		
<u>Capital/Revenue</u>		
10.		None.
<u>Property/Other</u>		
11.		None.
LEGAL IMPLICATIONS		
<u>Statutory power to undertake proposals in the report:</u>		
12.		The Executive Arrangements and Constitution are required under the Local Government Act 2000 (as amended) and the Localism Act 2011.
<u>Other Legal Implications:</u>		
13.		None.
RISK MANAGEMENT IMPLICATIONS		
14.		None.
POLICY FRAMEWORK IMPLICATIONS		
15.		None.

KEY DECISION?	No
WARDS/COMMUNITIES AFFECTED:	None
<u>SUPPORTING DOCUMENTATION</u>	
Appendices	
1.	Draft revised Constitution – online only
Documents In Members' Rooms	
1.	None
Equality Impact Assessment	
Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out?	No
Data Protection Impact Assessment	
Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out?	No
Other Background Documents	
Other Background documents available for inspection at:	
Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	None