

PART 11: CHANGE CONTROL

This part of the Constitution sets out the changes made to the Constitution since its adoption.

Changes made May 2020

- Changes to Scheme of Delegation
Changes mainly around re-organising delegations to remove duplication, changes to job titles
- Contract Procedure Rules
The principal changes are updates to the PCR threshold values to reflect the UK Official Journal of the European Union (OJEU) threshold values applicable between 1st January 2020 and 31st December 2021.

Also a new rules within “Exemption” section (19) relating to children’s placements and education funding to reflect acceptance that this spend should not be treated as non-compliant.

- Council Procedure Rules
Following discussion between Group Leaders, for clarity in paragraph 11.4(b) in relation to the asking of Urgent (and therefore previously untabled) Questions the following wording be added: “The Mayor must seek the advice of the Service Director: Legal & Business Operations” before deciding to permit the Question to be asked”.

Changes made May 2019

- Changes to Scheme of Delegation
Changes mainly around re-organising delegations to remove duplication, changes to job titles
- Council Procedure Rules
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.

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.

- Contract Procedure Rules
 - 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.

Changes made May 2018

- Changes to Scheme of Delegation

Changes mainly around re-organising delegations to remove duplication, changes to job titles

Removed from Service Director: Finance & Commercialisation

To review the Council’s contribution towards the Employee Car Scheme by the variation in annual rentals and insurance premiums for the Council’s benchmark cars.

To review the mileage allowance for the Employee Car Scheme following any significant variations in petrol prices and the rental / mileage differentials, in addition to the annual review each April.

To finalise details of the operation of the Employee Car Scheme within the Council’s policy.

To finalise details of the operation of the Mortgage Equity Scheme within the Council policy.

To authorise requests for Assisted Car Purchase Scheme loans after consultation with the Chief Strategy Officer.

Service Director: Transactions & Universal Services

Addition of various Acts of Parliament under which officers can act

- Changes to the Financial Procedure Rules

CCG B41

Decisions will be made in line with the criteria set out below

Additions: Existing or New Schemes	Expenditure should be in line with CPR’s	Virements and Re-Phasing **
<i>Funded from new, sources</i>	<i>Can be sought as a separate</i>	<i>Variations across schemes within an overall programme can be</i>

<i>including 100% ringfenced. Report required to Council Capital Board by Chief Officer in consultation with CFO and Cabinet Member</i>	<i>decision or within the same report as seeking approval to add a new scheme if sufficient detail is available</i>	<i>approved by CHIEF OFFICER in consultation with CFO and relevant Cabinet Member</i>
Up to £500,000 Approved by CHIEF OFFICER in consultation with CFO and Cabinet Member	Up to £500,000 Approved by CHIEF OFFICER in consultation with CFO and Cabinet Member	Up to £500,000 Approved by CHIEF OFFICER in consultation with CFO and Cabinet Member
Over £500,000 up to £2 million Approved by CABINET	Over £500,000 up to £2 million Approved by CABINET	Over £500,000 up to £2 million Approved by CABINET
Over £2 million Approved by COUNCIL	Over £2 million Approved by COUNCIL	Over £2 million Approved by COUNCIL

* This includes credit arrangements such as financing leases.

** If the virement is not in line with current approved council policies and strategies the decision must be made by Council regardless of value.

Following consideration and recommendation by the CCB, the CFO, in consultation with the COO, can approve virements of any value within a programme. The approval limits do not apply in respect of decisions taken at the Joint Commissioning Board up to a value of £2 million where the decision is taken by an officer / individual Cabinet Member following consultation with and the agreement of all Cabinet Member representatives on the Board or to acquisitions and disposals in relation to the Property Investment Fund, authority being delegated to the Associate Director: Capital Assets, following consultation with the Leader of the Council and the Service Director: Finance and Commercialisation.

- Cabinet Members ToRs
Representing the Council on and exercising any functions in relation to any Partnership Boards or Committees to which they are appointed

Key Decision criteria

1. *In relation to paragraph (i) above, the term “significant” shall be construed as meaning £500,000 (except that this does not apply to (i) care packages where the value of the care package exceeds £500,000. For the purposes of this paragraph, the term “care package” is defined as a package of personal care, support or education purchased as a consequence of an assessment of a child’s needs within the Children Act 1989, Children (Leaving Care) Act 2000 and the Education Act 1981 and the relevant guidance is contained in the Special Education Needs Revised Code of Practice. The decision to provide the care package is for the duration of the individual’s childhood, up to the age of 18 years, 19 years or 21 years according to the relevant legislation or guidance (ii) proposals and decisions under the Property Acquisition Strategy of whatever value) (iii) proposals and decisions of Council appointed representatives (officer and elected*

member) acting in their capacity as Board Members or Shareholder Representatives as individual decision makers or as part of decision making Boards or meetings of a Local Authority Trading Company owned or operated by Southampton City Council (iv) decisions of Council appointed representatives (officer and elected member) acting under delegated powers and in accordance with Financial Procedure Rules at meetings of the Joint Commissioning Board.

- Changes to the Contract Procedure Rules

The amendments proposed to the current Contract Procedure Rules (CPRs) dated May 2017 can be divided into two broad categories:

1. Those arising from changes to the European Union (EU) procurement thresholds for the public sector for the period 1st January 2018 to 31st December 2019.
2. Those arising from the Council's approach to simplifying procurement processes.

The overarching objectives of these amendments are to:-

- Ensure that the Council fully complies with the legislation to mitigate the risk of legal challenge and
- Ensure that the CPRs assist the Council to achieve value for money for its goods, services and works through an appropriate and proportionate approach to procurement activity.

The proposed version of the CPRs do not anticipate the UK's position post leaving the EU. Whilst it is not anticipated that there will be any key changes to the United Kingdom's procurement approach in the short term, the CPRs will be revisited if and when any changes occur.

Summarised below are the key changes proposed arising from changes to the European Union (EU) procurement thresholds:

1. Replacement of the UK (pounds) Official Journal of the European Union (OJEU) threshold values applicable between 1st January 2018 and 31st December 2019.

Summarised below are the key changes proposed arising from the Council's approach to simplifying procurement processes:

2. Removing the requirement for the Service Director - Business and Digital Operations to authorise contracts awarded as a result of single tenders when it can be demonstrated that a value for money review was undertaken and an audit trail is available.
3. Removal of reference to "purchase orders" as these relate to the operational process required (rather than the rules which must be followed when identifying a supplier) and is dealt with in other guidance.
4. Removal of the instruction that in respect of Low Value Transactions, Officers must make the Procurement Services Team aware of their intention to procure prior to requesting the quote(s).
5. Removal of the requirement for three written quotations to be sought if (in respect of contract values of less than £25,000 only) the Procurement Services Team determines that only one supplier and no competitors exist for the requirement.

6. Removal of the required number of evaluators required as part of the evaluation process for tenders and quotations.
7. To reflect the Scheme of Delegation, removal of Service Director – Finance and Commercialisation as the point of contact for section 17 - Conflicts of Interest and Corruption and replacement with Service Director - Digital and Business Operations.

Changes made May 2017

- Contract Procedure Rules

The amendments can be divided into three broad categories:

- i. Those arising from the introduction of the Public Contract Regulations 2015 (PCR 2015), Concession Contract Regulations 2016 and Transparency Code.
- ii. Those arising from general updates to roles and delegations under the constitution.
- iii. Those arising from the Council's evolving strategic and operational approach to procurement.

- Officer Delegations

- i. Replacement job titles to reflect current Council management structures and a number of procurement related responsibilities of the CFO have moved to the Service Director: Digital & Business Operations.
- ii. It is proposed to increase the limit for delegated authority in current paragraph 20.9f for the restructuring of ground leases involving an increase in rent where a premium is paid from £150,000 to £500,000 to make the limit consistent with the limit for delegated authority to sell land up to a value of £500,000 in current paragraph 20.2 b. and to exchange land up to a value of £500,000 in current paragraph 20.11.

- Financial Procedure Rules

The FPRs have been reviewed in light of the changing Chief Officer structure and for strengthening of financial management. Key changes:

- a. The ability for Service Directors to balance their financial position within their overall resources has been made more explicit (Financial Management - What is a virement?)
- b. To make clear that no one has the authority to overspend (A.17), and where this is a possible sets out the procedure that must be followed;
- c. The schools elements have also been updated to reflect the changing funding and the new deficit policy agreed with the Schools Forum;
- d. In the financial planning section the emphasis has been placed on the 5 year Medium Term Financial Plan and as a result we have been able to remove the budget section and amalgamate it with the financial planning section;
- e. Where possible the HRA has been aligned within the standard Financial Procedure Rules

Changes made January 2016

- Part 08 – Proper Officers

Addition of Head of Leisure, Planning and Transport as Proper Officer under Regulation

4 of the Neighbourhood Planning (Referendums) Regulations 2012.

Changes made December 2014

- Part 03 – Responsibility for Function
Amendments to the Terms of Reference for Health Scrutiny Panel and addition of Terms of Reference for Children & Families Scrutiny Panel.

Changes made November 2014

- Members' Code of Conduct
Addition of paragraph relating to Register of Interests and gifts and hospitality.

Changes made June 2014 (AGM)

- Council Procedure Rules
 - Addition of sub-paragraphs (e) and (f) in 2.3 relating to meetings taken place between annual elections and the AGM.
 - Reduction of time allocated to Executive Business at Full Council.
- Financial Procedure Rules / Budget & Policy Framework Procedure Rules
Revisions primarily with regard to financial thresholds.
- Officer / Member Protocol
Amendments to clarify position relating to member requests for personal data about an individual employee.
- Officer Delegations
In addition to changes to reflect structural changes, revised arrangements for the submission of planning applications (Head of Planning, Transport & Sustainability), and specific authority to act in the People Directorate to enter into agreements with health bodies.

Changes made March 2014

- Council Procedure Rules
Addition of paragraph 17.6 relating to recoding of vote at budget meeting

Changes made January 2014

- Officer Delegations
 - Changes made to reflect Head of Strategic HR now reporting direct to Director of Corporate Services.
 - Change Head of Property, Procurement and Contract Management to Head of Property & Procurement
 - Reinstatement of delegation relating to works on common land (it having erroneously been deleted)

Changes made July 2013

- Part 8: Overview & Scrutiny Procedure Rules

Paragraph 12.29 changed from quarterly to half-yearly.

Changes made on 14th May 2008

- Article 6: Overview and Scrutiny Committees

The contents of Article 6, together with the Overview and Scrutiny Procedure Rules, were considerably amended to reflect the revised roles and responsibilities of the Overview and Scrutiny Panels, the thrust being that the panels took on a more enquiry-based role.

- Article 9: Standards and Governance Committee

Article 9 was amended to reflect the change in the law so that one of the independent members must chair the Standards and Governance Committee.

- Part 3: Responsibility for Functions

The section relating to responsibility for Full Council functions was amended to reflect the revised Functions and Responsibilities Regulations 2008 and the new roles and responsibilities under the Local Government Public Involvement in Health Act 2007 which had been delineated as being the responsibility of Full Council.

- Part 4: Council Procedure Rules

The Council Procedure Rules were amended in the following respects:

- The order of the standard agenda for Full Council meeting was amended following a period of piloting alternative arrangements (CPR2.2(a));
- The procedure for dealing with deputations was amended to enable the Mayor to have a discretion to reject or refuse any requests where deputations, or to determine that such a request should be redirected to another body (CPR10.2(a));
- The procedure behind dealing with questions on notice to the Executive was amended at the Full Council AGM meeting. This did not, however, require a change to the Constitution, but a change to the procedure behind the Constitution.

- Part 4: Access to Information Procedure Rules

The rules relating to urgency (rules 15 and 16 – general exception and special urgency) were amended to reflect the change in roles and responsibilities within Overview and Scrutiny, its committees and panels.

- Part 4: Contract Procedure Rules

The Contract Procedure Rules were replaced in their entirety with an entirely new set of Contract Procedure Rules, designed to modernize the way in which procurement is undertaken and reflecting the Council's new Procurement Strategy.

Changes made on 16th May 2007

- Article 14: Review and Revision of the Constitution

It was agreed that minor changes broadly of a managerial nature should be delegated to the Monitoring Officer, provided the other two statutory officers (Head of Paid Services and Chief Financial Officer) agree, subject to consultation with the Cabinet Member and relevant opposition Group spokespersons, and that such changes should also be reported to the next meeting of Standards and Governance Committee.

- Overview and Scrutiny Procedure Rules
The number of Members on a Panel needed to bring about a call-in was reduced from three to two.
- Financial Procedure Rules
Various amendments were made to the Financial Procedure Rules, specifically in relation to the virement rules and changes to the approval of capital schemes.
- Members' Code of Conduct
A revised Members' Code of Conduct, in accordance with the new statutory Code of Conduct for Members' was adopted without amendment by the Council.
- Protocol on Officer / Member relations
The Protocol on Officer / Member Relations was revised to contain explicitly within it the standards expected by Officers in responding to Members' queries or requests for information.
- Officer Delegations
The Scheme of Officer Delegations was amended to enable the Head of HR to make payments to staff in accordance with the adopted policy statement on discretionary severance and payments arrangements where an unreduced pension is payable or where no discretionary element is involved, after consultation with the Head of Finance. In addition, the delegated powers to Trading Standards and Enforcement Officers were updated to reflect legislative change.

Changes made on the 19th July 2006

- Article 4: Policy Framework Plans
There was a minor amendment in the text relating to the Children and Young People's Plan to reflect the repealing of statutory requirements in relation to certain plans and documentation no longer required (but not yet fully enacted).
- Article 11: Officers
This article was updated to reflect the changes made to the top management structure during the year.
- Article 12: Decision-making
This article was amended to clarify the definition of "key decision" to exclude care packages from within that decision.
- Officer / Member Protocol
This Officer / Member Protocol was amended in two particular respects. The first reflected when Members should and should not minute meetings that they attended whether officers were present or not relating to procurement activities. The second related generally to Members' participation and involvement in procurement.

- Appeals Panel
This Constitution was amended to transfer responsibility for highways appeals from the non-Executive Appeals Panel to the Executive, with accompanying amendments to the Executive's terms of reference and the Officer Scheme of Delegation.
- Monitoring Officer Protocol
A Monitoring Officer Protocol was included within the Constitution.
- Civic and Ceremonial Protocol
The Civic and Ceremonial Protocol was amended to reflect the fact that Clear Channel have made a commitment that the Mayor may have two free uses of the Guildhall during his/her year of office.
- Officer Scheme of Delegation
The Officer Scheme of Delegation was amended to reflect the removal of the delegated power to enable officers to approve enhanced or added-years redundancies. In addition, a regime was approved whereby when officers exercise more significant delegations, these will have to be recorded. That record will be made available to the Members and public, initially by way of inspection, ie on paper, but in due course using the intranet / internet. This did not change the Officer Scheme of Delegation, but will require for the more significant officer exercises of delegated powers, an audit trail to be put in place. The regime, set out in a detailed procedure note, was approved and added to the Constitution.

Changes made on 18th May 2005

- List of Policy Framework Plans
This was amended to reflect the fact that the Department for Education and Skills (DfES) has indicated that it no longer requires local authorities to produce the Education Development Plan and the Early Years Development and Child Care Plan. Unfortunately, the necessary Modification Order has not yet been produced by the Government and, therefore, the list of Policy Framework Plans has been amended to recognise the change, but also acknowledge that the Modification Order is not yet in place.
- Minutes of Council Meetings: Written Record of Questions on Notice and Written Answers to Members of the Executive
It was agreed to amend the Council Procedure Rules so that the Record of Questions Asked on Notice and Answers given would be included within the minutes of Full Council meetings.
- Employment Matters
It was agreed to merge the Employment and Appeals Panels and amend the Officer Scheme of Delegation so that delegations previously expressed as being to the "Head of Human Resources following consultation with the Chair of the Employment Panel", would forthwith to the "Head of Human Resources in consultation with the relevant CM, and the Chair of Employment Panel to be informed of the decision after it had been made".

- Financial Management Issues / Financial Procedure Rules
The Financial Procedure Rules were amended in a couple of minor and technical manners to make them consistent in terms of decisions made by officers, by Members, etc.
- Scheme of Delegation
This reflected the comprehensive review carried out in 2004, and was predominantly tidying up.
- Contract Procedure Rules / Financial Procedure Rules – Pre-payment
The Rules were amended to make the need for compliance in respect of pre-payments more robust, and make it explicit that a pre-payment can only be made with the express written consent of the Chief Financial Officer and Monitoring Officer.
- Minor and Consequential Changes
There are a number of minor and consequential changes: specifically:
 - the definition of “Clear Day” within the Council Procedure Rules was revised for the sake of clarity;
 - there was some minor re-wording of some of the delegations to make the clearer as to who exercised what responsibilities;
 - some delegations were moved from one officer to another to reflect changes in organisational structure;
 - the responsibility for functions relating to high hedges under the Anti-Social Behaviour Act was allocated to the Planning and Rights of Way Panel, future delegations to officers to be considered by that Panel;
 - the organisational management chart set out in Part 7 of the Constitution was revised;
 - Article 11 (Officers) was revised to reflect the reorganisation and the appointment of an Executive Director of Children and Learning Services;

Changes made on 23rd June 2004

- Article 5
The Council’s whole-hearted support for the offices of Mayor and Sheriff were stressed and a cross-reference was made in Article 5 to the Civic and Ceremonial Protocol, a new addition set out in Part 5 of the Constitution.
- Part 3 (Responsibility for Functions)
This was amended to reflect changes made to Committees and Sub-Committees and appointments to those Committees and Sub-Committees.
- Council Procedure Rule 1.4
Council Procedure Rule 1.4 was amended to make it clear that the Mayor may, from time to time, issue guidance as to how s/he will discharge his/her responsibilities in chairing Full Council.

- Council Procedure Rule 2.3(d)
Council Procedure Rule 2.3(d) was added to enable the Mayor, subject to any legal obligations and following consultation with the Group Leaders, to introduce new procedures or processes for the purpose of experimenting or trialing new initiatives during Full Council meetings.
- Council Procedure Rule 12
Council Procedure Rule 12 (Executive Business) was amended so that:
 - a. supplementary questions may be asked by any Member;
 - b. the Mayor has the discretion to both disallow questions and decide that they are not appropriate for a supplementary question to be asked and/or to redirect the question to another body, eg Overview and Scrutiny.

In addition, the Mayor was given the express discretion to determine the order in which questions should be asked.

- Budget and Policy Framework Procedure Rules
The Budget and Policy Framework Procedure Rules were altered in respect of the Budget so that the Executive's Budget Issues Paper was replaced with a Roll-Forward Position Statement on the Budget, prepared by the Chief Financial Officer, dependent on the timing of the Local Government Financial Settlement. Consequential amendments were made to these rules in accordance with that.
- Financial Procedure Rules
These were revised in their entirety to bring them up-to-date, review the various provisions within them and to ensure that they accorded with proper financial practices.
- Officer Code of Conduct
An Officer Code of Conduct was added in the absence of a statutory Officer Code of Conduct pending consultation by the Government on a draft, due in 2004/05.
- Protocol on Member / Officer Relations
The Protocol on Member / Officer Relations was revised to reflect some additional provisions relating to the provision of Officer advice to Members prior to the Full Council meeting that sets the Budget in February each year.
- Civic and Ceremonial Protocol
This was a new Protocol added to reflect the responsibilities and role of both the Mayor and Sheriff and ensure that everyone – all Members, Officers and, indeed, those holding the office of Mayor and Sheriff were aware of the totality of the roles and responsibilities.
- Code for Dealing with Joint Arrangements with Third Parties
This is a new Code added in order to reflect the Authority's position on any proposed partnerships, externalisations or other joint working to as to ensure that the authority's position is fully protected and any necessary separation of powers, advice, etc is put in place in good time so that not only are the governance arrangements of the highest standard, but the authority receives the best and most appropriate independent advice and that there is no actual or perceived conflict of interests.
- Officer Scheme of Delegation
The Officer Scheme of Delegation was updated to reflect new delegations necessary in the light of new legislation and changes to terminology to reflect organisational change

during the municipal year. No new powers, however, were delegated to officers of a substantive or significant nature.

Changes made on 21st May 2003

- Article 4
The definition of the Budget in Article 4.01(b) was redefined to reflect the legal definition.
- Article 14
Article 14.02 was amended to add an extra criterion to allow Officers to revise the Constitution to reflection delegations granted to Officers by the Executive, the Council, a Committee or Sub-Committee.
- Article 15
Article 15.03 of the Constitution was amended to reflect the fact that Members and Officers of the Council will be encouraged to refer to the Constitution using the intranet and internet, as will the public, reducing the need to print paper versions of the Constitution for internal use.
- Part 3: Responsibility for Functions
This part of the Constitution was amended to reflect the changes in the Executive responsibilities, the Committees and Sub-Committees of the Council and also to reflect the fact that the Officer Scheme of Delegation is now incorporated within the Constitution at Part 10.
- Council Procedure Rule 2.4
Council Procedure Rule 2.4 relating to the Budget meeting was amended to enable the Medium Term Plan and any other business which the Chief Executive, Chief Financial Officer or Monitoring Officer consider should be placed before Members at that meeting.
- Council Procedure Rule 9
In relation to Council Procedure Rule 9 which deals with the duration of meetings, an additional Council Procedure Rule (9.6) was added to put in place a presumption in favour of meetings of the Council, its Committees and Sub-Committees finishing by 6:30 pm.
- Council Procedure Rule 12: Executive Business
Council Procedure Rule 12 was amended to reflect a change in procedure for Executive Business, the emphasis being on questions asked on notice.
- Council Procedure Rule 15: Honours
Council Procedure Rule 15 was amended to tighten the procedure relating to proposals to grant the status of Honorary Alderman or Freeman of the City to any citizen or group of citizens and, in addition, to reflect a proposal to bring forward a process for bestowing recognition on citizens or groups of citizens for service to the City.
- Budget and Policy Framework Procedure Rules
Budget and Policy Framework Procedure Rule 2B, which deals with the budgetary process, was amended to reflect the change in emphasis to the Medium Term Plan.
- Budget and Policy Framework Procedure Rules: Virement Rules

The virement rules were amended to reflect changes to the amount of virements that the Cabinet may make.

- Executive Procedure Rules
Following consultation with the Solicitor to the Council, the Executive Procedure Rules were amended by the Leader to reflect change procedures to be adopted for Executive decision-making.
- Financial Procedure Rules
The Financial Procedure Rules were amended to consolidate them with the Financial Management Standards.
- Officer / Member Protocol
The Officer / Member Protocol was amended to clarify the position where Officers or Members believe there has been a breach of the Code of Conduct for Members, the Officer / Member Protocol or the disciplinary rules and procedures relating to Officers. In addition, the expectations of Officers providing support to Scrutiny were clarified.
- Management Structure
The Management Structure was amended to reflect changes to the Council's officer structure during the administrative year.
- Part 10: Officer Scheme of Delegation
The Officer Scheme of Delegation was incorporated within the Constitution and accordingly cross-references and changes were made to Part 3 of the Constitution to reflect its incorporation.
- Part 11: Change Control
A section was added to the Constitution to summarise changes made to the Constitution over the period of its existence.