

PROPOSED AMENDMENTS TO THE COUNCIL'S CONSTITUTION

Report of the Monitoring Officer

1. INTRODUCTION AND PURPOSE OF REPORT

- 1.1 To provide the Monitoring Officer's proposals and recommendations for various amendments to the Constitution.

2. BACKGROUND

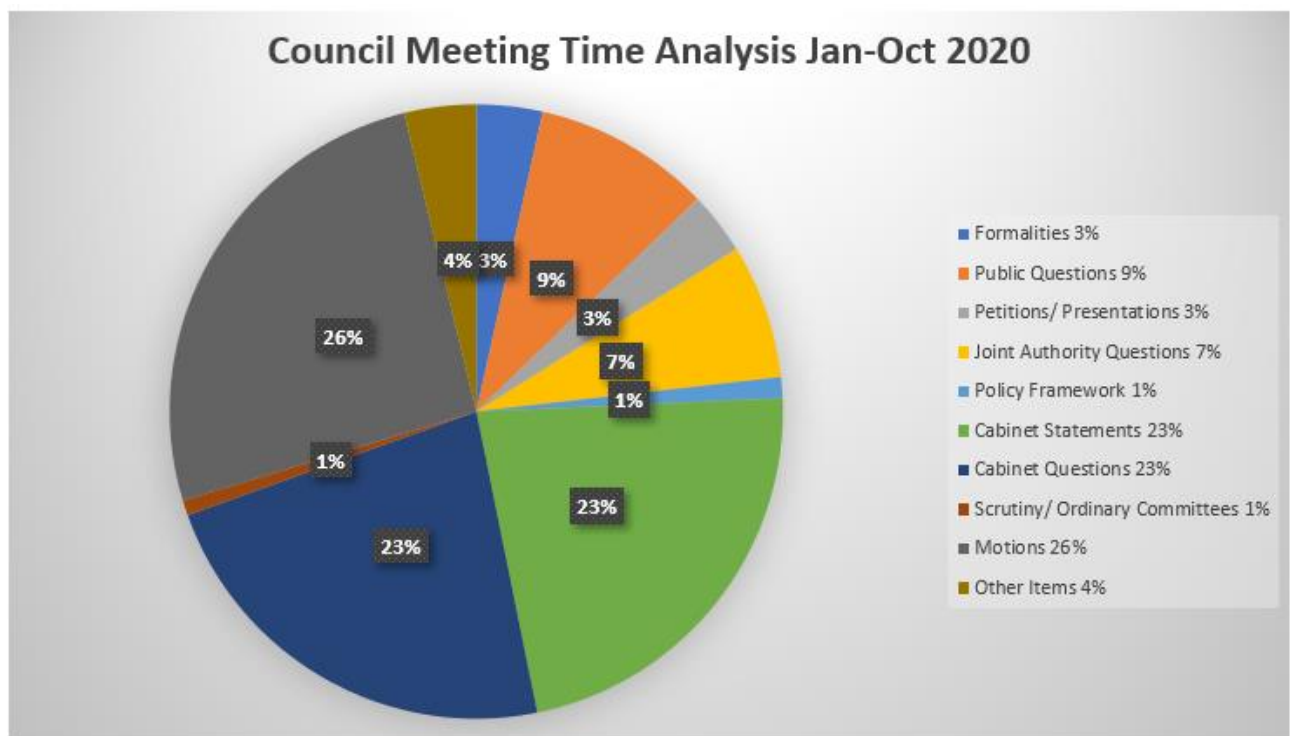
- 2.1 During the Municipal Year of 2019/20 the Constitution Working Party undertook a review of part of the Constitution in conjunction with a review of the Business Programme. The Council has previously approved the recommended amendments to the Business Programme, which have been adopted and published and many of the amendments to the Constitution that were proposed.
- 2.2 Save for the amendment of typographical errors or amendments which are required by law (which can be undertaken by the Monitoring Officer), any changes to the Constitution need to be approved by the Council Meeting.
- 2.3 The purpose of this report is to set out areas of the Constitution that the Monitoring Officer considers ought to be amended in order to assist an informed initial discussion at the Constitution Working Party at the meeting on 16 November 2020.
- 2.4 Further consideration will be given to the remaining parts of the Constitution which have yet to be reviewed during the next Municipal Year, including, but not limited to:

3. PROPOSED SECTIONS FOR CONSIDERATION

3.1 Duration of Council Meeting

- 3.1.1 Following the Council Meeting on 17 September 2020 the Monitoring Officer was requested by all Groups to consider at a Constitution Working Party meeting how the Council could consider reducing the duration of Council Meetings (given that the meeting on 17 September 2020 finished after midnight).
- 3.1.2 One of the amendments made to the Constitution in the Municipal Year 2019/20 was reducing the time to ask questions of the Cabinet from 3 minutes to 2 minutes and reducing the time for responses from 10 minutes to 5 minutes.
- 3.1.3 In order to assist Councillors we have looked back at the last four council meetings (excluding Annual Council and Budget Council meetings) and prepared a pie-chart of where the Council Meeting invests its time. This is set out below and demonstrates that the areas where the Council Meeting invests the vast majority of its time are:-

- (1) Cabinet Statements – 23%
- (2) Cabinet Questions – 23%
- (3) Motions – 26%



3.1.4 Bearing the above information in mind, the following are areas of the Constitution that could be considered in relation to seeking to reduce the duration of the Council Meeting which are included here to assist discussion only and are not recommendations per se of the Monitoring Officer:-

- whether the duration of the meeting is reduced from 4 hours and the Guillotine is invoked at an earlier time;
- Public Questions;
- Presentations;
- Cabinet Questions:
 - reducing number of questions that can be asked by each individual member;
 - reduce the speaking time for each Cabinet Member
- Motions – reduce time for speaking from 10 minutes

3.2 Part 3 (Scheme of Delegation)

3.2.1 Various amendments need to be made to the definitions of senior colleagues due to the change in senior leadership and all reference to legislation will be checked for accuracy (if still in force).

- 3.2.2 To reflect the fact that the financial values contained in the scheme of delegation regarding the award of contracts have not been altered for many years, the following changes are proposed:-

“2. The award of contracts in accordance with the following table:

Contract value	Decision maker
<i>Up to £99,999.99 (previously £49,999.99)</i>	<i>Corporate Director or any officer authorised in writing by the Corporate Director (Chief Officer)</i>
<i>£100,000 to £499,999.99 (previously £50,000 to £99,999.99)</i>	<i>Corporate Director</i>
<i>£500,000 to £4,999,999.99 (previously £100,000 to £4,999,999.99)</i>	<i>Following consultation with Cabinet Member with portfolio responsibility for the contract area, Corporate Director</i>
<i>£5,000,000 to £9,999,999.99 (no change)</i>	<i>Corporate Director or above and Cabinet Member with portfolio responsibility for the contract area.</i>
<i>In excess of £10 million (not change but added here for clarity)</i>	<i>Cabinet</i>

- 3.2.3 Clarify how the value of a contract is arrived at (value of contract for its entire term and not just per annum).
- 3.2.4 Clarify how the scheme of delegation works in relation to Frameworks and Dynamic Purchasing systems.

3.3 Part 4 – (Financial Procedure Rules) (“FPRs”)

- 3.3.1 Ensuring that all roles and responsibilities in these rules, the Contract Procedure Rules and the Scheme of Delegation are all consistent.
- 3.3.2 Including reference to approval of Grant Agreements and ensuring general consistency between the FPRs, the Contract Procedural Rules and Scheme of Delegation.

4. CONCLUSIONS AND RECOMMENDATIONS

- 4.1 That the Constitution Working Party notes the report and recommends which areas of the Constitution it would like to receive a further report on setting out detailed proposed amendments.

BACKGROUND PAPERS

There are none.

Anyone requiring further information should contact Vicki Bates

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