

# REVIEW OF THE CONSTITUTION IN RESPECT OF FINANCIAL AND CONTRACTUAL PROCEDURES AND QUESTIONS FOR COUNCIL BY COUNCILLORS

**REPORT BY: HEAD OF LEGAL & DEMOCRATIC SERVICES  
AND DIRECTOR OF RESOURCES**

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## Wards Affected

County-wide

## Purpose

To progress elements of the action plan in response to the Special Investigation Report on Financial Governance dated 21st September 2007 which required amendments to the Constitution.

## Financial Implications

In respect of amendments to the Constitution there are none other than the officer resource and publication of amendments. Training for officers and members on the implication of the proposed change to the Constitution will need to be arranged.

## Constitution Amendments

1. The Director of Resources and the Head of Legal and Democratic Services following a Special Investigation Report into financial governance issues have worked collaboratively together and with Audit and Corporate Governance Committee, Strategic Monitoring Committee and Cabinet revising the following Appendices of the Constitution, copies of which are attached:-  
  
Appendix 3 Policy Framework and budget rules  
Appendix 4 – Financial Procedure rules  
Appendix 5 – Contracts Procedure Rules.
2. All three appendices have been completely revised.
3. Cabinet is to consider the final proposed revisions on 28 February 2008. The Audit and Corporate Governance Committee and the Strategic Monitoring Committee are also to consider these proposed revisions on 29 February and 6 March respectively. A schedule setting out any recommended changes arising from these meetings will be circulated separately to Council.
4. Mini Guides and Training will be given to both Officers and Members on what the revisions will require and their implications and a strategy for such training will be agreed by the Director of Resources, Internal Audit and Head of Legal and Democratic Services.
5. In addition to revisions to the detailed procedural rules it is proposed that paragraph

4.25 of the Constitution headed "Formal Questions from Councillors" and in particular paragraph 4.25.1 bullet point 2 referring to deposit of questions being required by "10.30 a.m. on the last working day before the relevant Council meeting" should be changed to "10.30 a.m. on the Tuesday before the relevant Council meeting". This change is required to allow officers and Cabinet Members appropriate time to undertake the necessary research to provide an answer.

## **Recommendations**

**THAT**

- a) **the Budget and Policy Framework Procedure Rules, Financial Procedure Rules and Contract Procedure Rules attached to this report be adopted, subject to consideration of any further recommendations from Cabinet, the Audit and Corporate Governance Committee and the Strategic Monitoring Committee;**
- b) **the Head of Legal & Democratic Services ensures a thorough revision of the Scheme of Delegation for approval by Council in May 2008;**
- (c) **the Head of Legal & Democratic Services carries out a thorough review of the remainder of the Constitution for approval by Council in July 2008; and**
- d) **the amendments to paragraph 4.25.1 of the Constitution be approved.**

## **Background Papers**

None