

MEETING:	COUNCIL
DATE:	16 JULY 2010
TITLE OF REPORT:	COUNCIL CONSTITUTION
REPORT BY:	CABINET MEMBER FOR CORPORATE AND CUSTOMER SERVICES AND HUMAN RESOURCES

CLASSIFICATION: Open

Purpose

To seek approval for and present matters relating to the Council Constitution.

Recommendation(s)

THAT Council :

- a) **Approves the following changes to the Constitution:**
 - i. **The Contracts Procedure Rules**
 - ii. **The designation of Monitoring Officer to the successor post of Assistant Director Law and Governance following the cessation of the current interim arrangements**
- b) **Notes that a technical redraft of the constitution has been undertaken**
- c) **Receives and adopts the refreshed constitution to take effect from 1 August 2010**
- d) **Notes the work undertaken by the Constitutional Review Working Group which will continue to assist with such further constitutional review work as it determines.**

Key Points Summary

- Council at its meeting on 13 November 2009 agreed to adopt a new Constitution to take effect on 1 January 2010. This completed Phase 1 of the constitutional review.
- Members of the Constitutional Review Working Group (CRWG) have been progressing further phases of the constitutional and governance review and made a number of recommendations to the Annual Council Meeting on 28 May, which were approved.
- This report outlines a number of issues relating to the constitution for consideration by the Council Meeting which includes:

- (i) the Contracts Procedure Rules
- (ii) designation of Monitoring Officer
- (iii) the submission of a fully revised constitution for adoption by Council

Alternative Options

- 1 The alternative options in each of the issues outlined have been discussed at either the Constitutional Review Working Group or other bodies where applicable.
- 2 Council now has the following options:
 - a. To accept the amendments as outlined in the report
 - b. To reject the amendments as outlined in the report

Reasons for Recommendations

- 3 The Council is being asked to make two substantive amendments to the Constitution; namely, to adopt new Contract Procedure Rules and to change the arrangements for designation of the Monitoring Officer. The Council is also being asked to adopt the Constitution which has been the subject of technical amendments by the Monitoring Officer with the assistance of the Constitutional Review Working Group. The technical redraft is intended to address drafting issues and the matters explained in this report. With the exception of the formal inclusion of the Code of Corporate Governance and the 10 principles of public life in a preamble to the Constitution, the technical redraft of the constitution as presented does not include any additional substantive changes.

Introduction and Background

- 4 At its meeting on 13 November, the Council tasked the Monitoring Officer to undertake further work on the constitution under the direction of the Constitutional Review Working Group. A further substantive report was considered by the Council at its Annual Meeting on 28 May 2010. This report seeks approval of work which has been undertaken during Phase 3 of the constitutional and governance review and which requires either the Constitution to be amended or technical drafting changes to be included within the constitution. Additionally, Council is asked to receive and formally adopt the re-drafted constitution to take effect from 1 August 2010.

Key Considerations

Contracts Procedure Rules

- 5 .In accordance with the action required by CRWG, a Project Team was established to review and propose any necessary amendments to the Contract Procedure Rules. The team included members of Procurement and Legal Services, with Councillor M Cooper as the Lead Member on behalf of the CRWG and the Director of Resources as the Lead Director.
- 6 The Project Team considered the Rules in depth and consulted Audit and Governance Committee informally, the Joint Management Team and CRWG.
- 7 The main areas of key changes or adjustments are as follows:
 - i) Clearer and more rigorous rules have been set around the use of Approved Suppliers, promoting more regular assessment of suitability and competitiveness;

- ii) Allowing Legal Services more flexibility to ensure procedures are efficient in the use of Officer's time, while maintaining sufficient scrutiny, including allowing the option of electronic processing of tenders;
 - iii) Promoting increasing collaboration with NHSH, and other potential partners, where this can improve value for money;
 - iv) Job titles have been updated or made more generic, so amendments will not need to be made as frequently, as structures and titles change;
 - v) Various unclear and anomalous wordings have been improved.
- 8 While there are a number of revised paragraphs, it should be pointed out that the majority relate to the latter two issues, so the overall impact is not one of radical change. The new Procedure Rules are at Appendix 1.
- 9 The Council is requested to consider and adopt the Contract Procedure Rules as appended.

Designation of Monitoring Officer

- 10 Following the cessation of the current interim arrangements for Assistant Chief Executive Legal and Democratic, the organisation is seeking to replace this post with a permanent position. The Council is asked to designate whatever post is created in replacement as the Council's Monitoring Officer and to authorise the Monitoring Officer under delegations to make the relevant changes to the Constitution. Those changes will be limited to replacing any reference in the Council's Constitution to the Assistant Chief Executive – Legal and Democratic if the new post has a new title. Members are also advised that the constitution will make reference as appropriate to the Monitoring Officer as opposed to a post title to minimise the disruption to the constitution of any successor post titles.

Revised Constitution

- 11 The Council was advised on 28 May that, as part of the ongoing review of the constitution, that Members, Officers and interested individuals had provided helpful comments on the contents of the constitution in relation to possible anomalies, inconsistencies and duplications as well as highlighting the need to address presentational issues in respect of typographical corrections, grammar and formatting. All comments on the constitution were welcomed and considered.
- 12 Members were advised that the constitution would be undergoing a full technical redraft with many of the comments being dealt with as part of this process. This has been undertaken by the Monitoring Officer in line with the delegated authority provided by the Council. The CRWG has been fully engaged in the process.
- 13 With the exception of the formal inclusion of the Code of Corporate Governance and the 10 principles of public life in a preamble to the Constitution, the technical redraft of the constitution as presented does not include any additional substantive changes. The technical redraft has ensured that the constitutional issues agreed and adopted by Council since the 1 January 2010 have been appropriately captured. Additionally the technical redrafting process has:
- consolidated various parts of the existing constitution which has reduced duplication and removed superfluous wording
 - clarified terms

- updated the glossary of terms
- Included a contents page
- captured and corrected typographical and grammatical errors
- updated post title references and other bodies (e.g First Tier Tribunal)

14 A fully tracked changed version of the constitution has been retained by the Assistant Chief Executive Legal and Democratic and is available to be viewed by Members.

15 To enable Members to formally adopt the redraft of their constitution, their personal copy will be replaced. This will be distributed to Members shortly together with a table setting out the main technical changes. The table will additionally set out some proposed amendments received from Members which have not been incorporated in the Constitution.

16 The constitution as presented is recommended to Council by the Monitoring Officer and Council is requested to approve the updated constitution to formally take effect from 1 August 2010.

17 Members are advised that further work is progressing in relation to the constitution and a further report will be submitted to Council for consideration in November 2010.

Community Impact

18 These amendments to the Constitution seek to clarify elements of the constitution thus enable the public to understand more clearly what the Council and its partners are trying to achieve and how they work together to do that.

Financial Implications

19 There are none

Legal Implications

20 The Constitution reflects the statutory requirements and guidance.

Risk Management

21 There are no risk management issues other than the need to ensure legal compliance.

Consultees

22 The Constitutional Review Working Group has met frequently and been consulted on all proposals in this report.

Appendices

23 Appendix 1 – Contracts Procedure Rules

Background Papers

There are none