

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

POLICY DEVELOPMENT GROUP – 2 MARCH 2016

Title of report	UPDATE OF THE COUNCIL'S CONSTITUTION
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Purpose of report	To seek Scrutiny's comments on and recommendation to Council on proposed amendments arising from the Annual Review of the Constitution
Reason for Decision	To comply with the Constitutional update procedure agreed by Council
Council Priorities	It covers all the priorities.
Implications:	
Financial/Staff	None.
Link to relevant CAT	Not applicable
Risk Management	A clear and up to date Constitution will minimise the risk of the Authority failing to comply with statutory requirements and assist in delivering its priorities and objectives.
Equalities Impact Assessment	Not applicable.
Human Rights	Not applicable.
Transformational Government	Clear and robust governance arrangements and procedures assist with the effective and efficient delivery of services and proper decision making.

Comments of Head of Paid Service	The report is satisfactory.
Comments of Section 151 Officer	The report is satisfactory.
Comments of Deputy Monitoring Officer	As report author, the report is satisfactory.
Consultees	Procurement Gateway Board Statutory Officers. Head of Legal and Support Services. Head of Finance
Background papers	None
Recommendations	THAT POLICY DEVELOPMENT GROUP NOTE AND COMMENT ON THE SUGGESTED AMENDMENTS TO THE CONSTITUTION AND RECOMMEND THEM TO COUNCIL FOR APPROVAL

1.0 BACKGROUND

1.1 Full Council regularly considers items relating to updates to the Constitution. The updates are generally required due to legislative and organisational changes or to clarify and improve processes within the Authority to reflect best practice. Members may recall that, in response to comments and suggestions made by members at Council, it was agreed that:

- (i) the Constitution underwent one main annual review - around the time of Annual Council;
- (ii) any remaining changes or matters arising after this date would be dealt with by way of one mid year review;
- (iii) further reviews or changes would only be suggested outside this process if legislation or national guidance required it;
- (iv) there was some “scrutiny” of the main annual review report whilst in draft and prior to its publication;
- (v) there would be informal consultation / engagement with members on the mid year and other reviews.

2.0 ROLE OF SCRUTINY

2.1 Where amendments are identified and proposed Policy Development Group are asked to consider the draft Council report and comment on the suggested amendments.

3.0 PROCESS OF REVIEW

- 3.1 As indicated at 1.1 above updates are generally required due to legislative and organisational changes or to clarify and improve processes within the Authority to reflect best practice.
- 3.2 Each year a survey of Officers is undertaken and they are invited to submit proposed amendments for consideration by the Monitoring Officer which arise from legislative changes, organisational changes or for reasons of business efficiency
- 3.3 In parallel with this process the Legal Services Team review any proposed legislation which is likely to require amendments to the constitution.

4.0 DISCUSSION

- 4.1 The constitution is currently undergoing a full review of its structure and content reflect best practice and legislative changes.
- 4.2 This report is one of a series that have been brought to PDG over the last year.

5.0 Changes to the Constitution arising from the review.

Contract Procedure Rules

- 5.1 As a result of the enactment of the Public Contracts Regulations 2015 the Council has reviewed and updated its Contract Procedure Rules which set out the procedures that officers should consider when procuring goods and services.
- 5.2 The Contract Procedure Rules have been reviewed and amended by the Procurement Gateway Board which is chaired by the Chief Executive and involved officers from Financial Services (including Procurement Services), the Head of Finance, the Head of Legal and Support Services and the Director of Housing.
- 5.3 The proposed amendments to the Contract Procedure Rules are attached as Appendix 1.