

**NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL**

**COUNCIL – 22 MARCH 2016**

Title of report	<b>UPDATE OF THE COUNCIL'S CONSTITUTION</b>
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Purpose of report	To seek Council's approval of the proposed amendments to the Constitution.
Council Priorities	The Constitution 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 Screening	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 Deputy Chief Executive	The report is satisfactory.
Comments of Deputy Section 151 Officer	The report is satisfactory.
Comments of Deputy Monitoring Officer	The report is satisfactory.

Consultees	Procurement Gateway Board Statutory Officers. Head of Legal and Support Services. Head of Finance Policy Development Group
Background papers	<a href="#">Report to Policy Development Group – 2 March 2016</a>
Recommendations	<p><b>IT IS RECOMMENDED THAT COUNCIL:</b></p> <ol style="list-style-type: none"> <li><b>1. NOTES THE COMMENTS OF MEMBERS OF POLICY DEVELOPMENT GROUP;</b></li> <li><b>2. APPROVE THE AMENDMENTS TO THE CONSTITUTION SET OUT IN APPENDIX 1;</b></li> </ol> <p><b>AND</b></p> <ol style="list-style-type: none"> <li><b>3. AUTHORISES THE HEAD OF LEGAL AND SUPPORT SERVICES TO MAKE THE AGREED AMENDMENTS TO THE CONSTITUTION AND RE-ISSUE THE DOCUMENT.</b></li> </ol>

## **1.0 INTRODUCTION**

- 1.1 The Local Government Act 2000 requires each local authority to prepare, keep up to date and publicise the document known as the Constitution.
- 1.2 The Constitution should be logical, integrated and accessible to members, officers, local people and anyone else interested in the way a local authority makes its decisions. There is also a statutory requirement on the Council's Monitoring Officer to keep the Constitution up to date, and accordingly the update of the Constitution is an on-going process.

## **2.0 BACKGROUND**

- 2.1 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.

### **3.0 CHANGES TO THE CONSTITUTION PRESENTED TO THE POLICY DEVELOPMENT GROUP ON 2 MARCH 2016.**

#### **Contract Procedure Rules**

- 3.1 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.
- 3.2 The Contract Procedure Rules have been reviewed and amended by the Procurement Gateway Board which was chaired by the Chief Executive at the time of the review 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.
- 3.3 The proposed amendments to the Contract Procedure Rules are attached as Appendix 1.

### **4.0 COMMENTS FROM THE POLICY DEVELOPMENT GROUP**

- 4.1 The proposed amendments to the constitution were considered by the Policy Development Group on 2 March 2016. A copy of the draft minutes from the meeting of Policy Development Group are attached at Appendix 2.
- 4.2 Officers have considered the comments made by Policy Development Group and;
  - a) Propose that being satisfied that the change of wording in CPR 6 from 'obtain' to 'source' is not material as the threshold table in CPR 5.5 still refers to 'seeking three quotations' that the wording reverts to 'obtain'; and
  - b) That the Contract procedure Rules at 6.11 are sufficiently clear in relation to awarding contracts locally.