

Council/ Meeting		Agenda Item:
Meeting Date	19 October 2016	
Report Title	Constitution review	
Cabinet Member	Cllr Andrew Bowles, Leader.	
SMT Lead	Mark Radford, Director of Corporate Services and Monitoring Officer	
Head of Service		
Lead Officer	Katherine Bescoby, Democratic and Electoral Services Manager	
Key Decision	No	
Classification	Open	
Forward Plan	Reference number:	
Recommendations	<ol style="list-style-type: none"> 1. The Director of Corporate Services, in consultation with the Leader, be given the delegation to incorporate, the revised national model procedure relating to the dismissal of statutory officers into Part 4.8 of the Officer Employment Procedure Rules within the Constitution. 2. The revised scheme of officer delegation to the Head of Planning as set out in the revised working paper to the report be adopted. 3. The proposed amendments to the Contract Standing Orders as set out in the working papers be adopted as part of the Constitution. 	

1 Purpose of Report and Executive Summary

1.1 This report sets out the recommendations from General Purposes Committee (GPC) held on 29 September 2016 for consideration and adoption by Council.

The report sets out the details of:

- The latest position in relation to Statutory Officer disciplinary procedures and suggests a delegation to allow for the finally agreed national procedures to be incorporated into the Constitution.
- Suggested changes to the Head of Planning Officer Delegation.
- Proposed changes to Contract Standing Orders to reflect updated procedures to ensure that business is conducted effectively and efficiently.

(Whilst a review of all the procedure rules has been undertaken, it should be noted that regulations and the statutory Modular Constitution guidance means that the review has concentrated on those areas where the Council has discretion.)

Elsewhere on the agenda there is a separate report relating to:

- Review of speaking rights at Planning Committee in the light of the Motions submitted to Council on 21 September 2016

2. Background

- 2.1 Attached to this report are the relevant papers presented to General Purposes Committee. The following working papers have been revised to reflect GPC's discussions:
- 2.2 In relation to Contract Standing Orders, under item 12.3 where it was agreed to add the word solely after not to emphasise that contracts shall be awarded on the most economical and advantageous tender to the Council and not solely on price. Also under item 14.2.3 further clarification has been added for extensions to contracts where it was agreed that a contract written with the intention to renew (e.g. 3 years plus two years) does not require any exceptional circumstances in order for the extended period to be implemented. This would be subject to confirmation that performance levels and value for money criteria were being met.
- 2.3 In relation to proposed amendments to the Head of Planning delegations regarding s 106 Agreements a revised wording has been suggested to reflect the concerns expressed at GPC.

3. Proposals

- 3.1 Council is asked to agree to the recommendations submitted by GPC as follows that:
1. The Director of Corporate Services, in consultation with the Leader, be given the delegation to incorporate, the revised national model procedure relating to the dismissal of statutory officers into Part 4.8 of the Officer Employment Procedure Rules within the Constitution.
 2. The revised scheme of officer delegation to the Head of Planning as set out in the revised working paper to the report be adopted.
 3. The proposed amendments to the Contract Standing Orders as set out in the working papers be adopted as part of the Constitution.

4 Alternative Options

- 4.1 There is discretion on the proposals set out in the Working Papers; matters where there is no discretion in relation to law and statutory guidance do not form part of this report.
- 4.2 GPC have considered the working papers and made the recommendations set out in para 3.

5 Consultation Undertaken or Proposed

- 5.1 The review of the Constitution is the role of GPC. All members do receive all council agendas and reports and can attend the Committee. All recommendations from GPC have to be agreed by Council

6 Implications

Issue	Implications
Corporate Plan	Having an up to date Constitution is important for good governance and decision making and is part of the Council to be proud of objective.
Financial, Resource and Property	None at this stage, it is anticipated that the work arising out of the review will be contained within existing resources.
Legal and Statutory	Where there is a change as a result of legislation or regulation, or suggested on the basis of legal advice this is set out in the working papers.
Crime and Disorder	None identified at this stage.
Sustainability	None identified at this stage.
Health and Wellbeing	None identified at this stage.
Risk Management and Health and Safety	None identified at this stage.
Equality and Diversity	None identified at this stage.

7 Appendices

- 7.1 The following documents are to be published with this report and form part of the report:

Appendix I: Revised Working Paper re Scheme of Officer Delegation to the Head of Planning Services

Appendix II: Working Paper re Contract Standing Orders

8 Background Papers

Agenda and Minutes of the General Purposes Committee meeting held on 29 September 2016 www.swale.gov.uk