

Appendices: 5



**NORTHAMPTON**  
BOROUGH COUNCIL

# **COUNCIL**

## **9<sup>th</sup> July 2018**

**Agenda Status: Public**

**Directorate: Borough Secretary**

<b>Report Title</b>	<b>Proposed amendments to the Constitution</b>
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### **1. Purpose**

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- 1.1 The purpose of this report is to propose amendments to the Constitution for Full Council's approval, following recommendations made by the Constitution Review Working Party.

### **2. Recommendations**

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It is recommended that Full Council:

- 2.1 accept the recommendations of the Constitution Review Working Party and approve the following proposed amendments to the Constitution:
- a) revised Financial Regulations (Appendix 1);
  - b) new Planning Protocol (Appendix 2);
  - c) revised delegated powers to the Head of Planning and the Borough Secretary and Monitoring Officer (Appendix 3);
  - d) addition to the Scheme of Delegations to Officers regarding the delegation of powers to interim staff (Appendix 4); and
  - e) revised Contract Procedure Rules (Appendix 5).
- 2.2 delegate authority to the Borough Secretary and Monitoring Officer to make any further minor consequential changes to the Constitution required to incorporate the proposed changes to the Constitution referred to in paragraph 2.1 above.

### **3. Issues and Choices**

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#### **3.1 Report Background**

- 3.1.1 The Council's Constitution is a fundamental governance document. Constitutions by their nature reflect the period in time in which they were agreed and can quickly become out of date, particularly where there are changing external influences. It is therefore important that the Constitution is kept under review and updated periodically.
- 3.1.2 The Council's cross party Constitution Review Working Party (CRWP) have been meeting to discuss changes and updates to the Constitution which would improve and update the Council's internal governance arrangements and give effect to statutory provisions and relevant guidance.
- 3.1.3 On 22<sup>nd</sup> January 2018, Full Council agreed amendments to the Constitution following the CRWP's initial review of the changes.
- 3.1.4 The CRWP last met on 10<sup>th</sup> May 2018 and considered further changes to the Constitution, which are detailed in this report for Full Council's consideration and approval.

#### **3.2 Decision details**

##### **3.2.1 Financial Regulations**

The CRWP recommended that the draft revised Financial Regulations at Appendix 1 to this Report be recommended to Full Council for approval.

The main proposed changes to the Financial Regulations are as follows:

Updating job titles and recognising the roles of LGSS and interim staff. The Regulations will require further updates to reflect the current senior management review in order to ensure that they are fit for purpose until a new set of financial regulations is developed for the potential new unitary authority.

Following discussions at the Constitution Review Working Party, an additional section on Loans to Third Parties (section 7.10) has been included. This is consistent with the Treasury Management Strategy approved by Council in February 2018.

##### **3.2.2 Planning Protocol**

The CRWP recommended that the draft Planning Protocol at Appendix 2 to this Report be recommended to Full Council for approval.

Adopting a Planning Protocol will assist in ensuring that planning decisions made by the Planning Committee are reached and are seen to be reached, in a fair, open and impartial manner, and that only relevant planning matters are taken into account.

The draft Planning Protocol at Appendix 2 covers issues such as Disclosable Pecuniary Interests and personal interests, pre-determination and predisposition and lobbying. It clarifies processes including site visits and call-in of planning applications and will help Members to understand their roles at Planning Committee. In preparing the draft Protocol, the Local Government Association and Planning Advisory Service document, *Probity in Planning* was considered.

### 3.2.3 Delegated Powers to the Head of Planning and the Borough Secretary

The CRWP recommended that the proposed amendments to the delegations to the Head of Planning and to the Borough Secretary as shown at Appendix 3 be recommended to Full Council for approval.

The proposed changes to the existing delegated powers are shown as track changes.

The only changes proposed to the delegated powers of the Borough Secretary are to delegations related to planning matters.

The amendments proposed to the Scheme of Delegations are in order to reflect recent changes to planning legislation as well as to remove out of date and irrelevant information. These include updated references to the Town and Country Planning (General Permitted Development) (England) Order 2015, reference to new planning procedures such as the Community Infrastructure Levy Regulations, and removal of reference to the West Northamptonshire Development Corporation.

### 3.2.4 Addition to the Scheme of Delegations to Officers regarding the delegation of powers to interim staff

The CRWP recommended that the proposed addition to the Scheme of Delegations to Officers, regarding the delegation of powers to interim staff, as shown at Appendix 4, be recommended to Full Council for approval.

The purpose of the proposed change is to ensure that officers employed on a temporary basis by the Council who are required to carry out statutory duties, such as for example Planning, Housing and Environmental Health officers can do so without the risk of being challenged for not having the appropriate authority to act.

### 3.2.5 Contract Procedure Rules

The CRWP recommended that the draft revised Contract Procedure Rules shown at Appendix 5 be recommended to Full Council for approval.

It is recommended that the draft Contract Procedure Rules shown at Appendix 5 be approved to replace the current version in Part 4 of the Constitution.

The Contract Procedure Rules have been amended to ensure that they reflect the Public Contract Regulations 2015, for example by stating the requirement to advertise certain contracts on Contracts Finder, which is a service provided

by the Crown Commercial Service and referred to in the Regulations that enables suppliers to search for information about contracts. The proposed changes have also reflected on recent case law and the need for those conducting the procurement process to be responsible for following the correct process.

The proposed changes also amend the definition of high value and low value procurement in the Rules. High value procurement is now defined as procurement having a value of £100,000 or more. (Previously, the threshold was £75,000).

#### **4. Implications (including financial implications)**

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##### **4.1 Policy**

4.1.1 There are no policy implications arising directly from this Report.

##### **4.2 Resources and Risk**

4.2.1 There are no resource implications arising directly from this report. As the Constitution is an important governance document for the Council, keeping it up to date, will facilitate clarity and decision making, clarify responsibilities and accountabilities and help to better manage legal risks.

##### **4.3 Legal**

4.3.1 The Council has a legal responsibility under the Local Government Act 2000 to prepare its Constitution and keep it up to date. Other legal implications are referred to in the body of the Report.

##### **4.4 Equality**

4.4.1 There are no equalities implications arising directly from the proposed changes to the Constitution in this Report.

##### **4.5 Other Implications**

4.5.1 None.

#### **5. Background Papers**

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5.1 Papers and minutes of the Constitution Review Working Party – 10<sup>th</sup> May 2018

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