

There are 3 proposed amendments to the Constitution. These minor amendments have been made by the Monitoring Officer in line with Article 14 of the Constitution, but require Council agreement to remain in effect.

1. Part 3 – Delegations to Officers – page 60

The Council's Redundancy Policy (approved in 2008) makes it clear that staffing restructure proposals which may result in one or more redundancies require Council approval. The Council is responsible for determining the overall proposals – but not the selection of individuals for slotting-in, appointment, redeployment or redundancy. The Policy infers that selection of individuals for redundancy will be made by a Chief Officer because it expressly forbids a Chief Officer from hearing an appeal if that Chief Officer was "involved in the original decision". However, the delegations to officers in Part 3 of the Constitution are not clear in this regard. Proposal is therefore to – add a new delegation to Chief Officers between delegations two and three on page 60 in the following terms "to implement all service reviews approved by the Council, including all subsidiary staffing matters including but not limited to determining changes to terms and conditions of service and selection of individuals for slotting-in, appointment, redeployment or redundancy"

2. Part 4B – Financial Procedure Rules – Paragraph 3.4.4 (Page 110)

There is an error in the virement limits set out at para 3.4.4. Virement of amounts up to £20,000 have always been delegated to Senior Managers but are erroneously shown as being delegated to Chief and Deputy Chief Officers. Proposed – insert the following at the beginning of 3.4.4 and delete sub paragraph (a) under the heading Chief Officer / Deputy Chief Officers

Budget Holder (Senior Manager)

(a) Up to £20,000.00, between any one Budget head to another (Standard groupings) for which they are responsible, during the financial year after notification to the S151 Officer

3. Part 4B - Contract Procedural Rules

Variations and Exemptions - Paragraph 7.2 (Page 121)

The Constitution does not, at present, deal with contract awards to a company owned and controlled by the Council (known as a "Teckal" company). This is necessary to make best use of the flexibilities available. Proposed: to insert the following

7.2.11 goods works or services contracts may be awarded directly to companies which can be legally defined as a "Teckal" company. The control the local authority exercises over the company must be similar to that which it exercises over its own departments; at least 80% of the

function of the company's activities must be with the controlling local authority or authorities.

Contract Documents – Paragraph 22 (Page 136)

At paragraph 22, contract terms and conditions, it is necessary to make an amendment in order to bring the Constitution into line with statutory obligations, and in particular the requirements of the Equality Act 2010.

Proposed: to amend paragraph 22.1.3 as follows:

22.1.3 In addition, every Relevant Contract for purchases over £25,001.00 for works, £25,001.00 for supplies of goods, materials or services and £10,000.00 for consultants must also as a minimum state clearly:

- a) that the contractor may not assign or sub-contract without prior written consent
- b) any insurance and liability requirements
- c) health and safety requirements
- d) ombudsman requirements
- e) data protection requirements if relevant
- f) that charter standards are to be met if relevant
- g) requirements under the Equalities Act 2010
- h) Obligations under the Care Act 2014 in safeguarding adults and children
- i) a right of access to relevant documentation and records of the contractor for monitoring and audit purposes, including obligations under the FOI Act 2000 and 2015 Transparency Code
- j) requirements under the Counter-terrorism and security act 2015 and Prevent strategy where applicable
- k) Obligations under the Public interest disclosure act 1998 including employee whistleblowing