

# Executive

## Constitution Update

12 April 2010

### Report of Head of Legal and Democratic Services

#### PURPOSE OF REPORT

To approve amendments and updates to the Council's constitution

This report is public
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#### Recommendations

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The Executive is recommended to ask Council to approve the following:

- (1) To approve the changes to the scheme of delegation detailed in this report and to delegate to the Head of Legal and Democratic Services the detailed reallocation of powers reflecting the recent review of the Extended Management Team and the retirement of the Head of Safer Communities and Community Development.
- (2) To approve the revised Proper Officer provisions (Appendix 1).
- (3) To approve the changes to the Contract Procedure Rules detailed in this report.
- (4) To approve the revised and updated Finance Procedure Rules (Appendix 2).

#### Executive Summary

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##### Introduction

- 1.1 The Council approved a new scheme of delegation in April 2009. This now needs to be updated to reflect changed job titles and the reallocation of the duties of the Head of Safer Communities and Community Development who retired on 31 March together with the three changes set out in 1.5.
- 1.2 The Proper Officer provisions have been updated as part of an exercise to work towards all the Oxfordshire authorities having similar provisions. I have taken the opportunity to update and remove references to out of date legislation and to amend to reflect new Head of Service titles and responsibilities.

- 1.3 There are three changes to the Contract Rules of Procedure for consideration.
- 1.4 The Finance Rules of Procedure have been rewritten and slimmed down

### **Proposals**

- 1.5 Other than reallocating the Head of Safer Communities and Community Development there are three key changes to the scheme of delegation. These are
  - To authorise the Head of Legal and Democratic Services to enter into a Traffic Penalty Tribunal ( TPT) s.101 Joint Committee Agreement under the Local Government Act 1972 ( such power is required should the Council choose to go down the civil parking enforcement route)
  - To authorise the Head of Environmental Services to commit the authority to the obligations of an Air Quality Management Area Order under the Environment Act 1995. This obliges local authorities, following an assessment of air quality in their area, to take action when objectives are not met.
  - To confirm that all the powers exercised by the former Head of Exchequer are now undertaken by the Head of Finance
- 1.6 There are three key changes to the Contract Procedure Rules. These are
  - Allow Heads of Service to authorise waiver of Contract Procedure Rules where procurement is under £10 000. This will prevent delays in procuring relatively small value contracts
  - Increase threshold for seeking two quotations from £5 000 to £10 000
  - Confirm that the regulatory role of the Procurement Steering Group continues unaffected but that there will now be a Procurement Strategy Group in line with the Council's corporate procurement strategy being considered elsewhere on this agenda.

### **Conclusion**

- 1.7 The constitution needs to be kept updated so that it reflects the current structure. Powers must be exercised properly in order to minimise challenge.

## **Key Issues for Consideration/Reasons for Decision and Options**

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- 3.1 The Head of Safer Communities and Community Development has retired and his delegated powers need to be reallocated
- 3.2 Updating and streamlining will ensure the constitution remains fit for purpose

The following options have been identified. The approach in the recommendations is believed to be the best way forward

**Option One** To approve the recommendations as drafted

**Option Two** To amend the recommendations

## **Consultations**

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**Relevant Heads of Service** Comments on which powers being allocated to which Head of Service

## **Implications**

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**Financial:** There are no financial issues arising from this report. Financial Rules of Procedure Rules shape best practice in how the Council should conduct its financial management. They explain how the Council meets its key principles and expectations as set out in Financial Regulations. The Rules also outline the responsibilities of service directors and the chief finance officer in applying the Rules within their areas of operations.

Comments checked by Karen Curtin, Head of Finance 01295 221551.

**Legal:** It is essential that the constitution is kept up to date so that the Council is able to work as effectively as possible and actions are not open to challenge

Comments checked by Liz Howlett, Head of Legal and Democratic Services 01295 221686

**Risk Management:** The Council relies on the constitution as the legal framework within which to exercise authority and therefore manage the risk of any challenge to such authority

Comments checked by Rosemary Watts, Risk Management and Insurance officer 01295 221566

## **Wards Affected**

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All

## **Corporate Plan Themes**

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An accessible value for money Council

## Executive Portfolio

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**Councillor Pickford**  
**Portfolio Holder for Democratic Services and Member Development**

### Document Information

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<b>Appendix No</b>	<b>Title</b>
Appendix 1	Proper Officer Provisions
Appendix 2	Finance Rules of Procedure
<b>Background Papers</b>	
Council's constitution	
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