

GOVERNANCE COMMITTEE

1 FEBRUARY 2016

REPORT OF MONITORING OFFICER

CONSTITUTION UPDATE 2015 16

1.0 PURPOSE OF REPORT

- 1.1 The Committee is requested to consider constitutional items and those approved will be referred to the Council for adoption and incorporation into the Council's Constitution.

2.0 RECOMMENDATIONS

- 2.1 To consider and approve the following and if approved by this Committee, refer to the Full Council for adoption :-

(a) Head of Central Services – Change to existing Officer Delegation - 65

To increase the income threshold of this existing Officer Delegation from £10,000 per annum to £20,000 per annum and the amended delegation read as follows :-

‘To effect the taking or the grant, renewal, rent assignment, transfer, surrender review and termination of any leases, licences, easements, wayleaves, consents and rights in land or buildings, the income from which does not exceed £20,000 per annum or a premium payable does not exceed £20,000 per annum.’

(b) Corporate Property Officer – Change to existing Officer Delegation - 1

To increase the income threshold of this existing Officer Delegation from £10,000 per annum to £20,000 per annum and the amended delegation read as follows :-

‘To effect the taking or the grant, renewal, rent assignment, transfer, surrender review and termination of any leases, licences, easements, wayleaves, consents and rights in land or buildings, the income from which does not exceed £20,000 per annum or a premium payable does not exceed £20,000 per annum.’

(c) Head of Communities and Neighbourhoods – New Officer Delegation

A new Officer Delegation for the Head of Communities and Neighbourhoods is needed in relation to the Wheels to Work scheme to allow the insurance excess charge to be waived in exceptional circumstances.

The new delegation to read as follows :-

‘In respect of the Wheels to Work scheme, to determine whether to waive the insurance excess charge in exceptional circumstances.’

(d) Contract Procedure Rules : OJEU Thresholds

It be noted that the Head of Central Services had exercised her delegation for an amendment to the Contract Procedure Rules of the following revised OJEU thresholds which came into effect from 1 January 2016 and will apply for two years :-

Goods and Services

New threshold: £164,176 (was £172,514)

Works

New threshold: £4,104,394 (was £4,322,012)

Light Touch (mainly care contracts)

New threshold : £589,148

3.0 KEY ISSUES

- 3.1 As the Constitution is a living document, any additions or changes are brought to the Committee's attention as soon as these come to light to enable the Council's work to move forward and the Constitution to be as up to date as possible. The Council's Management Team and T3 (Third Tier Officer Group) are involved in updating their respective areas of the Constitution.
- 3.2 The Committee is to refer its recommendations for amending the Constitution to the Full Council for approval and inclusion in the Constitution.
- 3.3 Head of Central Services – Change to existing Officer Delegation – No. 65
Corporate Property Officer – Change to existing Officer Delegation – No. 1

It has become necessary to propose a change to the following delegated authority of both the Head of Central Services and the Corporate Property Officer :-

'To effect the taking or the grant, renewal, rent assignment, transfer, surrender review and termination of any leases, licences, easements, wayleaves, consents and rights in land or buildings, the income from which does not exceed £10,000 per annum or a premium payable does not exceed £10,000 per annum.'

The change is to reflect an increase in the income threshold from £10,000 per annum to £20,000 per annum due to the expectation that the normal letting fees at Phoenix House and at the Snow Hill Units will exceed the £10,000 threshold for certain units.

3.4 Head of Communities and Neighbourhoods – New Officer Delegation

A new Officer Delegation for the Head of Communities and Neighbourhoods is needed in relation to the Wheels to Work scheme to allow the insurance excess charge to be waived in exceptional circumstances.

The new delegation to read as follows :-

In respect of the Wheels to Work scheme, to determine whether to waive the

insurance excess charge in exceptional circumstances.

3.5 Contract Procedure Rules : OJEU Thresholds

It be noted that the Head of Central Services had exercised her delegation for an amendment to the Contract Procedure Rules of the following revised OJEU thresholds which came into effect from 1 January 2016 and will apply for two years.

Every two years the European Union sets new OJEU thresholds to reflect variations in currencies. The thresholds changed again on 1 January 2016. This time around, the thresholds are decreased, as the pound is stronger than it was two years ago. The key threshold from 1 January is for goods and services, which comes down eight thousand pounds to £164,176. This applies to any procurement advertised from 1 January. Tenders that were already in progress and already advertised were not affected. The new thresholds in full are :-

Goods and Services

New threshold: £164,176 (was £172,514)

Works

New threshold: £4,104,394 (was £4,322,012)

Light Touch (mainly care contracts)

New threshold : £589,148

These figures supersede those shown currently in the Contract Procedure Rules.

- 3.6 The above items are presented for approval by this Committee before referral to the Full Council for adoption.

4.0 **POLICY AND CORPORATE IMPLICATIONS**

- 4.1 Due to the Constitution being a living document there are times when amendments are needed to enable the organisation to function efficiently. Therefore items will be referred to the Committee as required.
- 4.2 The regular reviews and updates to the Constitution and ensuring it is up to date on its decision-making processes supports the Council's priority for being a 'Well run Council'.

5.0 **FINANCIAL AND OTHER RESOURCE IMPLICATIONS**

- 5.1 Any financial and resource implications will be met from existing resources.

6.0 **LEGAL IMPLICATIONS/POWERS**

- 6.1 Any change in legislation overrides the current wording of the Constitution and the Monitoring Officer has delegated authority to make amendments as required by the law. Therefore such legal consequential changes will be put in place immediately and reported to the Committee as soon as possible thereafter.

7.0 **COMMUNITY SAFETY**

7.1 There are no community safety implications relating to this report.

8.0 EQUALITIES

8.1 Items presented relate to the legality of decision-making and Equalities Screening Assessments have been completed.

9.0 RISKS

9.1 The risks associated with report are considered to relate to following legal and constitutional procedures in decision-making.

9.2

L I K E L I H O O D	A	Very High				
	B	High				
	C	Significant				
	D	Low		1		
	E	Very Low				
	F	Almost Impossible				
			Negligible 1	Marginal 2	Critical 3	Catastrophic 4

IMPACT

Risk No	Risk Description
1	Decisions challenged due to appropriate processes not followed.

10.0 CLIMATE CHANGE

10.1 The Constitution is available on the Council's website and electronically to Members and Officers to meet the Council's corporate commitment to meet green targets.

11.0 CONSULTATION

11.1 There has been internal consultation with Management Team and T3 to ensure the Constitution reflects the Council's current responsibilities and arrangements.

12.0 WARDS AFFECTED

12.1 All wards are indirectly affected by this report.

Date: January 2016

Appendices : None

Background Papers: Constitution 2015/16

Reference : X : Committees\Governance\2015 16\010216\Constitution Update 2015 16