

GOVERNANCE COMMITTEE

28 JANUARY 2014

REPORT OF THE MONITORING OFFICER

CONSTITUTION UPDATE 2013-14

1.0 PURPOSE OF THE REPORT

- 1.1 The Committee is requested to consider constitutional items to be agreed for onward referral to the Council for noting and approval.

2.0 RECOMMENDATIONS

- 2.1 **To agree the proposed items as detailed at paragraphs 3.3, 3.4 and 3.5 and refer these to the Council for adoption :-**

- (a) it be noted that the Monitoring Officer 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 2014 and will apply for two years :-**

Goods and Services

New threshold: £172,514 (was £173,934)

Works

New threshold: £4,322,012 (was £4,348,350)

- (b) updated Delegations to Officers (Part 3) in light of the recent staffing restructure and other minor changes as set out at Appendix A.**

- (c) the proposed Calendar of Meetings for 2014-15 as set out at Appendix B.**

3.0 KEY ISSUES

- 3.1 Since the last review of the Constitution in April 2013 and the follow on items approved at Full Council on 17 July 2013, some items have been collated for the Committee's consideration. As the Constitution is a living document, such proposed changes will be brought to the Committee's attention as soon as these come to light to enable the Council's work to move forward rather than await an annual review.
- 3.2 The Committee is to refer its recommendations for amending the Constitution to the Full Council for adoption.
- 3.3 It has been advised that the thresholds at which an OJEU procurement is triggered have been revised as from 1 January 2014 and will apply for the

following two years. There is a minor reduction of less than 1% on the old thresholds and the changes are as follows :-

Goods and Services

New threshold: £172,514 (was £173,934)

Works

New threshold: £4,322,012 (was £4,348,350)

As these thresholds apply from 1 January 2014, the Monitoring Officer has approved this amendment under her delegated authority which is as follows :-

To authorise amendments to the Constitution following legislative or other statutory changes and minor procedural and operational changes. Such changes to be reported to the Governance Committee.

This change will also be reported to the Council.

- 3.4 Following the recent restructure of staffing arrangements, the Delegations to Officers which are set out in Part 3 of the Constitution have been updated. Whilst carrying out this review, some other minor amendments to address anomalies and reflect current working arrangements have been made and all amendments are shown as tracked changes in Appendix A attached to this report.
- 3.5 The proposed Calendar of Meetings for 2014-15 is enclosed at Appendix B for the Committee's consideration. Meetings of the Leicestershire County Council, the Highway Forum and the Community Forums have been taken into account to avoid clashing meeting dates. Due to the multi-purpose usage of our Civic rooms, provisional bookings have started to be made on the basis of this version of the calendar.

4.0 POLICY AND CORPORATE IMPLICATIONS

- 4.1 The Constitution is subject to annual review however due to it being a living document there are times when amendments are needed to enable the organisation to function efficiently. Therefore as well as the annual review, items will be referred to the Committee as required.

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 Equalities Screening Assessments have been drafted on three items within the report and once these have been considered and approved by the Check and Challenge Group, they will be available on the Council's website at this link :- http://www.melton.gov.uk/equalities_and_diversity/equality_impact_assessment.s.aspx

9.0 **RISKS**

9.1 Any risk implications relating to each proposed amendment are taken into account when considering the relevant item.

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 On the Delegations to Officers, there has been internal consultation with Management Team to ensure these reflect the current staffing responsibilities and arrangements.

11.2 On the Calendar of Meetings, there has been consultation with the Leicestershire County Council on the dates for their full Council, Highways Forum and Community Forum meetings to help avoid any clashing dates and therefore enable both Member and public attendance at decision-making meetings. School holidays have also been taken into account in the drafting of the calendar.

12.0 **WARDS AFFECTED**

12.1 All wards are indirectly affected by this report.

Contact Officers : Angela Tebbutt, Monitoring Officer/Sarah Evans, Senior Democracy Officer

Date : January 2014

Appendices : A – Part 3 – Delegations to Officers with tracked changes
B – Proposed Calendar of Meetings 2014-15

Background Papers : Constitution 2013