

GOVERNANCE COMMITTEE

11 FEBRUARY 2015

REPORT OF THE MONITORING OFFICER

CONSTITUTION UPDATE 2014-15

1.0 PURPOSE OF THE REPORT

- 1.1 The Committee is requested to consider constitutional items and those agreed be referred to the Council for approval to be incorporated into the Council's Constitution.

2.0 RECOMMENDATIONS

- 2.1 To agree that the membership of the Staff Joint Working Group at Part 3 of the Constitution be amended to remove reference to the MPO member and the non Union representatives and GMB to have 2 places, therefore the membership be amended to read as follows :-

STAFF JOINT WORKING GROUP

MEMBERSHIP: 7 members (politically balanced)

3 UNISON representatives

~~1 MPO representative~~

~~1~~ 2 GMB representatives

~~2 staff representatives~~

Quorum: 2 Members and 2 Staff

Chair to alternate annually between employers and staff side unless agreed otherwise by the Group.

- 2.2 To note the revised Members' Allowances Scheme following the NJC Pay Award of 2.2 % as set out at Appendix A;
- 2.3 To consider the proposed Calendar of Meetings for 2015-16 as set out at Appendix B subject to any change to the budget setting process for 2015-16 being approved at Full Council on 4 February 2015 which may bring forward the PFA Committee meeting date in Cycle 4.
- 2.4 To consider updating the Contract Procedure Rules under the heading of 'General Exceptions from Contract Procedure Rules' (page 112 Appendix A) to include the Strategic Directors and Head of Regulatory Services to be able to approve over £25,000 in an emergency. The changes proposed are in red :-.

'General Exceptions from Contract Procedure Rules

(c) Works or services procured in an emergency because of a need to respond to events that were beyond the control of the Council (e.g. natural disasters such as flooding or fires) as long as any expenditure in

excess of £25,000 is first approved by the Chief Executive, **Strategic Director or the Head of Regulatory Services**. Any contract entered into by the Council under this Exemption must not be for a term of more than 6 months.'

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 The Joint Staff Working Group had considered its membership and recommended that reference to the MPO member and the non Union representatives be removed and GMB should have 2 places in order to represent its members, therefore the membership set out in Part 3 of the Constitution be amended to read as follows :-

STAFF JOINT WORKING GROUP

MEMBERSHIP: 7 members (politically balanced)

3 UNISON representatives

~~1 MPO representative~~

~~1-2 GMB representatives~~

~~2 staff representatives~~

Quorum: 2 Members and 2 Staff

Chair to alternate annually between employers and staff side unless agreed otherwise by the Group.

- 3.4 In October 2012, the Council approved a Members' Allowances Scheme which included index linking to the NJC Pay Award. Therefore further to the 2.2% Pay Award that was backdated to 1 January 2015, the Members' Allowances Scheme as set out in Part 6 of the Constitution has been updated to reflect the new allowances. The revised scheme is at Appendix A.
- 3.5 The proposed Calendar of Meetings for 2015-16 is enclosed at Appendix B for the Committee's consideration. The Full Council is to consider the budget setting process for 2015-16 at its meeting on 4 February 2015 and this may have implications for the date of the PFA Committee within Cycle 4 to be brought forward and should this be the case, the Calendar of Meetings will be amended accordingly before being referred to Full Council on 25 February 2015 for approval. Meetings of the Leicestershire County Council and the Highway Forum 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.
- 3.6 The Committee is requested to consider updating the Contract Procedure Rules under the heading of 'General Exceptions from Contract Procedure Rules' (Page 112 Appendix A) to include the Strategic Directors and Head of

Regulatory Services to be able to approve over £25,000 in an emergency. The changes proposed are in red :-.

‘General Exceptions from Contract Procedure Rules

(c) Works or services procured in an emergency because of a need to respond to events that were beyond the control of the Council (e.g. natural disasters such as flooding or fires) as long as any expenditure in excess of £25,000 is first approved by the Chief Executive, *Strategic Director or the Head of Regulatory Services*. Any contract entered into by the Council under this Exemption must not be for a term of more than 6 months.’

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.

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 the items within the report and these are available on the Council’s website.

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 There has been internal consultation with Management Team and T3 to ensure the Constitution reflects the Council’s current responsibilities and

arrangements. The Joint Staff Working Group including recognised trade unions have been consulted on the terms of reference for the Joint Staff Working Group. Leicestershire County Council has been consulted on its Full County Council meetings and Highway Forum meetings to ensure these do not clash with the proposed Calendar of Meetings for Melton in 2015/16.

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 2015

Appendices : Appendix A – Members' Allowances Scheme
Appendix B – Proposed Calendar of Meetings 2015/16

Background Papers : Constitution 2014/15