

## **SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Council **DATE:** 27<sup>th</sup> January 2015

**CONTACT OFFICER:** Member Panel on the Constitution  
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Head of Democratic Services

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**WARD(S):** All

### **PART I** **FOR DECISION**

#### **REVIEW OF CONSTITUTION AND RELATED MATTERS**

1. **Purpose of Report**

To report the recommendations of the Member Panel on the Constitution (MPOC) on the Review of the Constitution.

2. **Recommendations**

The Council is requested to Resolve:

(a) That the proposed changes to the following Sections of the Constitution be approved as set out in the attached Appendices and incorporated in the Constitution to take immediate effect:

- Part 4.6 - Financial Procedure Rules (Appendix 1)
- Corporate Parenting Panel Terms of Reference (Appendix 2)
- Scheme of Delegation to Officers (Appendix 3 & 4)

(b) That the Head of Democratic Services be authorised to make any necessary consequential amendments to the published Constitution.

3. **Community Strategy Priorities**

None as this report is administrative in nature.

4. **Other Implications**

The Constitution meets the Council's requirements and incorporates all necessary legal requirements.

## 5. **Supporting Information**

### **Background – Fundamental Review**

5.1 The Council undertook a fundamental review of the Constitution in 2013.

5.2 The aim of the review was:

- To make all forms of decision making as streamlined and clear as possible.
- To introduce modern best practice wherever possible.
- To make the Constitution a modern, fit for purpose, easily understandable and easily updated document.
- To simplify rules and remove duplication and conflict.
- To redraft officer delegations to empower officers to make decisions in line with corporate procedures with a robust audit trail and clear sub delegation rules.
- To consider the current Overview and Scrutiny process and structure to enhance its role and ability to scrutinise effectively.
- To review financial procedure rules and thresholds for decision making.

### **Progress on the Review**

5.3 The Review is a significant piece of work and the Panel has met to undertake the detailed review work on the Constitution. This work is ongoing and the Panel was reappointed in 2014 to continue the review.

5.4 The Panel has met to consider a number of the proposed amendments to various parts of the Constitution. Each part is dealt with in a separate paragraph below:

### **Section 4.6 - Financial Procedure Rules**

5.5 At its meeting in March 2014 the Panel agreed the Contract Procedure Rules should be reviewed as they were outdated.

5.6 The Assistant Director, Contracts Commissioning & Procurement in consultation with Legal, Procurement specialists & the Section 151 officer has undertaken a comprehensive review of the contracts element of the Financial Procedure Rules to simplify them and provide greater clarity over exemption requests and tendering processes.

5.7 The rules have been amended to:

- Reflect the introduction of an electronic tendering system for all tender for work over £50,000.
- Remove the requirement to arrange a formal opening of tenders. Due to the robust security & integrity offered by the electronic tendering system, the current tender opening procedures are no longer necessary. The acceptance, opening and evaluation of formal tenders will be carefully controlled through the secure electronic tendering system and will ensure fairness to all bidders. The opening process will be managed within the Contracts, Commissioning & Procurement team.
- Reflect the prospective changes suggested within OJEC - European Journal of European Communities regulations.

- Remove reference to a separate Contract Standing Order document and incorporate within the Financial Procedure Rules.

5.8 The amended Financial Procedure Rules (attached at Appendix 1) enforce best practice in purchasing and support the Council in delivering its Community and Corporate plans. These Rules in conjunction with the Procurement Operating Procedures and the Procurement strategy provide a corporate framework designed to ensure that all procurement activity is conducted in line with the principles of good public procurement and legal requirements.

### **Corporate Parenting Panel – Terms of Reference**

5.9 The changes to the Corporate Parenting Panel Terms of Reference are proposed in order to bring the Panel's arrangements into line with the Slough Corporate Parenting Strategy 2014 to 2016. The amendments have been considered and agreed by the Panel.

5.10 The changes include a revision to the number of annual meetings, from 6 to 4. In addition, there are a number of amendments to Officer representation at meetings, together with updates to the Panel's key responsibilities.

5.11 The Council is asked to endorse the proposed changes to the Corporate Parenting Panel Terms of Reference as set out in track changes at Appendix 2.

### **Scheme of Delegation to Officers**

5.12 The Council has agreed a revised Scheme of Delegation that consists of four parts. Part 1 is an overarching 'umbrella document' that sets out the guiding principles on how the Council will delegate its executive and non executive powers to officers.

5.13 Part 2 consists of General Delegations which are common to all parts of the Council and relate to the Finance, Procurement, Human Resources and Property Management functions which support the main work of the Council.

5.14 Part 3 lists the 'Proper Officers'. These are posts which are created by legislation rather than resulting from a chosen structure. The proper officers are listed and cross referenced to officer posts in each directorate.

5.15 Part 4 of the Scheme sets out the functions delegated to each Directorate. Part 4 of the Scheme is currently being prepared for publication on the Council's website.

### **Amendment to Parts 2 and 3 of the Scheme**

5.16 A number of delegations were inadvertently omitted from the Scheme that was submitted to the Council in April 2014. This was a drafting error and the amendments are set out at Appendix 3 for the Panel's approval and report to Council.

5.17 The changes refer to:

- Part 2 - Delegation of functions to Officers by the Council and the Executive (E20)

- Part 3 - Proper Officer Functions (Part 3) with regard to the National Health Service Act 2006 (PO61 – PO69.)

### **Procurement Delegations**

- 5.18 It is proposed that delegations B1 and B2 (see Appendix 4) under the existing procurement delegations be deleted as they are covered under Financial Delegations A5 and A6 relating to authorisation of approved expenditure and are therefore unnecessary.

### **Ongoing Review of the Constitution**

- 5.19 Work on reviewing some parts of the Constitution is ongoing and will be programmed into future Panel Review meetings.

### **6 Appendices**

- Appendix 1 Financial Procedure Rules  
Appendix 2 Corporate Parenting Panel – Terms of Reference  
Appendix 3 Scheme of Officer Delegation  
Appendix 4 Procurement Delegations

### **7. Background Papers**

None