

Minutes of a meeting of the Constitution Committee held at County Hall, Glenfield on Thursday, 13 September 2007.

PRESENT

Mr. D. R. Parsons CC (in the Chair)

Mr. S. J. Galton CC
Mr. P. C. Osborne CC

Dr. M. O'Callaghan CC
Mr. N. J. Rushton CC

10. Minutes.

The minutes of the meeting held on 29 June 2007 were taken as read, confirmed and signed.

11. Question Time.

The Chief Executive reported that no questions had been received under Standing Order 35.

12. Questions asked under Standing Order 7(3) and 7(5).

The Chief Executive reported that no questions had been received under Standing Order 7(3) and 7(5).

13. Urgent items.

There were no urgent items for consideration.

14. Declarations of interest.

No declarations were made.

15. Review and Revision of the Constitution and Authorisation of Officers.

The Committee considered a report of the Chief Executive which recommended changes to the Constitution as part of this year's annual review and amended the list of officers authorised to act on behalf of the Chief Executive in respect of proper officer functions and certain other delegated powers. A copy of the report marked 'B' is filed with these minutes.

The Committee was advised that the Corporate Governance Committee had considered this matter at its meeting on 11 September 2007. That Committee had agreed to support the proposals on the basis that the Committee would be monitoring the position with a view if necessary to making changes in the light of experience.

During the course of the ensuing discussion, reservations were expressed about the proposals to change the scheme of delegation in relation to the power to incur revenue expenditure and the virement rules set out in the

Standard Financial Instructions. As a result, officers undertook to consider what changes might be made to alleviate these concerns and ensure that the outcome was reflected in the report to the County Council.

The Committee indicated its broad support for the proposals subject to the above and the following amendments:-

(i) Acceptance of Tenders.

That a report be made annually to the Corporate Governance Committee listing all those tenders which had been accepted which exceeded the EU Procurement threshold.

(ii) Executive Procedure Rules – Working Definition of Key Decision.

With regard to the proposed change to paragraph (vi), that the Director of Corporate Resources together with the County Solicitor (as Monitoring Officer) should determine this jointly.

(iii) Employee Code of Conduct.

The addition of a reference to “Openness” in the first item.

RESOLVED:

That, subject to the amendments now discussed, the County Council be recommended:-

- (a) to approve the proposed changes to the Constitution as set out in the Appendices to this report;
- (b) to agree that those changes relating to new contract procedures be implemented with effect from 1st January, 2008, in order to enable the necessary guidance and training to be provided to staff on the operation of the new procedures in the meantime;
- (c) to agree in respect of the proper officer functions and other delegated powers and functions allocated to the Chief Executive and County Solicitor, that the following officer be authorised to act:-

County Solicitor (in own right and on behalf of the Chief Executive)
 Assistant Chief Executive (Community Planning)
 Head of Democratic Services and Administration
 Head of Legal Services
 Head of Partnerships and Diversity
 Head of Public Relations
 Head of Youth Justice and Safer Communities.