

# JOINT REPORT OF THE CORPORATE GOVERNANCE AND CONSTITUTION COMMITTEES

## A. REVIEW AND REVISION OF THE CONSTITUTION

### Introduction

1. This report concerns the results of the latest review of the operation of the Council's Constitution.

### Background

2. Article 15 of the County Council's Constitution gives the Chief Executive a duty to monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. It requires that changes to the document should only be approved by the full County Council after consideration of the proposal by the Chief Executive and the Constitution Committee or, in the case of the Financial Procedure Rules and Contract Procedure Rules, the recommendations of the Corporate Governance Committee.
3. In the case of everything except the Meeting Procedure Rules, the final decision on changes can be made at a single meeting of the County Council. However, in the case of the Meeting Procedure Rules, any motion to add, vary or revoke Standing Orders must, having been proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.
4. The Constitution has been reviewed on an annual basis every year since it came into effect in June 2001. This report sets out the results of the latest review. Proposed changes to the Standard Financial Instructions arising from the review will be considered and determined by the Corporate Governance Committee.

### Proposed Revisions to the Contract Procedure Rules

5. Since the new Contract Procedure Rules became effective on 1 January 2008, 33 comments have been received and logged on the operation of the Rules from officers across the Council. The nature of these comments has ranged from amendments required to accommodate changing procurement law, to minor refinements to ensure greater continuity within the Rules and more sensible practical application.
6. Of the 33 comments, 19 have been drafted into proposed minor revisions to the Rules, supported by the Head of Procurement, Head of Legal Services, Head of Democratic Services, and Head of Audit. Many of the remaining 14 comments are to be taken account of through amendments and additions to procurement guidance.

7. At its meeting on 22 July 2009 the Corporate Governance Committee received a report on the operation of the Rules, action proposed to ensure compliance and the recommended minor revisions referred to above, the details of which are set out in Appendix 1 to this report. The recommendation of the Corporate Governance Committee is contained in the motion which appears below.
8. Once approved, the revised Contract Procedure Rules will be published on the Council's intranet and internet sites and communicated to all relevant staff within the Council. At the same time, it will be made clear that staff may be subject to potential disciplinary action for failure to comply with these Rules.

### **Proposed Revisions to Parts 1, 2, 3, and 4A of the Constitution**

9. Proposed changes to other elements of the Constitution are set out in Appendix 2 to this report. None of the changes are particularly significant. Most of them reflect changes in the law or the Authority's practices or are simply to clarify the existing position.
10. The Constitution Committee considered these proposals at its meeting on 7 September 2009 and its recommendations are contained in the motion which appears below.

### **(Motion to be moved**

#### **Motion 1**

**That the proposed amendments to the Council's Constitution set out in Appendices 1 and 2 to the joint report of the Corporate Governance and Constitution Committees, other than those which related to changes to Standing Orders (the Meeting Procedure Rules), be approved;**

#### **Motion 2 – Procedural Motion**

#### **Revision of Standing Orders**

**That, in accordance with Standing Order 37, the County Council is recommended to approve the changes to Standing Orders (the Meeting Procedure Rules) as set out in Appendix 2 to the joint report of the Corporate Governance and Constitution Committees.**

**NOTE Under Standing Order 37 this procedural motion having been moved and seconded stands adjourned until the next ordinary meeting of the Council.)**

7 September 2009

E D Snartt  
Chairman of the Corporate  
Governance Committee

D R Parsons  
Chairman of the  
Constitution Committee

**Background Papers**

- (a) Joint report of the Director of Corporate Resources and County Solicitor to the meeting of the Corporate Governance Committee on 22 July 2009 on Proposed Changes to the Contract Procedure Rules.
- (b) Report of the Chief Executive to the meeting of the Constitution Committee on 7 September 2009 on the Review and Revision of the Constitution.