

Regulatory & Audit Committee

Title:	BCC Constitutions revision options (Future Shape requirements)
Date:	23 September 2014
Author:	Sara Turnbull
Contact officer:	Ben Cahill

Recommendations

1. That the Committee endorse the proposed revisions to the BCC Constitution to go forward to Full Council for approval on 20 November 2014.
2. That the Committee recommend that the proposed changes endorsed are reflected in the content of draft Operating Framework to ensure the Council's core governance documentations are aligned.

Summary

This report outlines revision options for the Council's Constitution to support delivery of the Future Shape model. The revision options have been informed by steer from the Regulatory & Audit committee, advice from the Monitoring Officer and decisions resulting from the Future Shape Business Case. The final revised constitution will work in conjunction with the new Operating Framework to form the key documents for good governance of the authority.

Key changes

The proposed key changes to the Council's Constitution are outlined below. In addition, there are minor editing changes proposed to ensure that the document is updated with references to new officer titles, corrections, removing necessary duplication or general style editing.

The substantive changes are designed to support and enhance good governance. In particular, clarifying the key role of Members in commissioning and decision-making to ensure that the Council is able to function effectively to meet the democratically determined priorities of Members; as well as ensuring robust processes are in place for organisational assurance.



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Overview of Proposed Changes

Page	Changes
	Part 1 – Introduction & Summary
P1	Edited for clarity only, no substantive changes in content. Opening pages will be placed in BCC designed and branded pages.
	Part 2 – Members of the Council
P10	<i>Article 2 – Members of the Council</i> 2.3 – wording strengthened around role of all Members as strategic commissioners (through their role on Full Council in approving the Strategic Plan and accordingly allocated budget to support Member priorities)
P16	<i>Article 4 The Full Council (4.2 Policy Framework)</i> The section on the Policy Framework has been amended to reflect a clearer approach to the Council’s chosen ‘core’ policies and those statutorily required in line with Future Shape requirements. New organisational requirement included to have a single Policy Register.
P28	<i>Article 12 Officers</i> Officer titles updated to reflect new Future Shape titles.
P34	12.11 Additional paragraph added to reference officer indemnity procedure.
	Part 3 – Responsibility for Functions
P69	<i>(h) Leader and Schemes of Delegation</i> Inserted role description of the Leader (taken from existing wording relocated from Part 5) and Deputy Leader for clarity and to remove duplicate wording.
	Part 4 – Standing Orders
P117	<i>(c) Budget and Policy Framework Standing Orders</i> Edited for clarity to remove outdated and confusing process requirements. Superseded by new information in Article 4 setting out more clearly what the Policy Framework is and decision-making process.
P121/2	<i>(d) Executive Standing Orders</i> 1.5c - Additional paragraph added in relation to the handling of conflicts of interests of Cabinet Members and governance arrangements for Delivery Units. Change to ensure good governance and be mindful of instances of Cabinet Members being unable to fulfil their roles as commissioners in taking decisions on new or renewal of contracts as well as oversight for performance.

	<p><i>(g) Financial Regulations</i> Throughout - removal of unnecessary text covered elsewhere in other parts of the Constitution, as well as officer title changes.</p>
P169	B4 Change in the decision-making powers on Capital to clarify that any substantive changes in use of reserves (in-year) are for decision by Cabinet as a whole.
P170	B4.10 Change of wording to allow more flexibility to borrow to fund investment opportunities (based on sound business cases)
P174	B8 Revenue Budget management - Enablement for BUs to retain 75% of revenue underspends at year-end under certain circumstances, and with oversight by HQ.
	<p><i>(h) Contract Standing Orders</i></p>
P193	2.6 Amending of wording to specify references to use of eSourcing in line with contract management procedures.
P194	4.1 Inclusion of requirement for Business Units to seek the advice of relevant professional officers in developing proposals on any new external Delivery Unit proposals for Member approval.
P194	5.2 Exemptions - tendering requirements have been raised to EU threshold levels with each Business Unit required to obtain three quotes and demonstrate value for money below this level.
Part 5 – Codes and Protocols	
P210	<p><i>Code of Conduct for Members</i> Movement of role description of the Leader and Deputy Leader to Part 2 Article 2 to avoid two sets of role descriptions (remaining role descriptions in Part 5 define non-executive positions and will be titled as such)</p>
P258	<p>Glossary In order to increase the ease of use of the new constitution, a new glossary of terms has been included.</p>