

**Council**  
**Monday, 9 July 2018**

<b>REPORT TITLE:</b>	<b>Council Constitution Update</b>
<b>REPORT OF:</b>	<b>Director: Governance and Assurance (Monitoring Officer)</b>

### **REPORT SUMMARY**

This report seeks confirmation of an amendment to the Council Constitution following revisions to Contract Procedure Rules agreed by the Audit and Risk Management Committee and advises of a major review of the Council's Constitution to be undertaken by the Standards and Constitutional Oversight Committee as part of the Terms of Reference of that Committee.

### **RECOMMENDATION/S**

The Council is recommended to -

- (1) Endorse the amended Contract Procedure Rules by confirming their inclusion at Part 4F in the Council's Constitution;
- (2) Note amendments to be made to the Constitution by the Monitoring Officer under delegated powers; and
- (3) Note the intention of the Standards and Constitutional Oversight Committee to undertake a significant review of the Council's Constitution.

## **SUPPORTING INFORMATION**

### **1.0 REASON/S FOR RECOMMENDATION/S**

Keeping the Constitution under review and making recommendations to the Council is a role of the Standards and Constitutional Oversight Committee. It is therefore appropriate to report to the Council on required amendments to the Constitution and to advise the Council of the intention to undertake a significant piece of work related to the Constitution.

### **2.0 OTHER OPTIONS CONSIDERED**

None, amendment to the Constitution being a Council function.

### **3.0 BACKGROUND INFORMATION**

#### Contract Procedure Rules

The Audit and Risk Management Committee has, in pursuance of its role “To maintain an overview of the contract procedure rules and financial regulations and to agree any changes to the same” (Part 3, Schedule 2, paragraph 11.2 to the Council Constitution), agreed amendments to the Council’s Contract Procedure Rules. The amended Contract Procedure Rules, now incorporating revised Officer designations following confirmation of the new Chief Officer structure, have effect from 1 July 2018. A schedule of revisions and the revised Contract Procedure Rules are appended to this report for information.

Council is asked to endorse the amended Contract Procedure Rules by confirming their inclusion at Part 4F in the Council’s Constitution.

#### Constitutional Updates

Council is advised that necessary amendments to reflect the revised Portfolio arrangements announced by the Leader of the Council at the Annual Meeting of the Council and the new Chief Officer structure confirmed recently by the Chief Executive under powers delegated by the Employment and Appointments Committee are currently under review and in the process of being incorporated into the Constitution by the Monitoring Officer in accordance with the provisions of Article 12 of the Constitution.

#### Review of the Council’s Constitution

The Standards and Constitutional Oversight Committee has agreed to the progression of a significant review of the Council’s Constitution, agreeing a process to develop a timetable and set priorities for the review. The Council would receive recommendations from the Committee over the course of the next 2-3 years, which is the anticipated duration of the Constitutional Review project.

The Committee had been advised of issues identified by an initial oversight review of the Constitution and of early actions taken to address such issues, such as the adoption of a revised form of Budget and Policy Framework Procedure Rules by Council in March 2018 and the consideration of the Model Planning Code elsewhere on the agenda at this meeting.

Council is asked to note the intention of the Standards and Constitutional Oversight Committee to undertake a significant review of the Council's Constitution.

#### **4.0 FINANCIAL IMPLICATIONS**

There are no financial implications associated with this report as it deals with procedural matters only.

#### **5.0 LEGAL IMPLICATIONS**

There are no further legal issues associated with this report beyond those highlighted within the report.

#### **6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS**

There are no resource implications associated with this report as it deals with procedural matters only.

#### **7.0 RELEVANT RISKS**

Agreed procedures and delegation to Members and Officers needs to be properly recorded and maintained in the Council Constitution to mitigate against potential challenge.

#### **8.0 ENGAGEMENT/CONSULTATION**

No engagement or consultation has been undertaken on this report as it deals with procedural matters only.

#### **9.0 EQUALITY IMPLICATIONS**

There are no direct equality implications associated with this report as it deals with procedural matters only.

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#### **APPENDICES**

Appendix 1: Schedule of amendments made to Contract Procedure Rules and the revised Contract Procedure Rules

## REFERENCE MATERIAL

None beyond those sources identified within the report.

## SUBJECT HISTORY (last 3 years)

<b>Council Meeting</b>	<b>Date</b>
Employment and Appointments Committee (new Chief Officer structure), Minute 21 refers	6 March 2018
Audit and Risk Management Committee (Contract Procedure Rules), Minute 68 refers	12 March 2018
Annual Meeting of the Council (revised Portfolio arrangements), Minute 10 refers	15 May 2018
Standards and Constitutional Oversight Committee (review of the Council's Constitution), Minute 6 refers	12 June 2018