

REPORT TO: Executive Board

DATE: 17 April 2025

REPORTING OFFICER: Director – Legal and Democratic Services

PORTFOLIO: Corporate Services

SUBJECT: Annual Review of Constitution 2025

WARDS: Borough-wide

1.0 PURPOSE OF REPORT

- 1.1 The purpose of the report is to ask the Board to seek the approval of the Council to a number of changes to the Constitution.

2.0 RECOMMENDATION: That Executive Board recommends Council to approve the changes to the Constitution including the matters set out in Appendix 1.

3.0 BACKGROUND

- 3.1 The revised version of the Constitution picks up the changes to the Council's working arrangements that have taken place during the year, as well as other changes which are intended to assist the Council to operate more effectively.
- 3.2 The proposals for change have been considered by the Chief Executive and the Portfolio Holder for Corporate Services in accordance with Article 16.02. Apart from the purely technical changes, the proposed amendments that are considered to be of particular significance are listed in Appendix A to this report.

4.0 POLICY, FINANCIAL AND OTHER IMPLICATIONS

- 4.1 All legislative changes have been considered. However, no further amendments, over and above those already outlined, are required at the present time. Any other required changes during the period 2025/26 will be the subject of further reports when dates and details are available.

5.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

The changes proposed are designed to support the continued delivery of the Council's priorities.

6.0 RISK ANALYSIS

- 6.1 The Council needs to ensure that its Constitution is regularly updated so that it continues to support efficient, transparent and accountable decision-making by the authority.

7.0 EQUALITY AND DIVERSITY ISSUES

- 7.1 None.

8.0 CLIMATE CHANGE IMPLICATIONS

- 8.1 There are no implications.

9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

None under the meaning of the Act.

Appendix 1

Proposed Significant Changes to the Constitution

Finance Standing Orders

See attachment.

Procurement Standing Orders

1.1.13 Out of Scope of Procurement Standing Orders - For the avoidance of doubt, Procurement Standing Orders shall not apply to:

- contracts of employment
- certain contracts for legal services
- the delegation of function between local authorities
- certain financial services and debt finance
- agreements for the sale, disposal or acquisition of land (including leases)
- other exclusions as amended from time to time within procurement legislation

1.3.5 – Preliminary Estimate Report – Contracts exceeding £5,000,000 in Value, the PPA23 introduces a new requirement under section 52(2) for contracting authorities to set a minimum of 3 key performance indicators for contracts exceeding £5 million, except in respect of a framework or light touch contract or where the contracting authority considers that a supplier's performance cannot be assessed by reference to key performance indicators.

The Preliminary Estimate Report will now include the point below to comply with the PPA23:

(viii) Identification of at least three Key Performance Indicators (KPIs) for contracts exceeding £5 million, unless the contract is a call-off from a Framework or Light Touch Regime (LTR) or where the contracting authority considers that a supplier's performance cannot be assessed by reference to key performance indicators.

1.5 - Tendering Procedures – The procedures have been reduced from 6 to 3, a key change is the introduction of a new Competitive Flexible Procedure (CPF) which allows contracting authorities the flexibility to create their own compliant procedure and provide the option to consider steps for Negotiation and Dialogue with suppliers to be included where relevant and proportionate to the goods, services or works to be procured.

1.9.5 – New Delegation of tender acceptance decision to Executive Director, Delegation of approval process updated to include an option for Executive Board to delegate approval to the relevant Executive Director for contract values exceeding £5 million

1.15.2 – Referral of pre-determined contract extension to Executive Board, has been removed, this amendment considers that pre-determined extensions above £5 million have already been approved by Executive Board in compliance with PSO1.3.5, approval of the Preliminary Estimates Report and budget allocation approved as part of pre-procurement stage.

1.15.3 – Acceptance of pre-determined contract extension by Executive Board – as above point.

Audit and Governance Board – Revised Powers and Duties

The new powers and duties of the Audit and Governance Board were agreed by the Audit and Governance Board at its meeting on 20 November 2024. See document attached.

Chapter 6 Members Allowances

Following a recommendation from the Independent Remuneration Panel, revised Members Allowances were agreed at Council on 5 March 2025. Chapter 6 would be replaced with the revised version.

Chapter 2 Area Forums

Article 10 reference to Area Forums will be removed.

Appendix A (relating to Paragraph 174 of the Scheme of Delegation

Add Competition and Consumers Act 2024 and remove reference to the Enterprise Act.

Delegation to Officers – Page 302

Replace 98 with the following addition:

(g) involves any new floorspace within the defined town centre boundaries as set out in the local plan

(h) involves retrospective applications in relation to (e) and (f) above.

Appendix 6 Public Speaking on Planning Application – Page 358

Replace with new version (See attached)

Policy and Performance Boards

The Policy and Performance Board titles are proposed to be amended following consideration and approval by the Scrutiny Chairs Group. The proposed new titles are attached and there will be some consequential minor amendments to terms of reference