

# **North Somerset Council**

## **Report to the Audit Committee**

**Date of Meeting: 20 September 2021**

**Subject of Report: Constitution review**

**Town or Parish: None**

**Officer/Member Presenting: Assistant Director Legal & Governance and Monitoring Officer**

**Key Decision: N/A**

**Reason:**

Not an Executive Decision.

### **Recommendation**

1. That Audit Committee note the update of the Constitution to reflect the amended terms of reference for the Audit Committee approved previously by the Committee and Council as shown in tracked changes in the Appendix to this report
2. That Audit Committee consider the suggested changes to the Constitution to reflect the decision of Council in July 2021 regarding the size of Planning & Regulatory Committee and public participation arrangements for that committee when considering planning applications, and to approve the suggested changes or agree alternate wording in order that the Monitoring Officer implements the changes as agreed by Council.
3. That Audit Committee note the requested changes from officers to parts of Financial Regulations and Contract Standing Orders within the Constitution, and consider those requests as part of the working group review suggested in paragraph 3.4 below with a view to any recommended changes being brought back to this committee for approval in time for recommendation to Council at the next Annual Meeting.
4. That Audit Committee consider the process for further review of the Constitution.

### **1. Summary of Report**

The report sets out changes to the Constitution necessary to reflect previous decisions of Council relating to recommendations 1 and 2. The report sets out some changes to Financial Regulations and Contract Standing Orders which have been requested by officers and seeks Audit Committee's view as to acceptability or otherwise. The report also suggests a process for further review of the Constitution by Audit Committee in line with item 3k of its terms of reference.

## **2. Policy**

The Constitution – Article 13 – provides that the Monitoring Officer will review the operation of the Constitution and make recommendations for ways in which it could be amended.

The Audit Committee terms of reference contain the following:

- 3k) To monitor the operation of the Council's Constitution and keep its terms under review, including all procedure rules
- 3l) To consider and make recommendations on any proposals to make changes to the Constitution prior to its consideration by the Council

## **3. Details**

3.1 Members of Audit Committee will be aware that a review of its terms of reference was previously undertaken based on a model produced by CIPFA. The recommendation of Audit Committee was agreed by Council but has yet to be captured in the published Constitution. The agreed amendments are shown in tracked changes in the Appendix to this report and appear at Article 8 starting on page 24. No further authority is required to implement these changes and the Monitoring Officer will arrange for the published Constitution to be updated.

3.2 Members will also be aware that at its meeting on 19 July 2021 Council agreed the recommendations of the Local Government Association Planning Advisory Service Planning Peer Review. Two of those recommendations i.e. setting the membership of the Planning & Regulatory Committee at thirteen and providing for public participation at that committee when dealing with planning applications to be at the start of relevant agenda items require that the Constitution is updated. Council authorised the Monitoring Officer to implement those changes. The proposed changes are shown in tracked changes in the Appendix at Part 3 – 1 Planning and Regulatory Committee page 43 where the membership is set out, and in Standing Order 17A on pages 86 and 87.

3.3 Following comments from colleagues received by the Monitoring Officer relating to perceived impediments to efficient decision making arising from requirements contained in the Financial Regulations and Contract Standing Orders all directorates were invited to submit items and suggested changes. The following were received:

- Financial regulations allows heads of service to authorise some transactions up to £250k whereas Contract Standing Orders have no delegations below director. It is requested that consideration be given to having tiers of delegations in Contract Standing Orders to head of service, assistant director, and directors.
- There are various requirements for funding bids to external bodies to have prior approval and given short timescales often imposed for submission of such bids this gives rise to operational difficulties in meeting timescales. It is requested that these requirements are reviewed particularly for bids not requiring match funding by the council
- Approval for use of exceptions to contract standing orders to be authorised below director level – this would link with bullet one above as use of exceptions currently rests with the decision maker on the contract award
- review the award process and authorisation level for one off domiciliary care packages
- review the process for grant approvals and inclusion of commissioner market knowledge in exemptions to contract standing orders
- review ways of acquiring approvals by Executive and Full Council outside of actual meetings
- review rules around process for use of open frameworks

- explore digital solutions for documenting and tracking decisions

3.4 The Constitution and the Audit Committee's terms of reference provide that the Monitoring Officer and the committee monitor and review the operation of the Constitution and consider any changes for recommendation to Council. Given the size and scope of the Constitution it is suggested that this process is undertaken in a number of working group sessions focussing on the first five parts of the Constitution namely:

PART 1 – Summary and explanation

PART 2 – Articles of the constitution

PART 3 – Responsibility for functions

PART 4 – Rules of Procedure

PART 5 – Codes and protocols

#### **4. Consultation**

None

#### **5. Financial Implications**

None

#### **6. Legal Powers and Implications**

None

#### **7. Climate Change and Environmental Implications**

None.

#### **8. Risk Management**

None

#### **9. Equality Implications**

N/A. The processes would not disproportionately affect protected characteristic groups.

#### **10. Corporate Implications**

None

#### **11. Options Considered**

Not to implement changes.

#### **Author:**

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#### **Appendices:**

Marked up version of Constitution

#### **Background Papers:**

None.