

AUDIT PANEL		
Report Title	Constitutional Review	
Key Decision	no	Item No. 5
Ward	n/a	
Contributors	Head of Law	
Class	Part 1	Date: 11 December 2018

Reasons for Lateness and Urgency

This report was not available for the original dispatch on December 3 owing to the short time which had elapsed since changes to the Constitution were agreed by the Council at a meeting held on the evening of November 28. The report is urgent and cannot wait until the next meeting of the Audit Panel on March 26 2019 in order to allow the Panel to have an overview of parts of the Constitution in accordance with its remit, in a timely fashion, ensuring the financial governance of the council operates in a legal and efficient manner.

Where a report is received less than 5 clear days before the date of the meeting at which the matter is being considered, then under the Local Government Act 1972 Section 100(b)(4) the Chair of the Committee can take the matter as a matter of urgency if he is satisfied that there are special circumstances requiring it to be treated as a matter of urgency. These special circumstances have to be specified in the minutes of the meeting.

1. Summary

This report brings to the attention of the Audit Panel the elements of the Constitution of which it has overview.

2. Purpose

To bring to the attention of the Audit Panel its terms of reference in relation to the Constitution and to present to the Panel the latest version which was agreed by full Council on 28 November 2018.

3. Recommendation

To note the contents of the Constitution.

4. Background

4.1 The terms of reference of the Audit Panel include the following:-

“An overview of the Council’s Constitution in respect of audit procedure rules, contract procedure rules and financial regulations”

The sections of the Constitution which deal with contract procedures and financial regulations appear at I and K respectively. A copy of the Constitution appears at Appendix 1 and members’ attention in particular is drawn to sections I and K.

4.2 Changes to the Council’s Constitution by law are a matter for full Council and the Council has appointed the Constitution Working Party to advise it from time to time on any amendments to it. The latest revision of the Constitution was agreed by full Council on 28 November 2018 having been considered by the Constitution Working Party and on its recommendation. The Chair of the Panel has asked that the Audit Panel have sight of the Constitution.

4.3 A democracy review is under way currently and following consultation, proposals may be made for further amendments to the Constitution for the future. However any such changes would be subject to a report to full Council in due course.

5. Legal Implications

The Council is under a statutory duty to have and maintain a Constitution and for it to be publicly available. The general legal implications are contained in the report. The Contract Procedure Rules have been designed to ensure compliance with the EU and national procurement regime and to promote effective decision making. In particular they also provide guidance for officers involved in the procurement process.

6. Financial Implications

There are no specific financial implications associated with this report, save to say that the financial regulations have been drafted to ensure that the Council has proper custodianship of its financial resources in accordance with its fiduciary duty.

7. Equality Implications

The Panel is reminded of the Council’s duties under the Equality Act 2010.