

ITEM 8 - APPENDIX 1

Area of Review	Proposal and Rationale	Sections of the Constitution to be revised
Delegation of decisions to write off debts for rent arrears	<p>Currently the delegation scheme allows for the Head of Finance and Resources and Section 151 Officer to write off rent arrears in appropriate circumstances up to the value of £2500. It is proposed that the level be increased to £3500.</p> <p>DEFERRED from last meeting. Section 151 will be in attendance to answer queries.</p>	Paragraph 4.10.13 (6) of the Scheme of Delegation to Officers (Page 167 of the current version)
Functions of the Joint Employment Committee	<p>The Joint Employment Committee has responsibility for most employment matters relating to posts within the Strategic Alliance Management Team. The functions specify recruitment, and all matters of discipline and capability (performance and sickness). It is proposed that dismissal also be added to the functions, which would also cover redundancy.</p> <p>The proposal rectifies the omission from the functions allowing all staffing matters at this level to be considered by the same committee.</p> <p>This would also reflect the delegation given to the Chief Executive as the Head of Paid Service to determine all staffing matters including 'the appointment, dismissal, suspension or discipline of staff, save that in relation to the Chief Executive Office, the Strategic Directors and the Heads of Service, this does not include the appointment and dismissal.'</p> <p>AGREED in principal at the previous meeting subject to Union consultation. This has taken place and no objection have been expressed.</p>	Part 3 Responsibility for Functions – Joint Employment Committee (Page 61 of the current version).

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Budget and Policy Framework Rules – Inclusion of informing Portfolio Holders	<p>A request has been made for the relevant Portfolio Holder to be informed in the following circumstances:</p> <p>Virements 4.3.6 - Once a budget has been approved, Executive or budget managers shall be entitled to vire across budget heads within the budget framework with the exception of salary related budgets AND REQUIRED TO INFORM THE RELEVANT PORTFOLIO HOLDER WHEN THE VIREMENT IS IN EXCESS OF £25,000.. Virements from salary related budgets can only be utilised for the use of agency and consultancy work necessary to maintain agreed service levels. Managers within the Accountancy Section shall be entitled to vire budgets for housekeeping purposes within each service area.</p> <p>DEFERRED from last meeting. Section 151 Officer will be in attendance to answer queries.</p>	Part 4 Budget and Policy Framework (pages 103 and 104 in current version)
Recording of Executive Decisions to reflect Key Decision Limits	<p>The proposal is to align the threshold for the reporting of Officer Decisions with the thresholds for Key Decisions. There are statutory requirements for local authorities to publish records of officer decisions in order to promote transparency. The regulations state that officer decisions must be recorded in circumstances that ‘materially affect the [Council’s] financial position.’ The Access Procedure Rules currently state that the threshold above which decisions need to be recorded and published is £50,000.</p> <p>The regulations regarding Key Decisions state that a key decision is one which is likely to incur expenditure or make savings which are ‘significant having regard to the Council’s budget for that service or function’.</p>	Paragraph 4.2.20 of the Access to Information Rules in Part 4 of the Constitution (On page 100 of the current version)

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	<p>It is considered that these two definitions should be interpreted as the same threshold, and therefore it is proposed that the requirements to record and publish Officer Decisions will only be triggered where the following thresholds are met or exceeded:</p> <p>Revenue - £75,000 Capital - £150,000</p> <p>This will provide a simpler set of rules for Officers to follow, rather than having different thresholds for different procedures and processes.</p> <p>Records will still be maintained of decisions below these levels as required.</p>	
<p>Threshold for consideration of tenders by Executive</p>	<p>The proposal is to align the threshold for the requirement for tenders to be submitted to Cabinet with the thresholds for Key Decisions. Currently the threshold for tenders to be determined by Cabinet is £50,000. This was set at the same time as the Key Decision threshold.</p> <p>There is no legal basis on which to determine the level of tenders that must be determined by Executive, however the level of key decisions is considered to be the appropriate level. As tenders will relate to revenue expenditure, the threshold would be £75,000.</p>	<p>Executive Function (18) within Part 3 The Functions Scheme (On page 28 of the current version)</p> <p>The Contract Procedure Rules would also need to be amended to reflect this change.</p>

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Section 151 Officer Delegations	<p>Amendments to the delegation scheme are suggested so as to ensure that the Section 151 Officer has some authority over expenditure from the Transformation Fund and so that the use of earmarked reserves are restricted to authorisation by the Section 151 Officer. This in practice would be as simple as adding the S151 as a signatory on Delegated Decisions of this nature.</p> <p>The changes to the constitution are proposed to be:</p> <p>1 – addition of a further restriction to delegations to Heads of Service (page 157) as follows:</p> <p>(5) Delegated powers may only be exercised within approved budgets, unless a virement is permitted by the Financial Regulations. The use of the Invest to Save Reserve (NEDDC) or the Transformation Reserve (BDC) can only be authorised by the Section 151 Officer.</p> <p>2 – amendment to general powers delegated (page 159):</p> <p>9.14 To acquire, dispose of, grant and obtain rights in land and premises on such terms and conditions as considered appropriate where expenditure is within approved budgets.</p> <p>9.15 To acquire, dispose of, grant and obtain rights in vehicles and other equipment and property where expenditure is within approved budgets.</p>	Scheme of Delegation for Officers (page 155 - 175)

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	<p>3 – to add a new delegation for the Section 151 (page 168):</p> <p>13.10 To authorise the use of earmarked reserves (Invest to Save Reserve – NEDDC or Transformation Reserve – BDC).</p> <p>4 – addition of a further requirement within the Virement rules within the Budget and Policy Framework (page 104):</p> <p>No officer may vire funds from the Transformation Reserve, authorisation of which is restricted to the Section 151 Officer.</p>	<p>Budget and Policy Framework Rules (page 104)</p>
<p>Councillors’ Conduct – Speaking at Meetings</p>	<p>It is proposed that the procedure rules for Councillors when they speak at Council meetings be revised to require Councillors to state their name before speaking and also to use the microphones. It is also proposed that the requirement to stand be removed.</p> <p>Requiring Councillors to state their names before speaking would assist the public and all Members in following the meeting. It is also important for Members to use the microphones to ensure that they can be heard by all participants and observers in the meeting.</p> <p>Microphones will be more effective if Members are seated as their voices will be closer to the microphone receiver, which will assist those participating in or observing the meeting who have a hearing impairment.</p> <p>The requirement for Members to stand could also be considered as discriminatory against Members with a disability or mobility problems, who may struggle to stand, particularly if they need to stand and sit down at regular intervals during a meeting.</p>	<p>Part 4 – Council Procedure Rules – Rule 21.1 (Page 91 of the current version)</p>

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	<p>It is proposed that the relevant Council Procedure Rule, rule 21.1, be amended as follows:</p> <p>When a Councillor speaks at Council, firstly they should announce their name and Ward or Cabinet Portfolio (if more appropriate), and he/she must address the meeting through the Chairman and stand and address the Chairman using the microphones.</p>	