

<b>APPENDIX 1</b>  <b>Area of Review</b>	<b>Proposal and Rationale</b>	<b>Sections of the Constitution to be revised</b>
Contract Procedure Rules	<p>The Contract Procedure Rules had been reviewed and updated.</p> <p>Members requested that where a contract is awarded via delegated decision, the procurement process carried out and the results of the procurement be published along with the delegated decision notice and this be included in the Contract Procedure Rules. The Monitoring Officer would arrange the exact wording and methodology for this change to ensure it fitted in with the existing rules.</p> <p>The Council Procedure Rules had also been updated to include virtual meetings in view of the current Covid 19 Pandemic.</p> <p>To raise the level at which a Request for Quotations (RFQs) can be used in place of tenders to £75k. This is currently £50k. This will still require the active involvement of the Procurement Team in Contracts with a value of £10 to £75k.</p> <p>This changes is being suggested to help local businesses that exist to compete for Council work and to help develop future companies. This is particularly important because of the Pandemic's effect on the economy.</p> <p>An RFQ requires the same information as an open tender but is more user friendly and less traumatic than completing a full</p>	<b>Part 4.8 Procurement Rules</b>

	<p>tender. It has always been agreed that the full tender process is not appropriate for smaller contracts.</p> <p>It is also the advice of the Head of Procurement that this will assist in developing the companies and increasing competition for Council contracts.</p>	
High Hedges Committee	<p>Part 8 of the Anti-Social Behaviour Act 2003, gave the Council authority to deal with complaints and remedial action in respect of high hedges. It set the procedure which must be followed and was a strictly regulated process. At the recent meeting of the Committee, it was highlighted that the calling of a committee for this purpose was not the most efficient procedure due to the highly regulated nature of the decisions to be made</p> <p>It was proposed that the Committee be disestablished and that the functions, as set out below, be delegated to the Director of Environment and Enforcement:</p> <p>i) The handling of complaints and remedial action in respect of high hedges under Part 8 of the Anti-Social Behaviour Act 2003, regulations and orders made under that Act, in accordance with procedures approved by the Council.</p> <p>ii) Procedures, fees and resource allocation in respect of the implementation of Part 8 of the Anti-Social Behaviour Act 2003.</p>	<b>Part 3 of the Constitution, Functions Scheme</b>
Safety Committee	<p>Minor housekeeping amendments had been made to the Safety Committee Terms of Reference to make reference to the HR Manager and remove reference to the Chief Executive Officer as this post had been disestablished.</p>	<b>Part 3 of the Constitution, Functions Scheme</b>

Delegation Scheme	The delegation scheme had been updated further to the disestablishment of the Chief Executive Officer post.	<b>Part 3.1 - Scheme of Delegation for Officers</b>
Discharge of Executive Decisions (Planning/Local Development Orders)	<p>It had been identified that a number of functions relating to planning were reserved to the Executive and should not be discharged by the Planning Committee.</p> <p>The Functions Regulations specify the functions which must be reserved to Council (and Committees) and that everything else must be Executive. Therefore, the following functions would be the responsibility of Executive (or be delegated to officers):</p> <ul style="list-style-type: none"> <li>• Making Local Development Orders (section 61A TCPA);</li> <li>• Creating Simplified Planning Zones (section 82 TCPA);</li> <li>• Creating Enterprise Zones (section 88 TCPA).</li> <li>• Discharge of Conditions</li> </ul> <p>It was proposed that the Discharge of Conditions be delegated to officers, whereas the first three functions be submitted to Executive.</p>	<p><b>Executive Functions</b></p> <p><b>General Delegations to Heads of Service and Assistant Directors (in this case Assistant Director of Development and Planning)</b></p>
Revised Cabinet Member Portfolios	The changes made to Cabinet Member Portfolios which had been presented to Council in November were noted.	
Union/Employee Consultation Committee - Terms of Reference	These have been reviewed. Removing reference to the CEO was the only change required. This has been done under the 'housekeeping' process.	<b>Part 3 – Responsibility for Functions – Page 46 to 50 of the current version</b>

Delegation Scheme – Housing Officers	Parts of the Responsibility Functions in relation to delegations to officers refer to delegations to the Head of Housing and Community Safety. This post no longer exists. This should be changed to the Head of Environmental Health.	<b>Part 3 Responsibility for functions, Licensing Committee, Delegation of Functions to officers. Pages 41 and 43 of the 2019 Constitution.</b>
Planning Committee Terms of Reference/Scheme of Delegation	To set out the rules for referring an application to Planning Committee for a decision.  The reason for this is to formalise working practices that have been in operation for many years.	<b>Part 3 – Functions Scheme Planning Committee Pages 44 - 45 of the current version</b>
Local Plan Steering Group – change of title to Local Plan Implementation Advisory Group	This results from the fact that the Local Plan has now been adopted by the Council. The group will therefore be monitoring the implementation and requires a name change.	<b>Part 3 Responsibility for functions Page 44 (Planning Committee).</b>
Homeloss Payments – DDs	This change is proposed to allow officers to pay Home Loss payments in advance of the scheme being considered by the Council. It is essentially a timing issue to allow these payments to be made when they become due rather than to make recipients wait for a full consideration by Cabinet (and possibly Council) of a scheme.	
Members Code of Conduct - Mandatory Training – Ethical Governance	From the Scrutiny Review of the Standards Committee carried out by the Customer Service and Transformation Scrutiny Committee. This is to extend the mandatory training on the Code of Conduct to at least 2 sessions in a 4 year term.	<b>Part 5 Codes and Protocols. Page 189 of the current version</b>

<p>Delegation to the Head of Paid Service to make customers vexatious under the CCC policy</p>	<p>At the present time this is dealt with by SAMT. However it would be better to be a single officer rather than sharing details with all members of SAMT, many of whom will know nothing of such issues.</p> <p>The logical choice of officer is the Head of Paid Service, as that officer has responsibility for staff welfare.</p>	<p><b>Add to the Head of Paid Service delegations in part 3.1 - Page 84 of the current version.</b></p>
<p>Extraordinary Council Meetings</p>	<p>To add a footnote to 3.3 to clarify that this paragraph does not restrict the agenda to one item of business and that such items as Questions and Motions shall be included on the agenda for any extraordinary meetings.</p> <p>This has been done under the 'housekeeping' process.</p>	<p><b>Part 4.1 – Council Procedure Rules</b> <b>(Page 102)</b></p>
<p>Delegation to Environmental Health Officers to serve Section 215 Town and Country Planning Act 1990 notice</p>	<p>Planning Committee, AD for Development, and the Planning Manager currently hold a delegation for Planning and development control functions including enforcement for which the Council is responsible in Schedule 1 of the Functions Regulations. It is proposed to extend this delegation to Environmental Health officers who are often the instigators of the need for such action.</p>	<p><b>Part 3.1 - Scheme of Delegation for Officers</b> <b>(Page 44, Page 71)</b></p>
<p>Delegation to Monitoring Officer to temporarily approve dispensations in relation to the S85 Rules.</p>	<p>To add a delegation in relation to Councillor attendance dispensations under Section 85 of the Local Government Act 1972. This is to be able to provide a dispensation only when there is no Council meeting to consider the application before expiry and a dispensation would only be granted until the date of the next Council meeting which would consider the application.</p> <p>Delegation to Head of Corporate Governance and Monitoring Officer</p>	<p><b>Part 3.1 – Scheme of Delegation for Officers</b></p>

	<p>The proposed wording of the delegation is:</p> <p><b>To provide a dispensation under Section 85 of the Local Government Act 1972, where an application for dispensation has been received and there is no Council meeting in the meeting schedule which could consider the application before expiry, a dispensation may be granted until the date of the next Council Meeting which could consider it.</b></p>	
Gifts and Hospitality	Any gifts and hospitality that Members receive that exceed the value of £10 should be declared.	<b>5.3A Codes and Protocols Gifts and Hospitality Guidance</b>
Constitution Delegation	Each year, as part of the Review of the Constitution report that issued to Council, a delegation is given to the Monitoring Officer to make changes to the Constitution arising from any new legislation, administrative errors or conflicts in interpretation. It is proposed that this be incorporated in to the Delegation Scheme.	<b>Part 3.1 – Scheme of Delegation for Officers</b>