

REPORT 1

HARBOROUGH DISTRICT COUNCIL

REPORT TO THE CONSTITUTIONAL REVIEW COMMITTEE MEETING OF 9 NOVEMBER 2021

PUBLIC REPORT: Y

EXEMPT REPORT: N

Report Title	Proposed amendments to the Constitution
KEY DECISION	Not applicable
Report Author	Verina Wenham, Director Law and Governance and Monitoring Officer
Purpose of Report	For members to consider proposed amendments to the Constitution to reflect recent decisions of Council and primarily to the Council's Financial Procedure Rules
Reason for Decision	The Council has to ensure that it has in place a robust Constitution and that it should be reviewed regularly to ensure that all decisions are taken effectively and efficiently within the principles of open and accountable local government. The proposals put forward in this report are as a result of recent Council decisions and a review by the Chief Finance Officer of the current Financial Procedure Rules and the Budget Procedure Rules.
Portfolio (holder)	Not applicable
Corporate Priorities	
Financial Implications	None as far as this report is concerned.
Risk Management Implications	To ensure sound decision making the authority needs to have in place a robust Constitution
Environmental Implications	None as far as this report is concerned
Legal Implications	The Council is required to have in place a constitution and to ensure that it is up to date and fit for purpose.
Equality Implications	None as far as this report is concerned
Data Protection Implications	None as far as this report is concerned
Consultation	None as far as this report is concerned.
Options	The Council has an obligation to keep its constitution under review. The Committee does not have to recommend any of the proposals set out in Appendix B to Council for consideration and adoption.
Appendices	Appendix A: Article 4 of the Constitution Appendix B: Proposed amendments to the Financial Procedure Rules and the Budget Procedure Rules
Background Papers	Constitution October 2021

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Recommendation	<ol style="list-style-type: none">1. That the amendments to the Constitution set out in Appendix A are referred to Council for adoption; and2. That the amendments to the Constitution set out in Appendix B are considered and recommended to Council for approval and adoption as appropriate
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1. Key Facts

1.1 As a living document, the Constitution is reviewed regularly to ensure that it remains up to date to reflect decisions taken by Council as well as any legislative changes that may impact on the interpretation of the Constitution.

1.2 At its meeting on the 27 September 2021 the Council considered whether to remove some of the functions that had previously been reserved to Council and therefore leave as decisions to be referred to Cabinet to decide. Council resolved that certain decisions set out in paragraph 4.01 a) iii) of Article 4 of the Constitution should be no longer be Council functions. Those functions that are no longer Council decisions are shown as tracked changes in red on the document attached as Appendix A. In light of that decision, which came into effect on 28 September 2021, the Constitution must be amended to reflect those changes.

1.3 The Financial Procedure Rules and the Budget and Policy Framework Procedure Rules have also been reviewed by the Section 151 Officer. The proposed amendments and the reasons for proposing the amendments are set out in detail in Appendix B to this report. The proposed changes to the existing wording have either been struck through to indicate deletion or underlined to indicate an amendment to the existing wording.

1.4 Specific reference is made to Rule O and the reference to the Small Land Sales Policy. If members are minded to recommend the amendments to Council to approve, those changes will not be operative until the Small Land sales Policy is implemented.

1.5 As reported to members at the previous meeting, the Council is currently reviewing its project management governance and procedure, and this will necessitate future amendments to the Council's Contract Procedure Rules. In addition, a full review of the procurement rules will be carried out, in light of the United Kingdom's exit from the EU in 2020 and the subsequent impact on the procurement regime and to ensure that the procurement process is consistent with the Council's requirements moving forwards.