

Review of Constitution 2020 – Appendix A – schedule of changes

Part 2 Chapter/Para	Existing provision	New provision
2G, Chapter 7 Scrutiny Committee, para 7.2.2	The primary purpose of the committee is to improve the delivery of policies and services. Its terms of reference are the performance of all overview and scrutiny functions on behalf of the Council and as set out in section 9F of the Local Government Act 2000, summarised below, to: [then sub paras (i) to (xii) are listed]	Add “and (xiii) monitoring performance of services.”
2G, Chapter 10, para 10.1 b Para f	Management structure: designated Chief Officers are Chief Executive and Directors Chief Executive and Directors to be appointed by Chief Officer Recruitment Committee	Change reference to Directors to Deputy Chief Executive Recruitment by CORC to state for Deputy Chief Executive instead of Directors
2G, Chapter 12, para 12.5 para 12.5(b)	Officers who may sign sealed documents: Refers to Director	Change to Deputy Chief Executive

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Part 3/Chapter/Para	Existing provision	New provision
<p>3B, Para 4 Other committees</p>	<p>4.0 Other Committees Overview and Scrutiny Committee and Performance, Audit and Governance Oversight Committee</p> <p>Details of the functions and procedures of these committees are set out in Part 2, Chapter 7 and Chapter 8 of this constitution and in the Overview and Scrutiny Procedure Rules (Part 4E) and the Performance, Audit and Governance Oversight Procedure Rules (Part 4I).</p>	<p>4.0 Overview and Scrutiny Committee</p> <p>4.1 Details of the functions and procedures of this committee are set out in Part 2, Chapter 7 of this constitution and in the Overview and Scrutiny Procedure Rules.</p> <p>5.0 Performance, Audit and Governance Oversight Committee [then the section relating to this committee follows here, rather than (as it currently is) at Part 4I on page 287] See Part 3B new paras 5.0 and 5.1 below for changes to Performance, Audit and Governance Oversight</p>

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Part 3/Chapter/Para	Existing provision	New provision
3B, new para 5.0	Performance, Audit and Governance Oversight Committee	<p>Committee</p> <p>Delete “Performance” and “Oversight” from name of Committee so it becomes the Audit and Governance Committee.</p> <p>Reference to the Committee name will be changed throughout document but is not flagged up for each instance, as there are numerous references.</p>
3B, new para 5.1	The Performance, Audit and Governance Oversight Committee will have the specific role of monitoring the budget; overseeing the performance of services by considering a range of information such as performance indicators, inspection reports and action plan monitoring; approving the council’s Statement of Accounts and acting as the council’s audit committee. The committee also carries out the treasury management functions set	<p>Remove reference to performance function:</p> <p>The Audit and Governance Committee will have the specific role of monitoring the budget; approving the council’s Statement of Accounts and acting as the</p>

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Part 3/Chapter/Para	Existing provision	New provision
	<p>out in detail in the Procedure Rules in Part 4 of this Constitution.</p>	<p>council’s audit committee. The committee also carries out the treasury management functions set out in detail in the Procedure Rules in Part 4 of this Constitution.</p>
<p>3B, new para 5.5.2</p>	<p>The Chairman of the PAGO committee will be appointed by the Council at its annual meeting in May. The Vice Chairman will also be appointed by the committee at its first meeting of the civic year.</p> <p>The Chairman and Vice Chairman will hold office until: (i) he/she resigns from the office of Chairman or Vice Chairman; or (ii) he/she is no longer a Councillor</p>	<p>Insert the words shown in bold below:</p> <p>The Chairman of the PAGO committee will be appointed by the Council at its annual meeting in May. The Vice Chairman will also be appointed by the committee at its first meeting of the civic year.</p> <p>Subject to the above, the Chairman and Vice Chairman will hold office until: (i)</p>

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Part 3/Chapter/Para	Existing provision	New provision
	<p>Upon the occurrence of a vacancy in the office of Chairman or Vice Chairman, the Committee shall fill the vacancy at its next ordinary meeting.</p>	<p>he/she resigns from the office of Chairman or Vice Chairman; or (ii) he/she is no longer a Councillor</p> <p>Upon the occurrence of a vacancy in the office of Chairman, the Council shall appoint a Chairman at its next meeting. In the case of a vacancy in the office of Vice Chairman, the Committee shall fill the vacancy at its next meeting.</p>
<p>3B, new Para 5.6.1 (iii)</p>	<p>(iii) consider means of improving and promoting the performance management and audit functions of the council;</p>	<p>Remove “performance management”:</p> <p>(iii) consider means of improving and promoting the audit functions of the council;</p>

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Part 3/Chapter/Para	Existing provision	New provision
New para 5.6.2 (f) (External Audit bullet point)	external audit: to maintain and develop a trusting and professional relationship with the council’s external auditors	Replace “a trusting” with “an objective”
3B, new Para 5.6.3 (viii)	advise and assist Town and Parish Councils and Members to maintain high standards of conduct and to make recommendation to Town and Parish Councils on improving standards or actions following a finding of a failure by a Town or Parish Member to comply with the Code of Conduct;	promote and provide guidance on high standards of conduct to be followed by members of Town and Parish councils
3B, new 5.7 para (i) Standards Sub Committee Terms of Reference	To consider investigation reports in respect of Code of Conduct complaints that are referred to it by the Monitoring Officer.	To consider assessment and investigation reports in respect of Code of Conduct complaints that are referred to it by the Monitoring Officer.
3B, new para 6.5	Delegated Authority 6.5 The Committee has full delegated authority to act within the remit of its functions. The	Delete, as covered by (n) in the paragraph above

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Part 3/Chapter/Para	Existing provision	New provision
	<p>only limits to this are:</p> <p>(a) Decisions which would be contrary to the Constitution; and</p> <p>(b) Decisions which would be contrary to current legislation.</p>	
3B, new para 8.6	A Chairman and a Vice Chairman shall be appointed by the Local Joint Panel at its first meeting in each year. If the Chairman appointed is a Member of the Council, the Vice Chairman shall be appointed from the officer side, and vice versa.	A Chairman and a Vice Chairman shall be appointed by the Local Joint Panel at its first meeting in each year. If the Chairman appointed is a Member of the Council, the Vice Chairman shall be appointed from the employees' side, and vice versa.
3B, new para 8.14	The proceedings of any meeting of the Local Joint Panel shall be recorded and reported at the appropriate Council meeting, but before submission, the Minutes shall be approved by the	The proceedings of any meeting of the Local Joint Panel shall be recorded and reported at the next meeting

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Part 3/Chapter/Para	Existing provision	New provision
	Panel Chairman and Vice Chairman.	of the Human Resources Committee.
3B		Add terms of reference and procedures of Financial Sustainability Committee
3C, Officers' responsibility for functions, para 1	The Council has adopted a Corporate Strategic Plan to improve the health and wellbeing of our communities; enhance the quality of people's lives and enable a flourishing local economy.	The Council has adopted a Corporate Plan to put environmental sustainability at the heart of everything it does; enable its communities and invest in its places; encourage economic growth; and maximise the benefits to the community and Council services of digital connectivity and technology.
3C, Officers' responsibility for functions, para 3.4 and 5.2	3.4 Officers may only exercise delegated powers in accordance with: (a) the council's Rules of Procedure	These restrictions are duplicated in both paragraph 3.4 and 5.2. Delete both paras, and extract content to

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Part 3/Chapter/Para	Existing provision	New provision
	<p>contained in Part 4 of this Constitution including the Financial Procedure Rules and Contract Procedure Rules;</p> <p>(b) all plans, policies, schemes or strategies approved by or on behalf of the Council;</p> <p>(c) any statutory restrictions, guidance or statutory code of practice;</p> <p>(d) the statutory and local requirements in respect of the taking and recording of Key Decisions;</p> <p>(e) the revenue and capital funding for the relevant service as approved by the Council, subject to any variations which are permitted by virtue of the council’s Rules of Procedure; and</p> <p>(f) the council’s Equal Opportunities and other policies, procedures, standards and the Local and National Conditions of Service.</p>	<p>add to para 6, Restrictions:</p> <p>1. Restrictions</p> <p>6.1 Officers may only exercise delegated powers in accordance with:</p> <p>6.2 statutory requirements, including key decisions, guidance and codes of practice;</p> <p>6.3 the Budget and Policy Framework, including all plans, schemes and strategies approved by or on behalf of the Council or Executive;</p>

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Part 3/Chapter/Para	Existing provision	New provision
		<p>6.4 the Council’s Procedure Rules including Financial Limits; and</p> <p>6.5 the Council’s equalities and other policies, procedures, standards and the Local and National Conditions of Service</p>
<p>3C, para 8.1 and subsequent references to directors throughout Constitution</p>	<p>Chief executive, directors, all Heads of Service and their duly authorised officers</p> <p>The delegations that follow apply to the Chief Executive, directors, Heads of Service or their duly authorised officers.</p>	<p>Change “directors” to Deputy Chief Executive</p>
<p>3C, para 13.20</p>	<p>To convey the freehold of electricity sub-station sites and to grant the necessary easements to the Electricity Board in respect of developments.</p>	<p>Delete “Electricity Board”, change to utilities suppliers/distributors”</p>
<p>3C, para 16.39</p>	<p>To authorise officers to discharge the functions</p>	<p>Add “(subsequent</p>

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Part 3/Chapter/Para	Existing provision	New provision
	contained in the European Communities Act 1972 and in particular the following matters	amendment implied)"
3C, Appendix A, Part 2,	Officers' Responsibility for Functions Updates are required to legislation as follows: Delete: <ul style="list-style-type: none"> a. Animal Boarding Establishments Act 1963 b. Breeding of Dogs Act 1973 and 1991 c. Pet Animals Act 1951 and 1983 d. Riding Establishments Act 1964 and 1970 	Add Tenant Fees Act 2019
3D, Statutory designation of statutory and proper officers, table, first row	Section 4(1) Local Government and Housing Act 1989 – Head of Paid Service – Chief Executive (directors nominated as deputies)	Change directors to Deputy Chief Executive
As above, fifth row	Section 8 Representation of the People Act 1983 – Electoral Registration Officer – Chief Executive	Add Elections Manager nominated as deputy
3E, para 1.2, table of portfolio areas, page	Under areas of responsibility of Portfolio Holder for Financial Sustainability and Deputy Leader,	Financial Sustainability

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Part 3/Chapter/Para	Existing provision	New provision
162	there is reference to “Sustainability Board”	

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Part 4/Chapter/Para	Existing provision	New provision
4A, para 1.2	Meetings will usually take place at the council’s main offices but may take place at other venues with the agreement of the Chairman.	Add: “or remotely using information technology, in accordance with contingency provisions allowed for under emergency legislation”.
4A, Rule 3.2	Ordinary meetings list of items which will be considered	Add: “receiving and answering questions on notice from Members in accordance with Rule 12 below;”
4A, Rule 5.4 (c)	Executive Member for Development Management and Corporate Support	“Executive Member whose portfolio includes Development Management”
4A, Rule 6	Summons This is prescribed by law, but EHC sought Members’ consent to receive an electronic summons in place of posted summons. This could be made clear.	OK
4A, Rule 10.9, questions by the public - written answers	Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Member to whom it was to be put, will be dealt with by a written	Add: “Any answers which cannot be given during the meeting due to lack of time will also be summarised in a

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Part 4/Chapter/Para	Existing provision	New provision
	answer	supplementary document to be published as soon as practical after the meeting."
4A, Rule 12.8, Members' Questions – written answers	Any remaining questions shall be responded to in writing before the next ordinary meeting of the Council	Add "Any answers which cannot be given during the meeting due to lack of time will also be summarised in a supplementary document to be published as soon as practical after the meeting."
Rule 14 – Motions on notice	Except for motions which can be moved without notice under Rule 15, written notice of every motion, signed by at least two Members, must be delivered etc by at least two Members.	Add "or if sent by email, confirmed as submitted by at least two Members,"
4A, Rule 14	Except for motions which can be moved without notice under Rule 15, written notice of every motion, signed by at least two Members, must be delivered etc	Add: "or if sent electronically, confirmed by email as submitted by at least two Members"
4G, Financial Procedure rules, rule 2.0	All officers must operate within the council's Scheme of Financial Delegations as listed in Appendix 1. As a general principle, financial decisions will be taken at	Add: "It should also be noted that the council has an authorised signatory list which

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Part 4/Chapter/Para	Existing provision	New provision
Financial delegations	the lowest level allowable within the officer and member hierarchy in the scheme	lists specific values for delegated Council staff."

Part 4/Chapter /Para	Summary of changes – refer to new table for Appendix 1 in tracked changes document.
4G, Financial Procedure Rules, Appendix 1	<p>Table of financial delegations at Appendix 1 – replace with table reflecting new provisions</p> <p>Add Head of Service limits</p> <p>Include Deputy Chief Executive within Chief Executive column</p> <p>Include Deputy Chief Financial Officer within Chief Financial Officer column</p> <p>Head of Service purchase order & payment of grants approval limit to be up to £500,000</p>

Part 4/Chapter /Para	Summary of changes – refer to new table for Appendix 1 in tracked changes document.
	<p>(increased from £100,000). Add reference to delegation to Service Manager, Budget Holders & Service Users and reference to the authorised signatory list.</p> <p>Service Manager purchase order & payment of grants approval limit to change from £100,000 to no authority unless delegated by Head of Service, in which case up to £100,000.</p> <p>Budget Holder purchase order & payment of grants approval limit to change from £100,000 to no authority unless delegated by Head of Service, in which case up to £100,000.</p> <p>Service Manager virement within service approved budgets to change from no financial limit to no authority unless delegated by Head of Service, in which case up to £100,000</p>

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Part 4/Chapter /Para	Summary of changes – refer to new table for Appendix 1 in tracked changes document.
	<p>Budget Holder virement within service approved budgets to include a limit of up to £100,000</p> <p>Chief Financial Officer virements across services within overall approved budget levels to change from £100,000 to £500,000</p> <p>Head of Service Write off / waivers of income due is up to £5000, add reference to delegation to Service Manager, Budget Holders & Service users along with reference to the authorised signatory list.</p> <p>Executive Insurance & other settlements have now changed from Up to £250,000 to no financial limit.</p> <p>Head of Service Insurance & other settlements is now up to £25,000 & up to £5000</p>

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Part 4/Chapter /Para	Summary of changes – refer to new table for Appendix 1 in tracked changes document.
	delegated to insurance team for small claims.

Part 6 Chapter/ Rule/Para	Existing provision	New provision
	Scheme of allowances	To be updated as recommended in report on members' scheme of allowances (separate report on agenda)