

Report to COUNCIL

Update to the Constitution and Amendments

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Reason for Decision

To present to the Full Council proposed changes/Amendments to the Constitution.

Recommendations

1. That the proposed amendments/changes to the Constitution as detailed within the report are approved.
2. To agree that any future changes to the Specific Officer Functions be delegated to the Monitoring Officer and reported to the next available Council.

Update to the Constitution and Amendments

1 Background

Some work has been undertaken with the Constitutional Working Group to create a more accessible and simpler Constitution to ensure accessibility, openness and transparency. The changes proposed are:

1.2 If Full Council agrees to the District Working report recommendations the following amendments are required:

District Executives

- Part 1 – Summary and Explanation deleted reference
- Part 2 – Article 10 removed and replaced with District Lead as per District Working Report All references to District Executives removed
- Part 3 – Responsibility for Functions – 2 (b). Responsibility for Council Functions – Council Committees -Reference to District Executives to be removed
- Ward Member Budgets to be amended to £6,000

1.3 Council Procedure Rules – Part 4 – Rules of Procedure

The Constitutional Working Group has also considered changes to Full Council to ensure the meeting is more coherent.

The following changes are put forward:-

- The 'Outstanding Business' section be removed from the agenda. The effect of this is that if a motion is not considered at the meeting, it would automatically fall, but could be resubmitted at the next meeting.
- All questions to be consolidated into one section. Therefore, this would mean that Public questions, questions to Leader and Cabinet members and questions on Joint arrangements /Partnerships be considered in the 75 minute section.
- After a question has been submitted, a member could ask one supplementary question or make an observation which must relate to the original question or response.
- The Youth Council section to be considered higher on the agenda.
- There should be no distinction between Open Council and formal Council.
- The proposals and time limits would give, subject to time used at communication and urgent business, approximately 40 minutes for consideration of reports.
- The only proposed amendments to the annual Council meeting agenda is the removal of 'Outstanding Business' for consistency.

Proposed New Agenda for Council Meetings

- 1) Minutes from Previous Meeting
- 2) Declaration of Interests
- 3) Urgent Business
- 4) Communications
- 5) Petition
- 6) Youth Council (20 minutes)
- 7) Question Time
 - Public Questions – (15 minutes)
 - Questions to Leader and Cabinet – (30 minutes)
 - Questions on Cabinet Minutes – (15 minutes)
 - Questions on Joint Arrangements / Partnerships – (15 minutes)

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- 8) Administration Motions – (30 minutes)
 - 9) Opposition Motions – (30 minutes)
 - 10) Other Business Including Reports

1.4 **Health Scrutiny**

Further to agreement of a stand-alone Health Scrutiny Committee, it is necessary to change the wording from a Sub-Committee to Committee.

Part 2 – Article 6 – amended accordingly.

Part 3 – Overview and Scrutiny amend wording amended accordingly.

Part 4 – Overview and Scrutiny Procedure Rules wording amended accordingly.

1.5 **Contract Procedure Rules – Part 4 – Rules of Procedure**

The Constitutional Working Group have agreed to the following proposed amendments the Contract Procedure Rules. The changes are detailed at Appendix 1 to the report.

- Change the term Executive Director to Deputy Chief Executive or Strategic Director to reflect the change in the Council's leadership team which no longer refers to Executive Directors.
- Change the name of the Commercial Services Team to the Commercial Procurement Unit
- Rule 4.1 include a reference to a Dynamic Purchasing System
- Amendments to the table in Rule 4.1 for clarification
- Rule 5.2 change to the value for quotations to be advertised on The Chest
- Deleted Rule 5.7 referring to the use of Construction Line as a route to market
- Changing the rule relating to the advertisement of Concession Contracts in Rule 7.5.1
- Amendment to Rule 17.1 (b) to remove the reference to an increase in value of 50%
- Amendment to the wording in Rule 20.1 to address the resource issue in the Commercial Procurement Unit which no longer has a dedicated resource for contract management.
- Change of name from Contract Manager to Contract Owner.
- Amending the threshold for publication of contracts in Rule 20.10 to reflect the Local Government Transparency Code 2015.
- Amending the hierarchy for the approval of exemptions in Rule 21.4.1 to address a concern arising from approval of exemptions.
- Inserting Rules 21.6 and 21.7 to address issues which have arisen in connection with exemptions.

1.6 **Charitable Trust Committee – Part 3 – Responsibility for Functions**

To amend the Terms of Reference to include a new piece of land. The Terms of Reference for the Charitable Trust Committee be extended to include Bishop's Park, Ripponden Road, Oldham which is held as a charity under the auspices of the Public Health Acts 1875 to 1925 as an open space for the use and benefit of the inhabitants of the Borough of Oldham and 439 Middleton Road, Chadderton, to the Council for the use of old age pensioners and people of a like age, to be used as a meeting place for reading and conversational purposes.

1.7 **References to Deputy Chief Executive generic delegations to include Strategic Director of Reform (apart from specific delegations to the Deputy Chief Executive relevant portfolio)**

Any reference in the Constitution to generic delegations in relation to the Deputy Chief Executive Role to be applicable to the Strategic Director of Reform.

2 **Options/Alternatives**

- 2.1 Option 1 – Approve the recommendations subject to agreement of other reports on the agenda.
Option 2 – Do not approve the recommendations and provide alternatives to the proposals.

3 **Legal Services Comments**

- 3.1 The legal issues are covered in the body of the report.

4 **Background Papers**

- 4.1 Oldham Council Constitution