

Meeting of:	<b>Council</b>
Date of Meeting:	<b>Monday, 24 April 2023</b>
Relevant Scrutiny Committee:	All Scrutiny Committees
Report Title:	Amendments to the Council's Constitution
Purpose of Report:	To seek Council approval to amend the current Scheme of Officer Delegations and Contract Procedure Rules in the Council's Constitution.
Report Owner:	Monitoring Officer / Head of Legal and Democratic Services
Responsible Officer:	Ms. D. Marles, Monitoring Officer / Head of Legal and Democratic Services
Elected Member and Officer Consultation:	This report does not require consultation to be undertaken.
Policy Framework:	The adoption and subsequent changing of the Constitution is a matter for Full Council
Executive Summary:	
<ul style="list-style-type: none"> <li>• To obtain Council's approval to amend the existing Scheme of Officer Delegations as set out in: <ul style="list-style-type: none"> <li>- Paragraph 2.2 to this report as recommended by the Director of Place to reflect changes in relation to the broadening of the existing long established delegation relating to the submission of Regulation 3 Planning applications to cater for Building Regulation applications and Sustainable Drainage applications; and</li> <li>- Paragraphs 2.3 and 2.4 to this report as recommended by the Director of Environment and Housing in relation to cycle tracks to ensure that delegated authority is in place for the purpose of enforcement action.</li> </ul> </li> <li>• To obtain Council's approval to amend the Council's Contract Procedure Rules as set out in paragraphs 2.5 and 2.6 to ensure that relevant tenders reflect a social value requirement as recommended by the Head of Finance / Section 151 Officer and previously agreed by Cabinet.</li> <li>• That the Council's Constitution be amended to reflect the above changes.</li> </ul>	

## **Recommendation**

1. That the changes to the relevant officer delegations and Contract Procedure Rules as set in paragraphs 2.2 to 2.6 of this report be approved and the Constitution amended accordingly.

## **Reason for Recommendation**

1. To update the Officer Delegation Scheme and Contract Procedure Rules within the current Constitution.

## **1. Background**

- 1.1 The Constitution remains under review on an ongoing basis. Under Section 2.4 of the Constitution the Monitoring Officer has a duty to monitor and review the operation of the Constitution to ensure that the aims and principles contained therein are given full effect.
- 1.2 Section 2.6.2 of the Constitution provides for any changes considered by the Monitoring Officer to be required to be made to remove any inconsistency, ambiguity or typographical correction to be reported to the next Full Council meeting for information.

## **2. Key Issues for Consideration**

- 2.1 Council is requested to consider and approve the following amendments to the Council's Constitution.
- 2.2 Following a request from the Director of Place, having regard to the Town and Country Planning (General) Regulations 1992 and the Sustainable Drainage Applications pursuant to Schedule 3 to the Flood and Water Management Act 2010 for New Developments, to broaden the long established delegation regarding submitting Regulation 3 Planning applications to cater for associated Building Regulation applications and Sustainable Drainage applications requiring an amendment to Delegation 17 under Section 26 (All Directors or Service Heads) of the Constitution currently at page 322 be considered as below:  

“To submit Regulation 3 Planning (Town and Country Planning (General) Regulations 1992), Building Regulation (Building Act 1984) and Sustainable Drainage applications (The Sustainable Drainage (Approval and Adoption) (Wales) Order 2018) as and when required.”
- 2.3 Following a request from the Director of Environment and Housing, with a view to ensuring that delegated authority is in place for the purpose of enforcement action, two additional delegations to be added to page 348 of the Constitution under the title of Director of Environment and Housing, Head of Neighbourhood Services and Transport and Operational Manager (Engineering) to be inserted as below:

“A GENERAL

8. Authority in consultation with the Cabinet Member for Neighbourhood and Building Services to instruct the Head of Legal and Democratic Services/ Operational Manager (Legal Services) to make orders pursuant to the Cycle Tracks Act 1984 and Cycle Tracks Regulations 1984.

9. Authority in consultation with the Cabinet Member for Neighbourhood and Building Services to make a Cycle Track in or by the side of a highway maintainable at the public expense pursuant to s.65 of the Highways Act 1980.”

- 2.4** Following a request from the Director of Environment and Housing, an additional delegation to be added to page 339 of the Constitution under the title of Head of Legal and Democratic Services and Operational Manager (Legal Services) to be inserted as below:

“58. On the instruction of the Director of Environment and Housing, Head of Neighbourhood Services and Transport, or Operational Manager (Engineering) to make orders pursuant to the Cycle Tracks Act 1984 and Cycle Tracks Regulations 1984.”

- 2.5** Cabinet on 27<sup>th</sup> February, 2023 (Min No. C242 refers) considered a report in respect of the Council’s Procurement Policy and Strategy being advised that there was work being undertaken to practically enable a greater focus on social value and that further analysis will be commissioned to tailor the Welsh Themes, Output and Measures (TOMs) to the Council’s Corporate Plan and specific needs/areas of focus. Additionally, tools would also be needed to be in place to set out requirements when going out to tender and to monitor whether all benefits had ultimately been delivered. It being likely that whilst the Contract Procedure Rules would require a set percentage for inclusion when tendering for above threshold procurements, 10% was proposed. As a result, this would require a change by Council to the Contract Procedure Rules.

Cabinet subsequently resolved to recommend amendments to Contract Procedure Rules within the Constitution at Section 18.12.1.

- 2.6** It is therefore proposed that Section 18.12.1 Evaluation Criteria be amended to incorporate a new (c) as below and that the existing (c) and (d) become (d) and (e):

“(c) All above threshold tenders are required to have social value as a minimum of 10% of the evaluation criteria.”

### **3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?**

- 3.1** The Officer Delegation directly contributes to the long-term future by ensuring that the Council’s Constitution continues to operate with full effect.
- 3.2** The Officer Delegation also contributes to the prevention of the Constitution becoming obsolete or non-effective in achieving its aims and principles.

#### **4. Climate Change and Nature Implications**

- 4.1 There are no direct climate change and nature related implications associated with this report.

#### **5. Resources and Legal Considerations**

##### **Financial**

- 5.1 There are no financial implications as a direct result of this report.

##### **Employment**

- 5.2 There are no employment implications as a direct result of this report.

##### **Legal (Including Equalities)**

- 5.3 The Council is required to comply with the Local Government Act 2000 and subordinate legislation in the drawing up and subsequent operation of the Constitution.

#### **6. Background Papers**

The Council's Constitution.