Agenda Item No: 6

Meeting of:	Council
Date of Meeting:	Wednesday, 02 December 2026
Relevant Scrutiny Committee:	No Relevant Scrutiny Committee
Urgent Decision Procedure Used (If yes, why)	Not Applicable
Item Type	Part I
Report Title:	**Amendment to the Council's Constitution**
Portfolio Holder:	No Relevant Cabinet Member
Strategic Leadership Team:	Monitoring Officer/Head of Legal and Democratic Services
Lead Officer:	Monitoring Officer/Head of Legal and Democratic Services

1.0 What is this report about?

1.1 To obtain Council's approval for updates within the Council's Constitution to be considered by Full Council as outlined within Section 4 of the report.

2.0 What are the Recommendations?

	Recommendations – What and How?	**Reason for Recommendation – Why?**
2.1	T H A T the amendments to the Council's Constitution as detailed in paragraphs 4.2 to 4.3 of this report be approved by Full Council and that the Constitution be updated accordingly.	To update the Constitution to reflect amendments as outlined within the report.

3.0 What is the background to this report?

3.1 The Constitution remains under review on an ongoing basis. During Summer 2025, a larger review was undertaken to reflect upon the accuracy of the Constitution. Under Section 2.4 of the Constitution the Monitoring Officer / Head of Legal and Democratic Services 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. As part of this, a key role is to make recommendations to Full Council for ways the Constitution could be amended so that current democratic processes operate effectively and efficiently being mindful of arrangements in other comparable Local Authorities.

3.2 Having a Constitution which is reviewed and updated regularly serves a valuable and relevant purpose by striking a fair balance between the interests of the various groups within the Council e.g. between the largest political group and opposition group, between all Councillors and between Councillors and officers.

3.3 Most importantly the Constitution needs to enable the Council to operate effectively. It must deliver:

- good governance behaviours;
- effective officer / Member relationships;
- clear and effective decision-making;
- strong accountability;
- clarity and consistency.

4.0 What issues are there to be considered?

4.1 The Monitoring Officer / Head of Legal and Democratic Services has fully considered all aspects of the Constitution and in the interests of good governance, consistency and public participation recommends to Full Council amendments as below in relation to aspects of the Constitution.

4.2 **Update to Contract Procedure Rules (Section 18.15.4 p.183-184) –** amendments to further align with the Procurement Code of Practice:

4.2.1 18.15.4 Modifying a Public Contract (formerly Contract Variation)

(a) Contract modification has the potential to amount to a new contract and/or procurement and can constitute a single tender award without advertisement and require a new procurement process.

(b) In all cases of contract modification, careful consideration must be made of the impact of the increased value of the contract on the procurement threshold levels, particularly whether the increase in value will move a contract from below Procurement Act Threshold to above Procurement Act Threshold.

(c) The Advice of the Head of Procurement, s151 Officer and Head of Legal should be sought where there is uncertainty.

(d) Schedule 8 of the Procurement Act sets out the conditions for a permitted modification and should be referenced for the detail but in summary the key area where a modification is allowed:

i. **Provided for in the Contract.**
ii. **Urgency and the protection of life, etc**
iii. **Unforeseeable circumstances** where the modification would not increase the estimated value of the contract by more than 50 per cent.
iv. **Materialisation of a known risk**
v. **Additional goods, services or works -** using a different supplier would result in the supply of goods, services or works that are different from, or incompatible with, those already provided for in the

contract. The modification must not increase the estimated value of the contract by more than 50 per cent.

vi. **Transfer on corporate restructuring** - A novation or assignment of a public contract to a supplier that is not an excluded supplier is a permitted modification if it is required following a corporate restructuring or similar circumstance.

(e) For contract modifications greater than 10% of the original contract value advice must be sought from Procurement.

(f) Delegated authority is granted to approve the modification:

i. **Operational Manager**. Modification (or aggregate value of all modifications made to the Contract) up to £250,000
ii. **Head of Service**. Modification (or aggregate value of all modification made to the Contract) up to £1,000,000
iii. **Chief Officer** (in discussion with the Council's S151 Officer and liaison with Cabinet Member). Modification (or aggregate value of all modifications made to the Contract) up to £5 million
iv. **Cabinet**. Modification (or aggregate value of all modifications made to the Contract) Above £5m.

4.3 **Update to Full Council Procedure (Section 4.11 p.22) –** update to section 4.11.2 to respond to previous feedback surrounding extraordinary meetings of Council and enhance the procedural management of multiple meeting scenarios:

4.3.1 Business

The business to be conducted at an extraordinary meeting shall be restricted to the item or items of business contained in the request for the extraordinary meeting and there shall be no consideration of previous minutes from Council, except that the Mayor may at their absolute discretion permit other items of business to be conducted on the same agenda for the efficient discharge of the Council's business.

5.0 How has evidence been used to inform the report, including the views of others?

5.1 This has been based upon feedback provided by Elected Members and observations of the Monitoring Officer.

6.0 What are the next steps if the recommendations are approved?

6.1 If approved, the Council's Constitution will be updated and published accordingly.

7.0 How does this report support Vale 2030 and Reshaping?

7.1 Regular updates to the Constitution ensure that the Council is maintaining fit and proper governance arrangements, in line with the principles of "Being the Best Council We Can Be".

8.0 How does this demonstrate the Five Ways of Working?

8.1 Updates to the Constitution are required to provide a long-term view of the Council's governance and decision-making processes and prevent future challenges arising. The involvement and collaboration with Elected Members ensure that all key stakeholders are aware of any proposed changes.

Resources

9.0 Finance

9.1 There are no finance implications as a direct result of this report.

10.0 Workforce

10.1 There are no workforce implications as a direct result of this report.

11.0 Legal and Equalities

11.1 **Does an Equalities Impact Assessment need to be completed? If not, why?**
An Equality Impact Assessment (EIA) has not been undertaken in relation to these amendments to the Council's Constitution as the proposed changes are minor, technical, and administrative in nature, and do not introduce any new policy, service change, or decision that would materially impact individuals or groups with protected characteristics.

11.2 The Council is required to comply with the relevant legislation requirements as set out in the body of the report.

12.0 Key Contacts

12.1 **Who are the primary officers to contact with any comments and/or queries on the report?**

Lead Officer: Victoria Davidson, Monitoring Officer/Head of Legal and Democratic Services vdavidson@valeofglamorgan.gov.uk	Democratic Services Officer: James Langridge-Thomas, Operational Manager (and Statutory Head of) Democratic Services jlangridge-thomas@valeofglamorgan.gov.uk 01446709457.