

APPENDIX 1 - Summary Table of constitutional changes

Proposed Change	Summary of change
To clarify the powers of the Committee / chair in relation to public speaking and include clear guidance for citizens about appropriate content of statements	Article 3.2 -Minor additional wording making it clear that statements made by public speakers should not be frivolous or defamatory about any individual or organisation
To clarify the appointments process for Independent Members of Audit and Standards	Article 5.3 - A panel made up of no more than three members of the Audit & Standards Committee (which may include the Independent Chair).
To insert within the functions of the Monitoring Officer, the role in relation to member complaints under the Code of Conduct	Article 7.3(e) - Confirms that any complaints about elected members will be dealt with by the Monitoring Officer in accordance with the Member Code of Conduct and that members will be made aware of their obligations under the Code
To clarify that the roles held by the Chief Finance Officer and Monitoring Officer in relation to money laundering	Article 7.4(c) - Includes these statutory responsibilities and where they sit within the Constitution
To clarify the position as regards exempt reports and decisions	Article 8.4 - Confirms that reports and decisions will be published on the Council's website unless they are considered to be exempt from publication
<p>To delete the following responsibilities:</p> <ul style="list-style-type: none"> • remove item 18 referencing development plans in production in 2004; • remove item 38 relating to Local Area Agreements 	<p>Part 2 Section 2- Items 18 and 38 –These responsibilities of full council have been deleted as the obligations are now obsolete referencing plans and agreements that are no longer required/in place.</p> <p>Part 2 Section 3 mirrors the deletion in relation to Local Area Agreements</p>
To delegate the making of funding bids to external bodies up to a certain financial threshold to officers in consultation with the Portfolio Holder and provided WCC match funding does not exceed a certain threshold and/or the funding doesn't relate to a project which needs member approval and hasn't yet had it.	Part 2 Section 4 and Part 2 Section 10 - External funding bid timescales are often relatively short and can present a challenge in terms of decision making. This change is intended to give more flexibility and enable officers to make the bid on certain conditions and up to a financial threshold of £250,000 and provided the bid does not commit WCC to match funding of more than £50,000 and the match funding can be met from the services allocated budget, and/or it is an approved partnership submission and/or it is made to progress an approved activity. Portfolio Holder and Officer delegations have been amended accordingly

<p>To delegate to officers in consultation with the Portfolio Holder responses to consultations where the subject matter of the consultation is practical/ technical in nature and is not of wider interest.</p>	<p>Part 2 Section 4 and Part 2 Section 10 - Consultation response timeframes can be relatively short and sometimes are more operational in nature rather than policy driven. For these types of consultation, to provide greater flexibility it is proposed that such responses are delegated to officers in consultation with the Leader and/or Portfolio Holder and relevant Overview and Scrutiny Chairs. Portfolio Holder and Officer delegations have been amended accordingly</p>
<p>To uplift the levels at which officers can take decisions in relation to property matters, and consequent Portfolio Holder change.</p>	<p>Part 2 Section 4 and Part 2 Section 10 - Property values/ thresholds for decision making in the Constitution have not been reviewed for several years and property values/lease values have increased. One change is proposed</p> <p>Officer decision levels are relatively low when compared to other officer decision making levels (such as letting contracts). The current thresholds for the Strategic Director for Resources, and proposals to increase are</p> <ul style="list-style-type: none"> • Sales and purchases of land up to £100,000 - increase to £250,000 • Grant and taking up leases £25k pa – increase to £35k pa <p>Portfolio Holder decision lower thresholds are increased to take account of the above changes. It is not proposed to change the upper limits of £1m for sales and £250k for leases beyond which Cabinet decision making is required.</p>
<p>To pick up aspects from the Scrutiny Review that require clarification or confirmation constitutionally</p>	<p>Part 2 Section 8 - New additions to the Overview and Scrutiny Committee (OSC) section of the Constitution to include consideration of themes arising from the Council Plan, compliance with OSC statement of behaviours (which are to be drafted), reference to Task & Finish (TFG) groups, public involvement, and stakeholder engagement.</p> <p>Also, clarify Terms of Reference for TFGs – their remit is to consider, provide guidance and/or recommendations and report back. Clarification that they are not a decision-making body</p>

<p>To clarify the general delegations to Chief Executive and Strategic Directors and to generally tidy up these sections of the Constitution.</p>	<p>Part 2 Section 10 (Officer Delegations) of the Constitution – The proposed changes are intended</p> <ul style="list-style-type: none"> • To ensure that there is a specific delegation to officers around contractual and other decisions necessary for operational effectiveness – which aligns to Contract Standing Orders • To tighten the provisions around sign off and use of ModGov • To clarify the ability of Strategic Directors to make payments necessitated by decisions of courts, tribunals and regulatory bodies. As currently drafted this ability is inferred but not explicit in the Constitution • To clarify the extent of officer decision making as regards responses to consultation papers and bids for external funding (to reflect the changes proposed above) • To clarify the ability of the Chief Executive to appoint substitutes for any officer in the Scheme of Delegations who is absent for a period • To clarify the requirements on officers when exercising delegated powers (these have simply been updated from the current version in the Constitution) and set out the limitations on the exercise of delegated powers.
<p>To expand the list of Statutory Officers</p>	<p>Part 2 Section 10 - Now includes the Director Children’s Services and Director of Adult Social Services and Director of Public Health (DPH)</p>
<p>To move the detailed statutory references to an Appendix.</p>	<p>Part 2 Section 10 - This proposal is intended to make the Constitution easier to navigate whilst still retaining the statutory references which are required</p>

<p>To increase the thresholds at which the Strategic Director for Resources can authorise write off as irrecoverable debts owed to the Council</p>	<p>Part 2 Section 4 and Part 2 Section 10 - The current threshold of £2,000 has not been updated for several years. It is proposed to increase the threshold at which officers can write off the debt to £3,000 for the Chief Finance Officer and £2,000 for Strategic Directors. Corresponding changes are made to the Portfolio Holder general powers</p> <p>Includes a non-financial caveat around how we deal with lower value but higher risk issues/matters with principles/precedents – this requires consultation with legal and finance and with Portfolio Holder and/or Leader where considered appropriate</p>
<p>To increase the financial thresholds applicable to the Strategic Director for People in cases relating to children in care etc</p>	<p>Part 2 Section 4 and Part 2 Section 10 – Current thresholds applicable to officers (up to £1000) have not been renewed for a number of years. Proposed to increase these to £10,000 in appropriate circumstances.</p>
<p>To give Chief Executive a specific emergency power to take decisions such as during a pandemic or other local crisis.</p>	<p>Part 2 Section 10B - New power enabling Chief Executive to take, in consultation with the Leader, Group Leaders and the relevant Portfolio Holder, all necessary decisions in cases of emergency. Such decisions to be limited in timeframe and included in the Leader’s annual report to full Council, and post emergency to be notified to the relevant decision-making body.</p> <p>The power would still require the Access to Information Rules to be met and would be implemented where failure to act would prejudice the council.</p> <p>Actions involving spend would require input of the s151 officer</p> <p>Proposed wording has taken into account similar powers included in the Constitutions of other authorities</p>
<p>To give the Strategic Director for Communities a wider delegation in relation to Highway Authority and Planning matters</p>	<p>Part 2 Section 10B - A number of other Councils include these broad delegations in relation to issues such as traffic and vehicle regulation, public transport, car parking and road safety together with any related enforcement action, making and entering into agreements pursuant to the Highways Act 1980. They also include powers to officers in relation to town and country planning (including minerals and waste planning) and development control including any necessary enforcement action. We have tended to use our general officer delegations to undertake such functions. There is an opportunity within</p>

	<p>this review to make the powers of the Strategic Director for Communities more explicit and to avoid any ambiguity or potential for challenge.</p> <p>To be in consultation with relevant Portfolio Holder and as appropriate the Chair of the Regulatory Committee</p>
The Policy Framework – updated	<p>Part 2 Section 2 - The Policy Framework are those plans, strategies and policies which under legislation require the approval of full Council and others which the Council has requested be included. The Council's Policy Framework has been updated to reflect legislative requirements and operational changes since the framework was last considered and approved.</p>
General tidying up of terminology, clarifications, consistency checks and verification of statutory references	<p>Proposed changes in track changes throughout the constitution at Appendix 2a and in addition, specific updates in Part 2 Section 10 to reflect changes in legislation</p>