

DECISION-MAKER:	COUNCIL		
SUBJECT:	ANNUAL REVIEW OF THE CONSTITUTION		
DATE OF DECISION:	16TH MAY 2018		
REPORT OF:	SERVICE DIRECTOR: LEGAL & GOVERNANCE		
<u>CONTACT DETAILS</u>			
AUTHOR:	Name:	Richard Ivory	Tel: 023 8083 2794
	E-mail:	Richard.ivory@southampton.gov.uk	
Director	Name:	Richard Ivory	Tel: 023 8083 2794
	E-mail:	Richard.ivory@southampton.gov.uk	
STATEMENT OF CONFIDENTIALITY			
None			
BRIEF SUMMARY			
This report sets out the annual review of the Constitution. This was considered by Governance Committee on 23rd April 2018 at it agreed with the recommendations as contained in this report.			
As ever the Constitution is a document that changes regularly and therefore further revisions may be proposed prior to or at Council.			
RECOMMENDATIONS:			
	(i)	to agree the changes to the Constitution and associated arrangements as set out in this report;	
	(ii)	to authorise the Service Director: Legal & Governance to finalise the arrangements as approved by Full Council and make any further consequential or minor changes arising from the decision of Council	
	(iii)	to approve the City Council's Constitution, as amended, including the Officer Scheme of Delegation, for the municipal year 2018/19	
REASONS FOR REPORT RECOMMENDATIONS			
1.	It is appropriate as a core tenet of good governance for the Council to keep its Constitution under regular review and to amend it, both to reflect experience and changing circumstances.		
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED			
2.	The Council has previously resolved to review its Constitution annually. Therefore, it is appropriate that this report is considered by Members. There are a range of recommendations set out within the report, none of which are substantial changes. Members have a range of options about various changes not least of which is to amend or reject some or all of them.		
DETAIL (Including consultation carried out)			
<u>Governance Committee - Employment matters</u>			
3.	Since last July all matters relating to hearings and determination of any employee grievance or appeal under the Council's disciplinary, grievance,		

	dismissal and other employee relations procedure are delegated to Directors to determine. This accords with national HR good practice and has reduced timelines.
4.	Authority to dismiss is currently set out in the Scheme of Delegation and there is no proposal to amend that. However, it is proposed that all appeals against dismissal will be heard by a member of the Council's Management Team rather than the small Senior Leadership Team to simply spread the workload, with appropriate advice and support from Human Resources and Legal Services. This will include appeals against the following dismissals:
	<ul style="list-style-type: none"> • Disciplinary • Ill-Health • Redundancy • Capability • Probationary • SOSR
5.	School Transport and associated appeals will continue to be heard by a three-person panel, comprising senior officers, chaired by the Service Director: Children's and Families. Grievances will be heard in accordance with the current procedure and the final step will be heard by Service Lead, Service Director or CMT member as appropriate.
<u>Scheme of Delegation to Officers</u>	
6.	This has been updated to reflect revised job titles and other minor matters, remove duplication and to include delegations required to give effect to the working of the Joint Commissioning Board arrangements with the Clinical Commissioning Group and NHS England as previously approved by Cabinet, which has been operating in pilot form while arrangements bed in; there are no other substantive changes. Substantive changes are highlighted on the attached appendix.
<u>Procedure Rules</u>	
7.	Minor changes have been included within Terms of Reference for the Executive and Executive Members, Executive Procedure Rules, Key Decision thresholds, Access To Information Procedure Rules etc in order to prepare for decision making and governance around the Council's proposed Latco (subject to final approval elsewhere on the agenda) and in order to move from pilot to final arrangements for the Joint Commissioning Board for Health.
<u>Criteria for conferring Aldermen status</u>	
8.	There is currently no adopted criteria for conferring the Honorary Alderman status in the City; proposals are left to discretion. In light of an increase in grants recently it is considered by Group Leaders that criteria may be appropriate to ensure equity.
	Section 249 Local Government Act 1972 states:-
.	"A principal council, may confer the title of honorary aldermen on persons who have, in the opinion of the council, rendered eminent services to the council as past members of that council, but who are not then members of the council. No honorary alderman, while serving as a member of the

	council, is entitled to be addressed as alderman or to attend or take part in any civic ceremonies of the council as an alderman. An honorary alderman of a principal council may attend and take part in such civic ceremonies as the council may from time to time decide, but does not, as such have the right:	
	1.	To attend meeting of the council or a committee of the council (including a joint committee upon which it is represented), or
	2.	To receive allowances or other payments.'
9.	There is nothing in law that helps define "eminent service" so it is up to each authority to decide what suits best. Interestingly locally some, such as Winchester CC, Isle of Wight UA and New Forest DC, do not appoint out of convention. Fareham BC have appointed five or six Aldermen in the last two years as several very long standing members (15 years +) have retired.	
10.	From a survey of others locally few have set criteria, it is left to judgement. However, Havant BC has the most prescriptive and helpful as below:	
	i.	any former Councillor considered for appointment to the Aldermanic Bench must have served for a minimum of eight years;
	ii.	subject to (i) above, any former Councillor nominated must have given outstanding service to the Council over and above a Councillor's normal duties; (which normal duties are defined in the Council's Constitution at Article 2.3 (a)). In particular they must have:
	a.	been a Chairman for at least two years of a principal member-level body, that being of the Cabinet, the Overview and Scrutiny Board, the Regulatory Committees, and other such Committees established from time to time; or
	b.	a member of the Cabinet for at least three years; or
	c.	Mayor of the Borough; and/or
	d.	given other outstanding service to the Borough.
11.	There is no obligation or requirement to set criteria but those adopted by Havant do not seem unreasonable for members to consider as a starting point.	
<u>Health & Wellbeing Board</u>		
12.	Members will be aware that the establishment of the Southampton Joint Commissioning Board (JCB) was agreed by Cabinet and Council in July 2017 and is now in place and operating successfully. The JCB has the role of ensuring effective collaboration, assurance, oversight and good governance across the integrated commissioning arrangements for health and care between Southampton City Council and Southampton City CCG. The scope of the integrated commissioning arrangements broadly mirror those areas of health and care commissioning covered by the Better Care Fund S75, plus other existing partnership agreements/shared funding arrangements. Therefore, the new commissioning arrangements for the City through the JCB have an impact on the role of the Health and Wellbeing Board (H&WBB) and as part of the agreement to set up the JCB responsibility for the delivery of integrated commissioning and the Better Care Plan for Southampton has formally been delegated to the Joint Commissioning Board.	

13.	<p>Also as part of the establishment of the Joint Commissioning Board the role of the Health and Wellbeing Board and frequency of meetings was to be reviewed to ensure its role was clear alongside the JCB and that its statutory functions in accordance with the Health and Care Act 2012 were met. Currently the H&WBB holds six formal meetings per year, following review it is the intention to reduce this to two formal meetings per year which requires no change in the existing terms of reference for the H&WBB noting that should a need arise then there was the ability to call an extraordinary meeting of the Board.</p>
<p><u>Contract Procedure Rules</u></p>	
14.	<p>Minor operational changes are proposed for the CPRs which for completeness are detailed below:</p>
15.	<p>The amendments proposed to the current CPRs can be divided into two broad categories:</p> <ol style="list-style-type: none"> a. Those arising from changes to the European Union (EU) procurement thresholds for the public sector for the period 1st January 2018 to 31st December 2019. b. Those arising from the Council's approach to simplifying procurement processes.
16.	<p>The overarching objectives of these amendments are to:-</p> <ul style="list-style-type: none"> • Ensure that the Council fully complies with the legislation to mitigate the risk of legal challenge and • Ensure that the CPRs assist the Council to achieve value for money for its goods, services and works through an appropriate and proportionate approach to procurement activity.
17.	<p>The proposed version of the CPRs do not anticipate the UK's position post leaving the EU. Whilst it is not anticipated that there will be any key changes to the United Kingdom's procurement approach in the short term, the CPRs will be revisited if and when any changes occur.</p>
18.	<p>Summarised below are the key changes proposed arising from changes to the European Union (EU) procurement thresholds:</p> <ol style="list-style-type: none"> 1. Replacement of the UK (pounds) Official Journal of the European Union (OJEU) threshold values applicable between 1st January 2018 and 31st December 2019.
19.	<p>Summarised below are the key changes proposed arising from the Council's approach to simplifying procurement processes:</p> <ol style="list-style-type: none"> 2. Removing the requirement for the Service Director - Business and Digital Operations to authorise contracts awarded as a result of single tenders when it can be demonstrated that a value for money review was undertaken and an audit trail is available. 3. Removal of reference to "purchase orders" as these relate to the operational process required (rather than the rules which must be followed when identifying a supplier) and is dealt with in other guidance. 4. Removal of the instruction that in respect of Low Value Transactions, Officers must make the Procurement Services Team aware of their intention to procure prior to requesting the quote(s). 5. Removal of the requirement for three written quotations to be sought if (in respect of contract values of less than £25,000 only) the

	<p>Procurement Services Team determines that only one supplier and no competitors exist for the requirement.</p> <p>6. Removal of the required number of evaluators required as part of the evaluation process for tenders and quotations.</p> <p>7. To reflect the Scheme of Delegation, removal of Service Director – Finance and Commercialisation as the point of contact for section 17 - Conflicts of Interest and Corruption and replacement with Service Director - Digital and Business Operations.</p>
--	--

RESOURCE IMPLICATIONS

Capital/Revenue

20. None.

Property/Other

21. None.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

22. The Executive Arrangements and Constitution are required under the Local Government Act 2000 (as amended) and the Localism Act 2011.

Other Legal Implications:

23. None.

RISK MANAGEMENT IMPLICATIONS

24. None

POLICY FRAMEWORK IMPLICATIONS

25. None.

KEY DECISION? No

WARDS/COMMUNITIES AFFECTED: None

SUPPORTING DOCUMENTATION

Appendices

1. Draft revised Constitution – (track changed parts) online only

Documents In Members' Rooms

1. None

Equality Impact Assessment

Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out. No

Data Protection Impact Assessment

Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out. No

Other Background Documents

Other Background documents available for inspection at:

Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	None