

REVIEW OF CONSTITUTION 2016 – SUMMARY OF KEY CHANGES

| Reference Current Constitution Page & Paragraph detail | | Proposed Amendment | Rationale |
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| Scheme of Administration and Delegations – Section One | P 57 & 58 Para 1.1.1 & 1.3.2 | Inclusion of Harbour Board under Political Management Arrangements | New sub-committee |
| | P 59 Para 1.3.2 (9) | PRS Committee - Inclusion of Vice Chair to be selected from the opposition members appointed to the Committee | Council agreement to Vice Chair role in PRS Committee. |
| Scheme of Administration and Delegations – Section Two | P 63 Para 2.1.2 (4) | For the avoidance of doubt this provision will have no effect in relation to any matter delegated to the Argyll and Bute Integration Joint Board | Establishment of IJB |
| | P66 Para 2.2.1 (1) | Policy & Resources Committee - Inclusion of : Unless such matters are delegated by a scheme of regulation | Clarifies position in event of overlap with agreed procedures. |
| | P69 | Under Community Services Committee prior to Children and Families and Adult Social Work Services insertion of: In respect of the following matters now delegated to the A&B IJB to consider any policy response in respect of the following area and to offer comment thereon: | Reflects establishment of IJB and revised committee role. |
| | P71 Para 2.4.2 | Section on authorisations for area committees - Addition of “not otherwise delegated” | Clarifies position on occasions where Council has delegated authorisation for acquisition , sale or lease of land or buildings elsewhere other than Area Committee |
| | P 72 Para 2.5.3 | Removal of requirement of PPSL to determine any application requiring an Area Capacity Evaluation | No longer a requirement under new statutory guidance |

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| | P77 &79 Para 2.7 & Para 2.8.4 | Inclusion of the IJB under list of areas for Performance Review | Reflects establishment of IJB |
| | P 82 Para 3.2.9 | Amended wording to include reference to “sale” and “best consideration” To approve terms and conditions for the sale or lease to or from a third party of property to be held on their Service account, but subject to the terms of Paragraph 2.1.5 (4) when the proposed sale or lease would be not less than best consideration. | Extension of general delegation to officers of approval of lease to also include sale in situation where offer for either lease or sale is not less than best consideration. |
| Scheme of Administration and Delegations – Section Three Specific Delegations to Officers | P 92 para 45 | Change to ‘approvals for private sector housing grants for repairs work’ to fit with the 2006 Act | Reflects legislation. |
| | P 92 para 50 | Change to ‘to be responsible for the implementation of chapter 5 of the Housing (Scotland) Act 2006 relating to the repair, improvement and demolition of houses’. | Reflects legislation. |
| | P 93 Para 55 - 56 | Delegations moved from Executive Director - Community Services to Chief Officer - Argyll & Bute Integration Joint Board | Delegations amended arising from establishment of IJB |
| | P 96 | Inclusion of delegation to exercise the housing functions delegated to the IJB under: - • Section 71 (1) (b) Housing (Scotland) Act 2006 (assistance for housing purposes) only in so far as it relates to an aid or adaptation. • Section 92 Housing (Scotland) Act 2001 (assistance for housing purposes) only in so far as it relates to an aid or adaptation. | Takes account of The Public Bodies (Joint Working) (Scotland) Act 2014 which requires Health Boards and Local Authorities to integrate planning for, and delivery of, certain adult health and social care services in relation to disabled adaptations. |
| | P 97 Para 1 | Delegation to Executive Director – Development & Infrastructure to include determination of Area Capacity Evaluations | See P 72 - No longer a requirement under new statutory guidance to go to PPSL hence now delegated to Director |
| | P 99 Para L20 | Additional point 6 under Land Reform (Scotland) Act 2003 – to make reference to Core paths. | |

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| | P 100 Para26 | Extended to include private landlord schemes as well as HMO | Change in legislation |
| | P 100 Para28 | Amended to provide for a wider range of Licences | Provided for changes in licensing arrangements |
| | P 100 Para29 | Updated wording with regards to statutory duties under Water (Scotland) Act | |
| | P 100 Para30 | Updated to reflect statutory appointment titles. | |
| | P 104 Para 43 | Amended to include reference to Harbour Authority | |
| Financial Security Regulations | P 137 Anti- Fraud Strategy | Revised Ant-Fraud Strategy | Updated following full review to reflect changes in benefits regulations and organisational requirements and procedures, Also reflect transfer of responsibility for investigation of benefit fraud to Department of Work and Pensions (DWP) |
| | P 151 Public Interest Disclosure Policy | Revised Public Interest Disclosure Policy | Updated following review to ensure compliance with best practice and equalities legislation |
| | P 159 | Deleted Prosecution and Sanction Policy | Deleted following transfer of responsibility to DWP |
| | P 169 | Deleted Benefit Fraud Strategy | Deleted following transfer of responsibility to DWP |
| | P 188 para | Replaced “the Standing Orders shall take precedence “ with where there is | Clarification to ensure alignment |

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| | 1.1.17 | any discrepancy between the Standing Orders and the Procurement Manual consultation will be undertaken with the Head of Governance and Law and the Procurement Manager to agree precedence consistent with 1.1.4 . | between standing orders and procurement legislation. |
| | P 188 – para 2 | Delete 2. TENDER REGISTER and following 2.1 and 2.2 and replace with new heading and 2.1 as undernoted : 2. CONTRACT REGISTER 2.1 The relevant Executive Director will maintain a register of all tenders awarded . | Reflect changes in procurement manual to meet revised procurement legislation. |
| | P188 para 3 | Delete 3. FRAMEWORK AGREEMENT REGISTER and following 3.1 to 3.3 inclusive . No replacement | Reflect changes in procurement manual to meet revised procurement legislation. |
| | P 189 para 4.1 | delete the first 3 lines up to the words and figures “ value exceeding £350, 000” inclusive and before the words “ or such figure as may be ...” replace with : “ All public works contracts to be tendered and awarded in accordance with the Public Contracts (Scotland) Regulations 2015 or the Procurement Scotland Regulations 2016 by the Council having an estimated contract value exceeding of £2 million “ | Reflects changes in legislation |
| | P 190 para 4.4 | Deleted paragraph and replaced with: Tenders which are approved for acceptance will be accepted under the hand of the relevant Executive Director or Head of Service commensurate with the Contract Award Recommendation Process on receipt of the required information . | Reflects changes in procurement manual to meet procurement legislation. |
| | P197 | Inclusion of updated Procurement & Commissioning Strategy | Procurement & Commissioning Strategy agreed by P&R Committee Oct 2015 |
| | P 275 | Revised Guidance on National Code of Conduct for Councillors | National guidance updated 2016 |