

COUNCIL CONSTITUTION

1. SUMMARY

- 1.1 This report advises the Council on the work undertaken by Corporate Services in relation to the revisal of the Council's Governance documentation and the formulation of a Council Constitution to contain all revised Governance Documentation. (The Draft Constitution has already been circulated to Members.)

2. RECOMMENDATIONS

- 2.1 To approve the alterations to the Council's Governance Documentation and approve and adopt a Council Constitution as detailed herein.

3. DETAIL

- 3.1 On 27 January 2005 the Council's Standards Committee recommended alterations to the Council's Ethical Framework comprising the Standards Committee Terms of Reference, the Public Interest Disclosure Policy, the Guidelines – Conduct of Employees, and the Protocol for Member/Officer Relations and recommended these to the Council. The Ethical Framework Documentation already referred to is incorporated into the proposed Council Constitution to include the recommended alterations.
- 3.2 Revisals have been made to the Council's Contract Standing Orders, Scheme of Administration & Delegations, Financial & Security Regulations and Standing Orders for meetings to reflect evolving governance issues, changes in the internal organisation of the Council and to reflect alterations in the law. These documents have been incorporated into the proposed Council Constitution with the following comment;

(a) Argyll & Bute Council Constitution – Part A – Page 3

It is proposed that all the aforementioned documents should be contained within one document which it is proposed will be prefaced by the document at Part A titled “Argyll and Bute Council, the Constitution”.

The existing appendix to the Scheme of Administration and Delegations headed “ Role and Duties of Councillors (a job description for Councillors)” has been extended to cover the role of The Convener, The Leader and Spokespersons. It is proposed to transfer this as an appendix to this document.

(b) Standing Orders For Meetings – Part B - Page 24

Little has been altered in relation to the Standing Orders for Meetings.

(c) Scheme of Administration and Delegations – Part C – Page 42

There are alterations to the Scheme of Administration and Delegations made to reflect previous decisions of the Council, current best practice, alterations in the organisation of the Council, and alterations in the law. In particular;

- (a) An additional paragraph number 1.6.2 at page 48 has been added at Section 1 “Administration of Delegated and Referred Functions” to provide a clear process for matters being referred from an Area Committee to the Council or to the Strategic Policy Committee to be included in the agenda process for the relevant meeting.
- (b) At Section 2 a new requirement (to reflect a previous decision of the Council) in regard to the delegations to Area Committees at 2.1.5(4) page 51 in relation to the reporting of any decision of an Area Committee regarding the disposal of surplus property at less than market value to be reported to the Strategic Policy Committee for approval.
- (c) There is further specification of delegated matters to Area Committees in relation to planning at Section 2.3.1(7)(d)(v)(4) page 55.

- (d) There is included the revised terms of reference of the Standards Committee at page 58 as recommended by the Standards Committee at its meeting of 27 January 2005.
- (e) Minor alteration has been made to paragraph 2(5) of Section 3 page 61. Concern has however been expressed by Chief Officers that the sum of £5,000 which is expressed in that Section as the maximum value which may be expended by the Chief Executive and Directors without recourse to the Strategic Policy Committee is too low and causes delay in obtaining and employing consultants and it is considered that this sum should be increased .
- (f) The existing appendix to the Scheme of Administration and Delegations headed “ Role and Duties of Councillors (a job description for Councillors)” has been extended to cover the role of Spokespersons. This has been transferred transfer as an appendix to Part A, titled “Argyll and Bute Council, the Constitution” rather than an appendix to the Scheme of Administration and Delegation.

(d) Financial And Security Regulations – Part D – Page 82

These have been re-modelled extensively in consultation with the Head of Strategic Finance to reflect the recommended CIPFA Model. The revisals reflect alterations in the organisation of the Council, to take account of the current law and also comment from Internal Audit. In particular;

- (a) There has been expansion of the paragraphs in relation to virement and this can be viewed at paragraph 3.14 to 3.18 page 86.
- (b) There is a new Section in relation to Risk Management in paragraph 4 page 88.
- (c) Alteration has been made in paragraphs 6.1 to 6.10 at page 93 to reflect the current position in relation to the approval of the Treasury Policy Statement and the Treasury Management Strategy.
- (d) Two Appendices have been added to the Financial & Security Regulations namely;

- (i) Internal Audit Mission Statement and Terms of Reference at page 103
- (ii) The Anti Fraud Strategy at page 107

(e) Contract Standing Orders – Part E – Page 124

Alterations to the Contract Standing Orders have been made as follows;

Paragraph 2 – Select List – Works – Page 125 to reflect the Council's current use of Constructionline, to reflect changes in the organisation of the Council and to take account of comment from Internal Audit.

Paragraph 3 – Select List – Supplies and Services – page 126 to take account of the Council's Procurement Strategy, use of the Authorities Buying Consortium, and eProcurement and to take account of comment from Internal Audit.

Paragraphs 4 to 12 – All Dealing with the Tendering Process – Obtaining Tenders – pages 126 to 132

To take account of the Local Government (Scotland) Act 2003 (and in particular Best Value) and comment from Internal Audit.

Over and above this there are further minor alterations made in relation to re-organisation of the Council and comment from Internal Audit.

The Council's Procurement Strategy has been added as an appendix.

- (f)** The Members Allowances Scheme at page 165 has been updated

4. It is now recommended that the Council establish a document to be known as the "Council Constitution" containing the following.

- 4.1 The document titled Argyll and Bute Council The Constitution at Part A of the Draft Council Constitution.
- 4.2. The reviewed Standing Orders for Meetings, Scheme of Administration and Delegations, Financial & Security Regulations and Contract Standing Orders together with the relevant appendices all attached at Parts B, C, D & E respectively to the Draft Council Constitution.

- 4.3 The Ethical Framework Documentation comprising the terms of reference of the Standards Committee, the Council's Public Interest Disclosure Policy, the Council's Guidelines – Conduct of Employees and the Council's Protocol for Member/Officer Relations all as incorporated into the Draft Council Constitution at Part F and that the Council's Local Code of Conduct for Councillors be withdrawn.
- 4.4 There follows on from this report a report from the Director of Development Services in relation to the Land Reform (Scotland) Act 2003 (Part 1). The report sets out proposals for additional alterations to the Scheme of Administration and Delegations which have arisen as a recent matter in relation to that Act. Corporate Services and Development Services have liaised on this matter and if the recommendations in the report from the Director of Development Services are approved then the alterations can readily be incorporated into the Scheme of Administration & Delegations to form part of the Council Constitution.

5 IMPLICATIONS

Legal	Approval of the documentation herein contained will form a Council Constitution which properly reflects the up to date organisation of the Council within the framework of current law.
Financial	None
Personnel	None
Equal Opportunities	None
Policy	- See "Legal" above