

Bath & North East Somerset Council		
MEETING	Council	
MEETING DATE:	22 nd May 2025	
TITLE:	Constitution: Recommendations from the Constitution Working Group	
WARD:	All	
AN OPEN PUBLIC ITEM		
<p>List of attachments to this report:</p> <p>Appendix 1 – Revised Contract Standing Orders</p> <p>Appendix 2 – Financial Scheme of Delegations</p> <p>Appendix 3 – Delegated authority relating to the operational management of Council property assets.</p> <p>Appendix 4 – Procedural rule Part 3 – Voting rules amendments</p>		
<p>Link to the Constitution;</p> <p>https://democracy.bathnes.gov.uk/documents/s79846/Constitution.pdf</p>		

1 THE ISSUE

- 1.1 The Constitution Working Group (CWG) was re-established at Council on 16th May 2024, primarily to address the outstanding work needed on the Contract Standing Orders and Financial Regulations. They have also considered various minor revisions suggested by Members.
- 1.2 All the recommendations below are recommended by the Constitution Working Group to Council.

2 RECOMMENDATION

The Council is asked to;

- 2.1 Approve the revised Contract Standing Orders as set out at Appendix 1 for adoption into the Constitution, as recommended by the Constitution Working Group, to come into operation on July 1st 2025;
- 2.2 Approve the Financial Scheme of Delegations, as set out at Appendix 2 and its addition to the Constitution as a new section at 3.7.12;
- 2.3 Agree a delegation to the Section 151 Officer to approve the updated Financial Regulations in due course, as set out in paragraph 3.7 below;
- 2.4 Approve the additions to the officer delegations scheme to cover the Council's property assets;
- 2.5 Agree that all votes on substantive items at Council be named votes, as described in paragraphs 3.9 - 3.12 to take effect from the July 2025 Council meeting; and
- 2.6 Agree the consequent procedural rule amendments (as set out in Appendix 4) that are needed to put this voting decision in place.

3 THE REPORT

Contract Standing Orders

- 3.1 The existing Contract Standing Orders were approved in March 2023 and are based on the requirements of the Public Contract Regulations 2015. These were based on EU legislation and following the exit of the UK from the European Union, the UK government have brought into force The Procurement Act 2023 with effect from February 2024.
- 3.2 The key proposed changes to the Contract Standing Orders are:
 - (1) Updates to reflect the UK leaving the EU and introduction of The Procurement Act 2023.
 - (2) Introduction of a section clarifying the use of Grant funding.
 - (3) Threshold changes relating to contract value, approval, and decision-making.
 - (4) Introduction of requirements for Commissioning Plans and Procurement Plans and involvement of Lead Members for service contracts above £10,000,000.
 - (5) Further clarification for the use of framework agreements and framework contracts.
 - (6) Clarification on contract award processes.
 - (7) Addition of requirements relating to Healthcare Contracts and application of the Provider Selection Regime 2024.

Financial Scheme of Delegations

- 3.3 The Council Financial Scheme of Delegation outlines the authorisation and approval levels for expenditure agreed by the Council. It is now aligned with the revised Contract Standing orders.

3.4 The scheme of delegation is part of the Financial Regulations and until this point has been found in many different parts of the regulations. This new document brings together all the financial delegation levels into one concise document and will be inserted in the constitution at a new section 3.7.12 which will aid financial decision making.

Financial Regulations

3.5 The Financial Regulations define the boundaries within which the Councils operates to effectively manage risk. They clarify roles and responsibilities and provide a framework for financial decision making.

3.6 The Council's statutory Section 151 officer, as the Council's statutory Chief Financial Officer, is responsible for ensuring the proper administration of the Council's financial affairs and these regulations form the cornerstone which allows the Section 151 officer to discharge those responsibilities.

3.7 The current Financial Regulations have not been radically reviewed since 2018 and this report requests delegated authority from Council for the Section 151 officer to undertake a full review during 2025.

Specific delegations - Heads of Service for Property (Commercial & Corporate)

3.8 The issue of delegations in the General Scheme of Delegation has remained uncertain in respect of Property matters and so a specific delegation is now proposed. This will go into the General Scheme of Delegation in the Constitution. Appendix 3 sets out the entries needed to the Constitution and to the Library. Part 1 would go into Part C at page 76 of the Constitution at paragraph 2.35.3. Part 2 would also go into part C and the Appendices into the Library.

Named votes at Council meetings

3.9 At the 18th March CWG meeting, the Group discussed the following topics;

- Number triggers for call-ins and named votes
- Other aspects of voting (standing, electronic voting etc)
- RIC/Employment committee arrangements
- Amendment process at Budget Council
- Corporate Parenting group

3.10 Of the above topics, the Group reached consensus on one item to recommend to Council;

"The Group agreed to recommend to Council that all contested votes at Council would be named and recorded in the minutes of the meeting."

3.11 This will mean that Councillor names are displayed on screen for each substantive vote (not for non-report items such as approving minutes, closure motions etc), and for these substantive items, a full list of how councillors have voted will be included in the minutes.

3.12 The amendments required to put this in place (and remove rules made redundant from this) are shown in Appendix 3.

4 STATUTORY CONSIDERATIONS

4.1 A local authority is under a duty to prepare and keep up to date its Constitution under s.9P Local Government Act 2000 as amended (Localism Act 2011).

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

5.1 The work undertaken in preparing this report is part of the normal role of the staff involved.

6 RISK MANAGEMENT

6.1 The risks of not agreeing necessary changes may lead to compromised or ineffective decision making.

7 EQUALITIES

7.1 None.

8 CLIMATE CHANGE

8.1 None.

9 OTHER OPTIONS CONSIDERED

9.1 None.

10 CONSULTATION

10.1 Constitution Working Group, Monitoring Officer, Chief Executive & S.151 have been consulted in the drafting of this report.

Contact person	Michael Hewitt, Head of Legal & Democratic Services Jeff Wring, Director of Financial Services, Assurances and Pensions
Background papers	The Constitution
Please contact the report author if you need to access this report in an alternative format	