

COUNCIL CONSTITUTION COMMITTEE

Minutes of a meeting of the Council Constitution Committee held on Monday, 7 July, 2014 at Addenbrooke House, Ironmasters Way, Telford

PRESENT: Councillors C F Smith (Chair), R C Evans, I T W Fletcher, G M Green and K R Guy.

CCC-1 MINUTES

RESOLVED – that the minutes of the meeting of the Council Constitution Committee held on 7 November 2013 be confirmed and signed by the Chair.

CCC-2 APOLOGIES FOR ABSENCE

Councillors A J Eade and R J Sloan

CCC-3 DECLARATIONS OF INTEREST

Cllr R C Evans indicated that she was employed by an organisation which held contracts with the Authority but in the circumstances she would not withdraw from the meeting.

Councillor G M Green advised that, as a member of the Health & Wellbeing Board, she had been involved in consideration of the proposed amendments to the Board's terms of reference, and therefore she would not vote on that particular matter.

CCC-4 UPDATES TO THE CONSTITUTION

The Assistant Director: Law, Democracy & People Services presented a report setting out changes to the Procurement Rules and refinements to the Health and Wellbeing Board terms of reference.

Appendix 1 detailed proposed changes to the Procurement Rules aimed at bringing the rules up to date in order to comply with current legislation and reflect the changes which would be required by the Public Contracts Directive 2014 which emphasised market engagement and would create more co-operative working relationships. The Procurement Service Delivery Specialist addressed points of clarification sought:-

- Paragraph 1.2 – Under the terms of the new rules price would no longer be used as a sole comparator. In order to reflect this, it was considered that the wording of the first bullet point should include reference to “best quality”;
- Paragraph 5.2 - Reference to “Protected Characteristic” referred to the nine definitions set out in the Equalities Act 2010, a link to which was provided in the document (<http://www.equalityhumanrights.com/advice-and-guidance/new-equality-act-guidance/protected-characteristics-definitions/>);
- Paragraph 8.1 – If the use of an in-house resource did not offer better value, then a tendering process would be required;

- Paragraph 24.1 – Out of borough Social Care placements would sometimes be required to facilitate personal choice.

Some typographical and formatting errors were also noted in paragraphs 6.2, 12.2, 15.1, 24.1 and 25.8.

In addition, the Procurement Service Delivery Specialist advised that the format of the Procurement Rules reflected the vision for the new style Constitution and confirmed that once agreed linked technical work will be required to link the new rules to background guidance documents.

The Assistant Director: Law, Democracy & People Services also referred to the proposed refinements to the Health and Wellbeing Board Terms of Reference set out at Appendix 2. These refinements resulted from the evolution of the Board since it emerged from shadow operations and related to increasing membership to include the Chair of the Community Safety Partnership, reducing the frequency of meetings and clarifying quorum requirements.

The Assistant Director: Law, Democracy & People Services indicated that revision of the Constitution was still on track for completion by May 2015 and a further meeting of the Working Group would take place in the near future.

RESOLVED – to RECOMMEND to COUNCIL that

- (a) the changes set out at Appendix 1 of the report relating to the Council’s Contract Procedure Rules as amended be approved with immediate effect**
- (b) the changes set out at Appendix 2 of the report relating to the Health and Wellbeing Board Terms of Reference be approved with immediate effect**

(NB: Councillor Green did not vote on recommendation (b) above)

The meeting ended at 5.51pm

Chairman:

Date: