

AMENDMENTS FLOWING FROM REVIEW OF CONSTITUTION**APPENDIX****PART 1 OF THE CONSTITUTION: SUMMARY AND EXPLANATION**

No.	Constitution Ref.	Existing Wording	Proposed New Wording	Reason for Change
1	Part 1.2 Part 6 Codes and Protocols	"This includes the Members' Code of Conduct and the locally determined protocol governing the relationships between Members and Officers."	"This includes the Members Code of Conduct."	The Member/Officer Protocol no longer forms part of the Constitution and has previously been removed.

PART 2 OF THE CONSTITUTION: ARTICLES

No.	Constitution Ref.	Existing Wording	Proposed New Wording	Reason for Change
2	Part 2.18 & 2.19 Article 12 – Officers 12.01 Management Structure (b) Chief Officers	References to "Mr R Coulter" and "Mr R Stewart".	References are to be deleted.	To take into account the recent retirements from the Council's service of Roy Coulter and Roger Stewart.

PART 3 OF THE CONSTITUTION: DELEGATED POWERS**DELEGATED POWERS – RESPONSIBILITIES OF THE CABINET**

No.	Constitution Ref.	Existing Wording	Proposed New Wording	Reason for Change
3	Part 3.14	"17 Consideration and approval of terms of property acquisition and disposal as defined in the Property Dealing Policy including any proposed disposal of land under the provisions of the General Disposal Consent (England and Wales) 2003 or of the Housing Act 1985 or Section 25 of the Local Government Act 1988 and approval of any proposed application to the Secretary of State under Section 123 of the Local	"17 Consideration and approval of terms of property dealing (other than those delegated to officers) as defined in the Property Dealing Policy including any proposed disposal of land under the provisions of the General Disposal Consent (England and Wales) 2003 or of the Housing Act 1985 or Section 25 of the Local Government Act 1988 and approval of any proposed application to the	To tie-in with amendment number 8 below.

		Government Act 1972 for disposal at less than best consideration reasonably obtainable.”	Secretary of State under Section 123 of the Local Government Act 1972 for disposal at less than best consideration reasonably obtainable.”	
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DELEGATED POWERS - COMMON TO ALL PORTFOLIOS

No.	Constitution Ref.	Existing Wording	Proposed New Wording	Reason for Change
4	Part 3.16 Service Related Responsibilities Number 8	First sentence reads: “The control, management and maintenance of all land holdings allocated to the Portfolio Holder by the Regeneration Portfolio Holder”.	To be amended to read: “The control, management and maintenance of all land holdings allocated to the Portfolio Holder by the Community, Partnerships and Renewal Portfolio Holder.”	Proper title for the Portfolio Holder. Corrects an oversight from previous Constitution reviews.
5	Part 3.16 Service Related Responsibilities Number 9	“The establishment and monitoring of a regime of maintenance and health and safety inspections and the development of a rolling five year maintenance plan for all land holdings allocated to the Portfolio Holder by the Regeneration Portfolio Holder.”	“The establishment and monitoring of a regime of maintenance and health and safety inspections and the development of a rolling five year maintenance plan for all land holdings allocated to the Portfolio Holder by the Community, Partnerships and Renewal Portfolio Holder.”	Proper title for the Portfolio Holder. Corrects an oversight from previous Constitution reviews.
6	Part 3.18 Delegated to Officers	“8 The assignment of leases and the granting and renewal of licences up to a maximum duration of 12 months including annual rights of way.”	“8 The assignment of leases and the granting and renewal of licences and tenancies at will up to a maximum duration of 12 months including annual rights of way”.	To allow the same level of delegation for short term arrangements that cannot properly be classed as licences.

DELEGATED POWERS – COMMUNITY, PARTNERSHIPS AND RENEWAL PORTFOLIO

No.	Constitution Ref.	Existing Wording	Proposed New Wording	Reason for Change
7	Part 3.25 Responsibilities of the Portfolio Holder – Community Development and Regeneration	“6 Community health and community safety.”	“6 Community safety”. Community health is to be transferred to the Environment Portfolio as a new portfolio holder responsibility entitled “Community health and inequality.”	In view of the extensive work undertaken on health inequalities by Environmental Services.

8	Part 3.26 Responsibilities of the Portfolio Holder - Asset Management	<p>“16 The authorisation of the implementation of the Property Disposal Process and Property Acquisition Process as set out in the Property Dealing Policy leading up to final determination of disposals and acquisitions by Cabinet.”</p> <p>None – new number 18 to be added. Consequent renumbering of existing numbers 18, 19 and 20.</p>	<p>“16 The initiation of formal consideration of potential property dealing, as set out in the Property Dealing Policy, subject to final determination of transactions by Cabinet.”</p> <p>“18 Power to authorise and approve the grant, renewal, assignment and surrender of any lease of freehold land or premises owned by the Council and power to authorise any amendment of the provisions of any such lease.”</p>	<p>To distinguish this stage from later Cabinet consideration of the actuality and terms of deals.</p> <p>In the interest of efficient administration.</p>
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DELEGATED POWERS – ENVIRONMENT PORTFOLIO

No.	Constitution Ref.	Existing Wording	Proposed New Wording	Reason for Change
9	Part 3.42 Delegation to Officers	None – new delegations to be added and to be delegated to the Head of Environmental Services	<p>“43 The authorisation and appointment of officers of the Council as are appropriately qualified to discharge the Council’s executive powers and duties under the Site Waste Management Plans Regulations 2008”</p> <p>“44 The monitoring of private water supplies in accordance with the Private Water Supplies Regulations 2009”</p> <p>“45 The enforcement of duties of the Council under the Health Protection (Part 2A Orders) Regulations 2010, Health Protection (Notification) Regulations 2010 and Health Protection (Local Authority Powers) Regulations 2010”</p>	To take account of new legislation and to include appropriate delegated powers in the Constitution.

DELEGATED POWERS – HOUSING PORTFOLIO

No.	Constitution Ref.	Existing Wording	Proposed New Wording	Reason for Change
10	Part 3.49 No. 1 Delegated to Officers in consultation with Portfolio Holder	“Virements as may occasionally be required to the Housing Investment Programme (HIP) subject to the total HIP allocation as approved by Cabinet not being exceeded.”	This delegated power is to be deleted	Virement rules and the appropriate delegations are set out within Financial Procedure Rules.

DELEGATED POWERS – PLANNING PORTFOLIO

No.	Constitution Ref.	Existing Wording	Proposed New Wording	Reason for Change
11	Part 3.63 – Responsibilities of the Portfolio Holder No. 5	“The making of Directions under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995.”	To be deleted.	This delegated power is already delegated to Officers under the auspices of the Development Control Committee where it more properly lies (Part 3.84 No.2)
12	Part 3.63 – Responsibilities of the Portfolio Holder No.10	“Approval of the Local Development Scheme and draft and final versions of Supplementary Planning Documents.”	“Approval of the Local Development Scheme and Supplementary Planning Documents.”	Simplify the process of adoption of completed technical documents.
13	Part 3.64, 3.66 and 3.67 Delegated Power Nos.1 (in consultation with the PH), 17, 24 and 25	Numbers 1 and 17 refer to the “Building (Local Authority Charges) Regulations 1998. “24 The implementation of protocols and/or Service Level Agreements including Essex County Council for Transportation, Archaeology and Urban Design advice and the Planning Inspectorate for Examinations in Public.” “25 The setting of fees and charges associated with publications and the management and monitoring of Section 106	To be amended to refer to “Building (Local Authority Charges) Regulations 2010”. “24 The implementation of Protocols, management agreements and/or Service Level Agreements including Essex County Council for Transportation, Archaeology and Urban Design advice and the Planning Inspectorate for Examinations in Public.” “25 The setting of fees and charges associated with the preparation and the management and monitoring of Section	To reflect a recent change in the legislation. To provide greater clarity than presently exists. The term “management agreement” is mainly used in relation to nature conservation projects. To correct a previous drafting error.

		legal agreements.”	106 legal agreements.”	
14	Part 3.67	None – new delegated power No. 28 to be added.	“The setting of fees and charges for the preparation and associated work, necessary to cover the cost of footpath diversions.”	To enable the local authority to undertake footpath diversion work and recover the cost of doing this work.
15	Part 3.67	None – new delegated power No. 29 to be added.	“The setting of fees and charges associated with providing specialist heritage, conservation, and tree and landscape advice.”	To enable the local authority to continue to provide a cost efficient specialist planning advice for customers.
16	Part 3.67	None – new delegated power No. 30 to be added.	“The setting of fees and charges associated with providing pre-application advice.”	To enable the local authority to continue to provide a cost effective pre-application service.

DELEGATED POWERS – DEVELOPMENT CONTROL COMMITTEE

No.	Constitution Ref.	Existing Wording	Proposed New Wording	Reason for Change
17	Various Pages of the Constitution	Title of the Committee is presently the “Development Control Committee”	Title is to be amended to the “Planning Committee”	Following a series of visits to other local authorities who refer to their equivalent committee as the “Planning Committee” the Chairman and Vice-Chairman of the Development Control Committee have put forward this change in the interests of clarity and customer focus particularly given the fact that the local general public habitually refer to this Committee as the “Planning Committee”.
18	Part 3.84 Delegation to Officers Number 1 First and Second Bullet Points on	“Within the 21 days formal consultation period a written representation is received from any Tendring District Councillor(s) setting out material planning considerations contrary to policy and weighing against the	“Within 28 days of the commencement of the formal consultation period a written request is made by any Tendring District Councillor(s) to the Assistant Chief Executive that an outline, full or reserved	Amendments put forward by Planning in the light of recent operational experience.

	that page	<p>Officers' recommendation (that cannot, in the case of recommended approval, be overcome by planning condition(s)) and, within two working days after a response from a Planning Manager, a written request is received from at least one of those Councillors for the application to be determined by the DCC and for Public Speaking rights to be exercised."</p> <p>"In addition to the above categories of application referred to above, any application which the Assistant Chief Executive in his professional opinion, taking into account the written representations received and all other material planning considerations, considers should be referred to the DCC because it is a major proposal and/or raises issues which have a significant impact in planning terms beyond the application site and its immediate environs and/or which are clearly not covered by existing policy."</p>	<p>matters application should be brought before the DCC for determination giving material planning reasons for that request. This exception will not apply to any householder application."</p> <p>"In addition to the categories of application referred to above, any application which the Assistant Chief Executive in his/her professional opinion, taking into account the written representations received, the relevant development plan policies and Government guidance and all other material planning considerations, considers should be referred to the DCC because it raises issues of more than local significance or raises issues where there are significant areas of judgement required."</p>	
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DELEGATED POWERS – LICENSING (GENERAL PURPOSES) SUB-COMMITTEE

No.	Constitution Ref.	Existing Wording	Proposed New Wording	Reason for Change
19	Part 3.111 Terms of Reference	None – new number 4 to be added. Current number 4 to be re-numbered.	"4 The determination of applications for Sex Establishment Licences and/or Sexual Entertainment Venues."	The Policing and Crime Act 2009 amended Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 to take account of lap dancing clubs (known as "sexual entertainment venues"). The Council adopted, on the

				recommendation of the Licensing Committee, the amended Schedule on 16 September 2010. Sex Establishment Licences (already adopted in 1982) are included for the sake of completeness.
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PART 4 OF THE CONSTITUTION: COUNCIL PROCEDURE RULES

No.	Constitution Ref.	Existing Wording	Proposed New Wording	Reason for Change
20	Part 4.1 Council Procedure Rule 1 – Annual Meeting of the Council (1.1 Timing and Business)	First sentence currently reads: “In a year when there is an ordinary election of councillors, the annual meeting will take place on the third Tuesday after the elections.”	To be amended to read: “In a year when there is an ordinary election of councillors, the annual meeting will take place on the second Tuesday after the elections”.	To reflect the change made at the Annual Meeting of the Council held on 4 May 2010.
21	Part 4.4 Council Procedure Rule 4 Appointment of Substitute Members	First paragraph of Section 4.3 Procedure currently reads as follows:- “Written notification of a substitution must be delivered to the Head of Legal Services from the Member being substituted or the Group Leader at least 2 ½ hours before the published start time of the meeting at which the substitution is to apply. Where more than one notification is delivered, the first notification received will take precedence.”	The first paragraph will be amended to read as follows:- “Written notification of a substitution from the Member being substituted or his/her Group Leader must be delivered to the Head of Legal Services (or her representative) prior to the commencement of the meeting at which the substitution is to apply. Where more than one notification is delivered, the last notification received will take precedence. Such notification can be submitted by letter, fax or by e-mail or by personal delivery to Legal Services during office hours (Monday to Thursday 8.45 a.m. to 5.15 p.m. and Friday 8.45 a.m. to 4.45 p.m.) or by hand to the Legal Services Officer attending the meeting in question	To provide more flexibility and clarify which substitution has precedence where there is more than one.

			immediately prior to the commencement of that meeting.”	
22	Part 4.10 Council Procedure Rule 15 Questions by Members	None – New sub-rules 15.5 and 15.6 to be added. Existing sub-rules 15.5, 15.6, 15.7 and 15.8 to be re-numbered accordingly.	<p>“15.5 Number of Questions At any one meeting no Councillor may submit more than one question.”</p> <p>“15.6 Scope of Questions The Head of Legal Services <u>may</u> reject a question if in his judgement it:</p> <ul style="list-style-type: none"> • is not about a matter for which the local authority has a responsibility or which affects the district; • is defamatory, frivolous or offensive; • is substantially the same question already received to be put to the ordinary meeting of the Council in question; • is substantially the same as a question which has been put at a meeting of the Council in the past six months; or • requires the disclosure of confidential or exempt information.” 	In the interests of consistency and to tie-in with Council Procedure Rule 14 Questions by the Public.

PART 5 OF THE CONSTITUTION: RULES OF PROCEDURE

BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

No.	Constitution Ref.	Existing Wording	Proposed New Wording	Reason for Change
23	Part 5.12 and Part 5.13 BPFPR 2 – Process for developing the Policy Framework	<p>(1) In paragraph (d) there is a reference to the “Best Value Performance Plan (incorporating the Corporate Strategy)”</p> <p>(2) In paragraphs (d)(ii)(1) and (2) there are references to submitting to/informing “the Council”</p> <p>(3) In paragraph (h) there is a reference to “the Chief Executive” calling a Council meeting</p>	<p>(1) To be amended to refer to the “Corporate Plan”</p> <p>(2) These are to be amended so that they refer to “the Head of Legal Services”</p> <p>(3) This is to be amended so that it refers to “the Chairman of the Council”</p>	<p>(1) The Council no longer produces a BVPP and the Corporate Plan has replaced the Corporate Strategy.</p> <p>(2) In order to tie in with the process for developing the Budget.</p> <p>(3) Only the Chairman of the Council can call a Council meeting.</p>

OVERVIEW AND SCRUTINY PROCEDURE RULES

No.	Constitution Ref.	Existing Wording	Proposed New Wording	Reason for Change
24	Part 5.28 and 5.29 O&S PR 16 – Call-In	<p>(1) Paragraphs (d) and (f) refer to the Executive reconsidering a referred-back decision “within a further 15 working days”.</p> <p>(2) Paragraph (g) Exceptions – None, new sentence to be added.</p>	<p>(1) These time period references are to be deleted.</p> <p>(2) Sentence will read: “decisions by the Cabinet where the issue has been referred to them by the Council or an overview and scrutiny committee for their view or comment”.</p>	<p>(1) Cabinet now meet on a less frequent basis than under the previous administrations.</p> <p>(2) To reflect current practice and for the avoidance of doubt.</p>

FINANCIAL PROCEDURE RULES

No.	Constitution Ref.	Existing Wording	Proposed New Wording	Reason for Change
25	Part 5.35 Financial Procedure Rule 5	<p>“5. CHANGES TO BUDGETS AFTER APPROVAL BY COUNCIL</p> <p>5.1 New Function or extensions to existing service Where there is a proposal to incur revenue expenditure, relating to the adoption of a new function or the extension of the level of service of an existing function not already sanctioned by the Council, the relevant Head of Service will, in consultation with the Head of Financial Services, submit a report setting out full details of the proposals and costs.</p> <p>Management Board will then make recommendations to Cabinet. Cabinet will determine whether or not to recommend the new function, or the extension to the service level of an existing function, to Council.</p> <p>5.2 New or extensions to capital provision Where there is a proposal to incur capital expenditure on any proposal to expand the scope of activity or the range/quantity/quality of facilities to be provided by an existing capital budget or any provided by an existing capital budget or any proposal to invest in a capital project for which there is no existing capital budget, the relevant Head of Service will, in consultation with the Head of Financial Services, submit a report setting out full details of the proposals and costs to Management Board who will then make recommendations to Cabinet. Cabinet will</p>	<p>“5. AUTHORITY TO INCUR EXPENDITURE” Delete existing Paragraphs 5.1, 5.2 and 5.3 and replace as follows:</p> <p>“In relation to all expenditure both revenue and capital, however funded, and in accordance with delegated powers part 3.19 no.13 and part 3.75 no.6 an approved scheme is one where there is:-</p> <p>(a) Provision of a service consistent with an historic nature and level that is, and has in prior years, been specifically allocated and defined within the ongoing base Budget;</p> <p>(b) Any change to a service set out in 1 above where the appropriate authority to the change has been obtained in accordance with delegated powers;</p> <p>(c) Otherwise, a scheme that has the necessary approval from Council, Cabinet, Portfolio Holder or Officer in accordance with delegated powers.</p> <p>For any expenditure to be incurred the necessary budget must also be in place. Where the necessary budget is not in place then amendments to the budget</p>	<p>To set out additional guidance on the authority required to incur expenditure.</p>

		<p>determine whether or not to recommend the proposals to Council.</p> <p>5.3 Additional budgetary requirements for existing service If expenditure is likely to exceed the budget or income is likely not to be achieved appropriate action must be taken to obtain the necessary budgetary approvals. This can either be by supplementary estimate or virement. (See section 5.4 and 5.6 below).”</p>	<p>agreed by Council can only be made in accordance with section 6 below”</p> <p>Insert new Heading “6. CHANGES TO BUDGETS AFTER APPROVAL BY COUNCIL”</p> <p>Renumber paragraph 5.4 to 6.1 and renumber all subsequent paragraphs within Financial Procedure Rules.</p>	<p>Renumbering to accommodate addition of a new section within Financial Procedure Rules.</p>
26	Part 5.36 Financial Procedure Rules 5.4.4(a)	<p>“Expenditure which is being funded entirely by income received under section 106 agreements and held in the section 106 earmarked reserve,</p>	<p>“Expenditure which is being funded entirely by income received under section 106 agreements and held in the section 106 receipts in advance holding account,”</p>	<p>A technical change to reflect the fact that in accordance with accounting requirements section 106 monies can now no longer be held in a reserve.</p>
27	Part 5.42 Financial Procedure Rule 5.6.5 (e) HIP	<p>“Virement Value - Not more than £100,000 Housing Portfolio Holder following advice from the Head of Housing, provided the overall approval is not exceeded and provided the Head of Financial Services advises that no increase to Housing Revenue Account and General Fund costs results”</p> <p>“Virement Value – Over £100,000 Housing Portfolio Holder following advice from the Head of Housing and subject to the approval of the Finance Portfolio Holder and provided the overall approval is not exceeded and provided the Head of Financial Services advises that no increase to Housing Revenue Account and General Fund costs results.”</p>	<p>“Head of Housing, provided the total HIP allocation is approved is not exceeded and provided the Head of Financial Services advises that no increase to Housing Revenue Account and General Fund costs results.”</p> <p>“Housing Portfolio Holder, provided the total HIP allocation as approved is not exceeded and provided the Head of Financial Services advises that no increase to Housing Revenue Account and General Fund costs results.”</p>	<p>To ensure that the delegation for approval of sums within the overall Housing Investment Programme is at an appropriate level.</p> <p>To ensure that the delegation for approval of sums within the overall Housing Investment Programme is at an appropriate level.</p>
28	Part 5.42(f) ICT Project Financial Procedure Rule 5.6.5	<p>“Resources/ICT/Corporate Governance/Best Value Portfolio Holder on the recommendation of Management Board following a report from the relevant Head of Service.”</p>	<p>“Corporate Governance and Resources Portfolio Holder on the recommendation of Management Board following a report from the relevant Head of Service.”</p>	<p>To refer to the correct title for this Portfolio Holder.</p>

29	Part 5.43 Financial Procedure Rule 5.8	“The Head of Financial Services will provide the Finance Portfolio with a regular report incorporating all virements and supplementary estimates that have been actioned to date.”	“The Head of Financial Services will maintain an up to date record of all virements and supplementary estimates that have been actioned to date and make this available to the Finance Portfolio Holder on request.”	To ensure that the day to day financial transactions are managed and monitored at an appropriate level.
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PROPERTY DEALING POLICY

No.	Constitution Ref.	Existing Wording	Proposed New Wording	Reason for Change
30	Part 5.60 Section 2 Procedure for Property Disposal	“2.1 In this section “disposal” means any disposal by the Council comprising property dealing as defined in paragraph 1.1 above. Every request to the Council from any party for a disposal shall be referred to the Corporate Property Officer. This procedure does not relate to the sale of dwellings under the right-to-buy requirements nor to the granting of licences by Heads of Service for one year or less. “Disposal Process” or “DP” means all applicable steps of this Procedure leading up to a final decision on disposal.”	“2.1 In this section “disposal” means any disposal by the Council comprising property dealing as defined in paragraph 1.1 above. Every request to the Council from any party for a disposal shall be referred to the Corporate Property Officer. This procedure does not relate to the sale of dwellings under right-to-buy requirements nor to the granting of licences or tenancies at will by Heads of Service in consultation with the Head of Legal Services for one year or less. “Disposal Process” or “DP” means all applicable steps of this Procedure leading up to a final decision on disposal.”	To tie in with amendment number 6 above.
31	Part 5.60 Procedure for Property Disposal	“2.2 The Corporate Property Officer will carry out a basic feasibility appraisal and decide whether it is appropriate to submit a brief written report to the Community, Partnerships and Renewal Portfolio Holder (CPRPH) seeking an authority to implement the Disposal Process. The report may also seek a decision from CPRPH that the Council intends to dispose of any of the land which is public open space and authority that notice of this intention be advertised in accordance with paragraph 2.9 below unless the	“2.2 The Corporate Property Officer will carry out a basic feasibility appraisal and decide whether it is appropriate to submit a brief written report to the Community, Partnerships and Renewal Portfolio Holder (CPRPH) seeking authority for the initiation of formal consideration of potential property dealing. The report may also seek a decision from CPRPH that the Council intends to dispose of any of the land which is public open space and authority that notice of this intention	To tie-in with amendments numbers 3 and 8 above.

		Corporate Property Officer, having carried out his investigations, consultations and negotiations referred to below is satisfied that he will not recommend disposal of any of that open space to Cabinet in accordance with paragraph 2.10 below.”	be advertised in accordance with paragraph 2.9 below unless the Corporate Property Officer, having carried out his investigations, consultations and negotiations referred to below is satisfied that he will not recommend disposal of any of that open space to Cabinet in accordance with paragraph 2.10 below.”	
32	Part 5.61 Section 3 Procedure for Property Acquisition	“3.3 The Corporate Property Officer will carry out a basic feasibility appraisal and decide whether it is appropriate to submit a brief written report to the CPRPH, seeking an authority to implement the Acquisition Process. Any such report must also identify with reasons which of the criteria in paragraph 3.1 the Corporate Property Officer considers is/are satisfied.”	“3.3 The Corporate Property Officer will carry out a basic feasibility appraisal and decide whether it is appropriate to submit a brief written report to the CPRPH, seeking authority for the initiation of formal consideration of potential property dealing. Any such report must also identify with reasons which of the criteria in paragraph 3.1 the Corporate Property Officer considers is/are satisfied.”	To tie in with amendment numbers 3 and 8 above.
33	Part 5.61 Section 3 Procedure for Property Acquisition	“3.4 Where CPRPH authorises the AP, the Corporate Property Officer will then undertake appropriate negotiations, tendering, bidding and/or other actions in accordance with this Process which lead up to a formal decision on whether to acquire the property.”	“3.4 Where CPRPH gives authority as 3.3 above, the Corporate Property Officer will then undertake appropriate negotiations, tendering, bidding and/or other actions in accordance with this Process which lead up to a formal decision on whether to acquire the property.”	To tie in with amendment numbers 3 and 8 above.

CONTRACT PROCEDURE RULES

No.	Constitution Ref.	Existing Wording	Proposed New Wording	Reason for Change
34	Part 5 – Rules of Procedure	Contract Procedure Rules	To be re-named Procurement Procedure Rules	To change the heading of this section to reflect that these rules pertain to all procurement and not just contract arrangements.
35	Part 5.79 CPR 5.9 – Opening of Tenders	“(a) All tenders shall be opened at the same time in the presence of:- (i) One of the Chairman or Vice-Chairman of the Council, the Executive Leader, the relevant Portfolio Holder or Committee Chairman or other Member(s) of the Council who shall have been authorised by the Council for the purpose”.	“(a) All tenders shall be opened at the same time in the presence of:- (i) One of the Chairman or Vice-Chairman of the Council, the Executive Leader (or failing him the Deputy Executive Leader), the relevant Portfolio Holder or Committee Chairman or Vice-Chairman or other Member(s) of the Council who shall have been authorised by the Council for the purpose”.	To reflect current practice, formally take account of the existence of the Deputy Executive Leader and for the avoidance of any doubt.