

REPORT TO: Executive Board

DATE: 26 March 2015

REPORTING OFFICER: Strategic Director – Policy and Resources

PORTFOLIO: Resources

SUBJECT: Annual Review of Constitution 2015

1.0 PURPOSE OF REPORT

1.1 The purpose of the report is to seek the approval of the Council to a number of changes to the Constitution.

2.0 RECOMMENDATION: That Council be recommended to approve the changes to the Constitution as set out in Appendix 1.

3.0 BACKGROUND

3.1 The revised version picks up the changes to the Council's working arrangements that have taken place during the year, as well as other changes which are intended to assist the Council to operate more effectively.

3.2 The proposals for change have been considered by the Chief Executive and the Executive Board Member for Resources in accordance with Article 16.02. Apart from the purely technical changes, the proposed amendments that are considered to be of particular significance are listed in Appendix 1 to this report.

4.0 POLICY, FINANCIAL AND OTHER IMPLICATIONS

4.1 The implications of the Anti-Social Behaviour, Crime and Policing Act 2014, the Public Services (Social Value) Act 2012 and the Local Government Transparency Code 2014, have been considered as well as other changes in the law. However, no further amendments, over and above those already outlined, are required at the present time. Any other required changes during the period 2015/16 will be the subject of further reports when dates and details are available.

5.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

5.1 Children and Young People in Halton.

5.2 Employment, Learning and Skills in Halton.

5.3 A Healthy Halton.

5.4 A Safer Halton.

5.5 Halton's Urban Renewal.

The changes proposed are designed to support the continued delivery of the Council's priorities.

6.0 RISK ANALYSIS

6.1 The Council needs to ensure that its Constitution is regularly updated so that it continues to support efficient, transparent and accountable decision-making by the authority.

7.0 EQUALITY AND DIVERSITY ISSUES

7.1 None.

8.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

None under the meaning of the Act.

Proposed Significant Changes to the Constitution

Procurement Standing Orders

These have been amended to keep up with changes in procedures. Of note are new standing orders for Structuring of Contracts/Contract Extensions, Mandatory Information Questionnaire, Procurement Risk Assessment and Supplier Relationship Review, as well as changes required by the introduction of the Public Services (Social Value) Act 2012. A full set of the Procurement Standing Orders, showing track changes, together with a summary of those changes, is available for inspection.

Finance Standing Orders

Part 9 – INCOME - has been re-worded to provide greater clarity for Officers on income control measures.

Standing Orders Relating to Duties of Proper Officers and Delegation to Officers

New Standing Orders have been added under the following sections to accommodate legislative changes:

- Planning and Transportation
- Licensing, Environmental Health and Consumer Protection
- Matters relating to the Licensing Act 2003

Other updates have been made to reflect the changes to the Management Structure in Children's Services.

Local Government Transparency Code

The introduction of this Code allows members of the press and public who are present during the public part of a meeting, to have the right to film, audio-record, take photos and use social media (such as tweeting and blogging) to report proceedings of meetings. This has been included in Appendix 1 (Citizen's Rights of Access to Information, Meetings etc) and Appendix 6 (How to have your say at a Development Control Committee).

Health and Social Care Act

Pursuant to Section 244 of the Act as amended, the Council is asked to delegate its scrutiny functions under that Act and any Regulations made under it, to the Health Policy and Performance Board.

Anti-Social Behaviour Crime and Policing Act 2014 - Public Spaces Protection Orders

Powers available to the Council under Part 4, Chapter 2 of the Act are subject to a separate report on this agenda. This allows for the setting of penalty levels and discounts for early payment of Fixed Penalty Notices which have been issued for breaches of Public Spaces Protection Orders. This is delegated to the Strategic Director, Communities in consultation with the Portfolio holder for Community Safety.