

REPORT TO: Executive Board

DATE: 31 March 2011

REPORTING OFFICER: Strategic Director - Resources

SUBJECT: Annual Review of Constitution: 2011

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:

2.1 That Council be recommended to approve the changes to the Constitution as set out in the amended version enclosed herewith.

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 As with the 2010 review the implications of the Local Government and Improvement in Health Act 2007 have been considered as well as other changes in the law. However, no further amendments, over and above those already outlined in the revised version circulated, are required at the present time. This review has also taken account of the recent changes to the Council's Management structure. Any other required changes during the period 2011/12 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

Finance Standing Orders

- New Standing Order for amending the interest rate for employee car loans – delegated to the Operational Director – Finance;
- New paragraph on Banking arrangements “Only the Operational Director, Finance, or authorised representative where applicable, shall have the authority to request additional Corporate Credit Cards”.
- Leasing and Credit Arrangements – some text changes to types of lease, finance leases, operating leases, contract hire, hire purchase, authorisation and expenditure controls.

Standing Orders Relating to Regulatory Committee

- To dis-apply Standing Order 16(2) from the Regulatory Committee so that Members cannot ask for their vote to be recorded.

Procurement Standing Orders

Contracts for the Sale of Assets – Disposal of Land

- Insert text at the start of the first bullet point:-
“subsequent to presentation at the Asset Management Working Group”
- Insert text to replace third bullet point:-
“ordinarily disposals shall be by sale on the open market. Any disposal that may be recommended for sale by negotiated agreement without open market testing shall be supported by a District Valuer’s report (or other reputable Independent Valuer)

Collaborative Arrangements – SO 1.3.1 – removal of second paragraph which refers to the Chief Executive may take urgent action in unforeseen emergencies and waive Standing Orders as necessary.

Open Tendering – SO 2.3 removal of text:-

“ involving expenditure of more than £1,000,000 and less than the EU Public Procurement Values (See Part 6 of these Standing Orders)”

Waiver of Procurement Standing Orders – SO1.8.2 insert text in bold:-

“Executive Board/Executive Board Sub Committee/ **Mersey Gateway Executive Board** approval

These Standing Orders may only be waived by the Executive Board/Executive Board Sub-Committee **and Mersey Gateway Executive Board for matters relating to the Mersey Gateway Project**, in exceptional circumstances including, but not in any way limited by, the following:”

PPB Terms of Reference

Minor changes (shown in bold type) to the Employment Learning Skills and Community PPB and the Environment and Urban Renewal PPB terms of reference, plus other additional responsibilities as listed below:

- **Employment Learning Skills and Community PPB**

The primary function is to focus on the work of the Council (and its Partners) in seeking to improve economic prosperity in Halton, the skills and employment prospects of its residents, **and their access to good sporting and cultural amenities**, to scrutinise progress against the Corporate Plan in relation to the Employment, Learning and Skills Priority.

Additional responsibility for the **Voluntary Sector** transferred from the Corporate Services PPB

- **Environment and Urban Renewal PPB**

The primary function is to focus on the work of the Council (and its Partners) in seeking to **enrich and provide a more sustainable physical environment and to** bring about the Urban Renewal of the Borough and to scrutinise progress against the Corporate Plan in relation to the Urban Renewal Priority.

Additional power and duty under the Flood and Water Management Act 2010 of **Lead Local Flood Authorities**.

Governance Arrangements

- Changes to the process for the appointment of Leader to reflect the changes to Governance Arrangements approved at Council on 15 December 2010.

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

- Additional Standing Order for the Authorising Officer and Monitoring Officer for the Regulation of Investigatory Powers Act 2000.

- Appropriation of Council Land – additional Standing Order inserted:-
 “To appropriate Council land from one local authority purpose to another under section 122 Local Government Act 1972. (SD- Corporate, Policy and Planning)”
- Designated Scrutiny Officer – additional Standing Order inserted:-
 “Section 31 of the Local Democracy, Economic Development and Construction Act 2009 – Scrutiny officer – (SD – Corporate, Policy and Planning)”
- Matters relating to the approval of Grants – additional Standing Order inserted:-
 “To make decisions on the payment of grants for social or community purposes – (Relevant SD in conjunction with Portfolio Holder)”
- Court of Protection and Appointeeship – change of responsible Officer to “Operational Director – Finance”

Confidential Reporting Code (Whistleblowing Policy)

Some inserted text throughout the document to strengthen and update the current policy.

Local Code of Corporate Governance

Updated and the following text inserted at the end of Section 6.1 (page 184) – “Engaging with Local People and other Stakeholders to ensure robust accountability”

- We publish details of all payments the Council has made that are greater than £500 on the Council’s website.
- We publish details of the Council’s senior officer structure including post titles, salary ranges and full time equivalents on the Council’s website.
- We publish details of the Council’s contracts and tenders awarded over £50,000 on the Council’s website.