

**REPORT TO:** Executive Board

**DATE:** 29 March 2012

**REPORTING OFFICER:** Strategic Director – Policy and Resources

**PORTFOLIO:** Resources

**SUBJECT:** Annual Review of Constitution: 2012

## **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 Localism Act 2011 and the Health and Social Care Bill 2010-12 have been considered as well as other changes in the law. However, further amendments, over and above those already outlined in the revised version circulated, may be required, once the Government has produced regulations dealing with a new category of declarable interests (to be known as Disclosable Pecuniary Interests). Any other required changes during the period 2012/13 will be the subject of further reports when dates and details are available.

4.2 The cross party Constitutional Working Group, set up following the Members' seminar on Governance and Structure in September 2011, has recommended a number of the changes, which are included in Appendix 1.

4.3 Changes to the Standards Regime, as contained in the Localism Act 2011, will be reported separately to Members, but a brief summary of the necessary changes in the Constitution are included in Appendix 1.

4.4 Changes to Public Health arrangements have also been incorporated.

## **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**

- Minor amendments to Finance Standing Orders to keep procedures up to date and to reinforce anti-fraud and corruption arrangements.
- In addition, text has been inserted before existing paragraph 3.5.1 – “All Officers and Members” -to ensure that all senior officers are aware of their obligations as they relate to the requirements under Finance Standing Orders.

### **Procurement Standing Orders**

These have been amended to keep up with changes in procedures. A full set of the Procurement Standing Orders, showing tract changes, together with a summary of those changes, is available for inspection.

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

- Traffic Regulation orders – delegated to OD (as at present), but in discussion with the relevant Ward Members. Where objections or differences of opinion exist, these would be resolved by the Environment and Urban Renewal PPB and Executive Board.

### **Responsibilities of PPB's**

The following additional responsibilities be added

- Business Efficiency Board – current page 277  
To ensure that the Council has effective processes in place to obtain value for money from its contractual arrangements with third parties.
- Corporate PPB – current page 265  
To receive the minutes of the Member Services/Development Group

### **Changes to the Sub Committees of the Executive Board**

- 3MG – this Board will cease at the end of the current Municipal Year, be removed from the Constitution and any remaining business after this date be dealt with by Executive Board.
- Mersey Gateway Executive Board – the membership be extended to five to include the Leader plus the Portfolio holders for Resources, Transportation, Physical Environment and Economic Development. Observers from the Opposition Groups will be invited to attend together with the Chair of the Mersey Crossing Group. However, approval must

be sought prior to the start of the meeting for observers to remain in the meeting when Part II business is conducted.

- Executive Board Sub Committee – the membership be increased to five drawn the from Executive Board membership. However, it is proposed that meetings of the Board be suspended for a period of six months from 1 April 2012, with all business dealt with by Executive Board. This arrangement will be kept under review.

### **Standards Committee**

- Although no longer a statutory requirement, it is recommended that the authority retain a Standards Committee. This will be made up of 9 Elected Members, one of which will be an Executive Board Member, together with two non-voting Independent co-optees and two non-voting Parish Council co-optees. Meetings to be held quarterly with the quorum for meetings being 3.
- In addition, arrangements must be put in place for investigating allegations made against an Elected Member, (or a Parish Councillor within the HBC Authority area), as well as having arrangements so decisions can be made. To this end, it will be necessary for the Authority to advertise for and recruit an Independent Person, who would be approved by Council majority, whose views must be taken into consideration before the authority makes a decision on an allegation it has decided to investigate.

### **Public Health responsibilities**

Subject to the enactment of the Health and Social Care Bill 2012, the transfer of NHS functions to local authority control from April 2013, will result in the post of Director of Public Health reporting to the Chief Executive at Strategic Director level.

In preparation, the following amendments in the Constitution will need to be made:

Scheme of Delegation –

- Add Director of Public Health Job Title (current page 330)
- Add the following responsibilities

<i>FUNCTION</i>	<i>JOB TITLE</i>
<i>280 All local authority powers and duties referred to in sections 28-31 of the Health and Social Care Act 2012 when enacted and in each case commenced .</i>	<i>Director of Public Health</i>
<i>281 All those powers and duties listed in section 73A(1)(a)-(f) of the National Health Service Act 2006.</i>	<i>Director of Public Health</i>

Health PPB – (current page 267)

- Add as first bullet under Corporate Policies/Responsibilities

*'To oversee the Council's health functions'*

### **Shadow Health and Wellbeing Board**

The Shadow Health and Wellbeing Board, as a Committee of the Council, is responsible for guiding and overseeing the implementation of the ambitions outlined in the Health White Paper "Healthy Lives, Healthy People".

It has been operating in Shadow form since December 2011 and the terms of reference were agreed at the first meeting. Subject to the enactment of the Health and Social Care Act 2012, it will become fully operational from April 2013.

Its Terms of Reference and Powers and Duties have been included in this version of the Constitution in preparation.