

REPORT TO: Executive Board

DATE: 27 March 2014

REPORTING OFFICER: Strategic Director – Policy and Resources

PORTFOLIO: Resources

SUBJECT: Annual Review of Constitution 2014

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 Act 2012 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 2014/15 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

- Virement – section has been updated to reflect a review of the budget virement rules in section 5.2.2.2
- Purchase Orders – additional guidance on how orders are raised and processed to accommodate e-procurement payment methods in section 8.2.7
- Treasury Management – additional paragraph inserted at 6.5.7 on authorisation limits for borrowings and for investments
- New section on Construction Industry Tax Scheme at 6.10
- Invoices and Creditor Payments - Additional guidance inserted relating to Construction Industry Tax Scheme invoices at 8.3

Procurement Standing Orders

These have been amended to keep up with changes in procedures. Of note are the proposed changes to the procedures for the Waiver of Procurement Standing Orders (Emergency Procedures and non-Emergency Waiver). A full set of the Procurement Standing Orders, showing track changes, together with a summary of those changes, is available for inspection.

Trading Standards – for information

Executive Board had approved the return of the Trading Standards Service in house at its meeting on 19 September 2013. This would become effective from 1 April 2014, and the necessary amendments to the Constitution to enable the implementation of delegated powers have already been approved by Council on 5 February 2014. No further changes are required as part of this review and those previously identified will be incorporated into the new version of the Constitution document.

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

New Standing Orders have been added under the following sections:

- Licensing, Environmental Health and Consumer Protection

- Changes in delegation to reflect transfer of powers to Director of Public Health
- Regulation of Investigatory Powers Act 2000 (RIPA)

(Changes to Authorising Officers, Senior Responsible Officer and RIPA Co-ordinator)

Confidential Reporting Code (Whistleblowing Policy)

This has been updated to reflect changes in the law. Trade Unions have also been consulted on the amended document.

Members' Allowance Scheme

This has been updated to reflect the NJC pay award effective from 1 April 2013.

General references to Policy Documents

These have been updated throughout the document to reflect the up to date Policy Framework.

Standing Orders relating to the Conduct of Council Business:-

- **SO 16 Voting at Council meetings**

There is now a requirement for a Recorded Vote at Council meetings where a decision is taken on the Budget, setting Council Tax or issuing Precepts. (Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 refers).

Policy and Performance Board Procedure Rules – Remit of PPB's

This amendment makes arrangements for dealing with topics which fall within the remit of more than one PPB. At present, this matter is determined by the Executive Board. To ensure that PPB Chairs and the Scrutiny Co-ordinator have an involvement in this, it is proposed to give the Scrutiny Co-ordinator, in consultation with the relevant PPB Chairs, the task of determining which PPB shall assume responsibility.

The Scrutiny Chair's Group will be consulted on this proposed amendment prior to the meeting of full Council.