

REPORT TO: Executive Board

DATE: 16th May 2007

REPORTING OFFICER: Strategic Director - Corporate and Policy

SUBJECT: Annual Review of Constitution

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

3.0 BACKGROUND

3.1 A revised version of the Constitution is enclosed (see disc) for members' consideration. 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 will hopefully assist the Council to operate more effectively. The proposals for change have been considered by the Chief Executive and the Executive Board Member for Corporate Services in accordance with Article 16.02. Apart from the purely technical changes, the proposed amendments that are considered to be of significance are listed in Appendix 1 to this report.

4.0 POLICY, FINANCIAL AND OTHER IMPLICATIONS

4.1 None.

5.0 RISK ANALYSIS

5.1 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.

6.0 EQUALITY AND DIVERSITY ISSUES

6.1 None.

Appendix 1 – Proposed Significant Changes to the Constitution

Chapter 2

- The list of designated posts in Article 13 has been extended to include the Director of Children's Services and Director of Adult Services functions.

Chapter 4

- A number of technical changes have been made to Standing Orders relating to Finance (without changing the Council's financial control systems). Amendments have also been made to reflect the move of the Payroll Division to within the Operational Director – Human Resource's remit.
- Changes have been made to Procurement Standing Orders to simplify the EU procurement rules in line with the simplified regulatory framework introduced by the EU in 2006.
- Standing Orders relating to Accommodation have been amended to reflect the need for consultation with the Strategic Director – Corporate and Policy and the Corporate Services Portfolio Holder in line with the agreed Accommodation Strategy.

Chapter 5

- The Members' Code of Conduct has been amended to bring the Halton Code into line with the new Code issued on 3 May 2007. (See Appendix 2 for a further explanatory note as to the changes to be brought about. Further guidance will be issued to Members and incorporated in future training events.) The Chairman of the Standards Committee has been contacted and understands the need for the Code of Conduct to be put to the Council without it first being considered by the Standards Committee.

Chapter 7

- The Management Structure has been updated to reflect in-year changes.

Appendix 4

- The name of the Executive (Transmodal Implementation) Sub-Board has been amended to the 3MG Executive Sub-Board to reflect the role of the Board more clearly.
- The Terms of Reference of the Mersey Gateway Executive Board have been included.
- The Healthy Halton Policy and Performance Board remit has been updated to reflect its current role and responsibilities.

- The effects of the Gambling Act 2005 have been incorporated into the Regulatory Committee's remit in line with previous resolutions by the Committee and by Full Council.
- Provision has been made for the time when the Council Solicitor and Operational Director – Human Resources posts are combined into the Operational Director and Monitoring Officer (Legal, Organisational Development and Human Resources) post, which will be effective mid-year.
- The Duties of Proper Officers has been amended to reflect the current directorate structures. The ability for the Chief Executive to appoint any other officer to act in his absence has also been included. The other changes in this section have largely been made to respond to amended policy or legislation.

Appendix 2 - 2007 Code of Conduct

Following extensive consultation, the government has issued a new model code of conduct. This takes effect on 3 May 2007. The code is mandatory and will take effect by default on 2 October 2007 if not adopted beforehand by the Council.

The Standards Board is urging authorities to adopt the code as soon as possible. While additions can be made to the code, the Standards Board is not recommending that this should be done.

The changes made in the new code are likely to be broadly welcomed by Members as they address some of the perceived excesses in the old code. The main changes are:-

- The deletion of the obligation on a Member to report breaches of the code by other Members.
- The introduction of an explicit provision against bullying.
- The obligation not to disclose confidential material is amended so that this may now be disclosed where it is reasonable to do so and in the public interest.
- The restriction on improperly conferring an advantage on someone is amended so that this now includes an attempt to do so.
- The redefinition of a personal interest so that:
 - There is no interest if the interest is one shared with the majority of people in the Member's Ward [previously this was judged against the interests of a majority of people in the Borough];
 - The previous provision about interests of relatives and friends is replaced with one relating to family and to persons with whom a Member has a "close association".
- Changes to the operation of the prejudicial interest machinery. The test remains the same but these interests are now restricted to financial interests [and not well being ones]. Further, the requirement to leave a meeting is reduced so that a Member can remain in the meeting to make representations or answer questions on a matter provided that other members of the public can similarly do so [the Member withdraws after making the representations].

The Register of Interests will need to be completed afresh by each Member within 28 days of the adoption of the new Code