

REPORT TO: Executive Board

DATE: 18 April 2024

REPORTING OFFICER: Operational Director – Legal and Democratic Services

PORTFOLIO: Corporate Services

SUBJECT: Annual Review of Constitution 2024

WARDS: Borough-wide

1.0 PURPOSE OF REPORT

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

2.0 RECOMMENDATION: That Executive Board recommends Council to approve the changes to the Constitution including the matters set out in Appendix 1.

3.0 BACKGROUND

3.1 The revised version of the Constitution 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 Portfolio Holder for Corporate Services 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 A to this report.

4.0 POLICY, FINANCIAL AND OTHER IMPLICATIONS

4.1 All legislative changes have been considered. However, no further amendments, over and above those already outlined, are required at the present time. Any other required changes during the period 2024/25 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 CLIMATE CHANGE IMPLICATIONS

8.1 There are no implications.

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

9.1 None under the meaning of the Act.

Appendix 1

Proposed Significant Changes to the Constitution

Whistle Blowing Policy

This section has been updated so that it aligns with the NHS Freedom to Speak Up Policy. This is a requirement for any area of the Council that delivers NHS Services (such as the Positive Behaviour Service). These are minor changes and they do not affect how the policy operates in practice.

Finance Standing Orders

An amendment to section 3.4.1 relating to Certifying Officers. The change is to update job titles.

Para 3.4.1 – An amendment to confirm that agency workers / interims in management roles are authorised to approve expenditure on behalf of the Council.

Para 5.1.5 (capital virement) – rewording to make it clear that virement in excess of £500k must be reported to Executive Board and subsequently approved by Council.

Procurement Standing Orders

- The Public Procurement Act 2023 (PPA23) is to be implemented in October 2024, as the secondary legislation is to be finalised and laid before Parliament in March 2024, Alongside the current Public Procurement Regulations 2015 the wording Public Procurement Legislation to allow flexibility for the new PPA23 changes to be complied with until detailed changes can be made in 2025-26 Procurement Standing Orders.
- Section 1.3.5 - relating to Preliminary Estimates Reports has been amended to increase the value threshold exceeding £1 Million to exceeding £5 Million, this will bring the threshold in line with PSO 1.9.4 – Acceptance of tender by Executive Board.
- Section 1.11.2 – Cyber Security has been included within Insurance requirements.
- Section 1.11.4 - relating to signed contracts in accordance with Article 14.04 has been updated to replicate the following text in compliance with an Audit recommendation to make it clear that two signatories of the Council are required for contracts exceeding £1 Million in value; Such contracts must either be signed by an Officer of the Authority at Operational Director level, together with another Officer of the Authority nominated by the said Operational Director or made under the common seal of the Council attested by the Operational Director (Legal and Democratic Services) or his/her nominee.

- Expenditure – Finance Standing Orders (FSO) Table – Update to Certifying Officer details FSO 3.4

Pg 134 Standing Order relating to the sale of assets including land.

Additional wording will be added to provide further detail on the disposal method.

Additional Note:

The consultation exercise with regard to job titles of Strategic Directors, Operational Directors and Divisional Managers has been completed and these changes will need to be reflected in the Constitution. The list is attached for approval.