

**REPORT TO:** Executive Board

**DATE:** 28 March 2013

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

**PORTFOLIO:** Resources

**SUBJECT:** Annual Review of Constitution: 2013

## **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. The opportunity has also been taken to clarify the various Appeals processes the Council has in relation to revenue and benefits issues. However, no further amendments, over and above those already outlined, are required at the present time. Any other required changes during the period 2013/14 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

A number of minor updates have been included in this review, in addition to the following amendments :

- SO 3.3.1 additional responsibility (b) as follows-

Operational Directors may have responsibility delegated to them by Strategic Directors for (a) certain financial matters, including budget monitoring and control and will be held accountable for those budgets; (b) the drawing up of a list of those officers authorised to certify accounts, invoices, orders and expenditure vouchers.

- Capital Programme SO 4.2.3. increase in variation levels as follows-
  - **10%** on schemes costing less than £5m
  - **£500,000** on schemes costing £5m and above

The following additional Standing Order to be included -

- Financial Reserves and Balances

6.10.1 The Operational Director, Finance, will be responsible for maintaining and managing the Council's Reserves and Balances Strategy, which will be reported annually to Executive Board alongside the Medium Term Financial Strategy.

6.10.2 The Operational Director, Finance will establish and manage financial reserves and provisions as are considered appropriate, in order to support the Council's day to day activities, to provide for potential financial commitments and to ensure the Council's financial standing remains sound and aids the achievement of its long term objectives and corporate priorities.

### Procurement Standing Orders

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

### ICT Standing Orders

SO 2.2 and 2.3 to merge

The following additional Standing Order to be included –

- Be aware that deleted emails remain accessible to management through the Journal

## **Health and Wellbeing Board**

The Health and Wellbeing Board, as a Committee of the Council, has been operating in Shadow form since December 2011 and the terms of reference were agreed at the first meeting. With the enactment of the Health and Social Care Act 2012, it will become fully operational from 1 April 2013 and the Constitution should be amended accordingly to reflect this.

## **Public Health**

The formal transfer of responsibility for the majority of public health functions to the Borough Council will take place on 1 April 2013. The following should be added to the Scheme of Delegation to Officers:

New SO 282 – Such actions as are necessary to give effect to the Public Health and related Powers and Duties conferred upon the Council as a result of the reform of the National Health Services legislation – Chief Executive (or his nominee)

## **Schools Forum**

Changes included in the Schools Forum Regulations required local authorities to hold School Forum meetings in public and to make agendas, minutes and decisions publicly available on their web site. As a formal meeting of the authority, the terms of reference for the Schools Forum should now be included in the Constitution.

## **Localism Act 2011**

### **Assets of Community Value and Community Right to Challenge**

Following approval of Executive Board (14 March 2013), the following amendments to be made under the Scheme of Delegation to Officers:

New SO 16A – To take such decisions as deemed necessary under Part 1 Chapter 3 of the Localism Act 2011 (Assets of Community Value) – OD-EEP

New SO 16B – To take such decisions that may be necessary under Part 1 Chapter 2 of the Localism Act 2011 (Community Right to Challenge) – SD-PR

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

New Standing Orders have been added under the following sections:

Consumer Protection

Planning and Transportation  
Flood Water Management

## **Appeal Processes**

The following clarifies the various appeals processes the Council has in relation to revenue and benefit issues:

### Council Tax Reduction Scheme

- Stage 1 SD P&R or nominee
- Stage 2 Valuation Tribunal

### Housing Benefit

- Stage 1 SD P&R or nominee
- Stage 2 Tribunal Service

### Discretionary Rate Relief – Partial Occupation

- Stage 1 OD Financial Services
- Stage 2 No further right of appeal

### Discretionary Rate Relief – Charitable Occupation and Amended Scheme

- SD P&R recommendation to Executive Board

### Discretionary Rate Relief – Hardship Relief

- SD P&R recommendation to Executive Board

### Discretionary Support Scheme

- SD P&R or nominee
- No further right of appeal

## Discretionary Housing Payment

- Stage 1 – SD P&R or nominee
- Stage 2 – Members Appeals Panel

## Council Tax – Discretionary Reduction in Liability

- Stage 1 – SD P&R or nominee
- Stage 2 – Members Appeals Panel

## **Gifts and Hospitality**

Under the Members' Code of Conduct the estimated value of any gift, benefit or hospitality will increase from £25 to £50.