

**REPORT TO:** Executive Board

**DATE:** 14 March 2019

**REPORTING OFFICER:** Strategic Director – Enterprise, Community and Resources

**PORTFOLIO:** Resources

**SUBJECT:** Annual Review of Constitution 2019

## **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 including the matters 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 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 2018/19 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**

### **Local Code of Corporate Governance**

This section has been updated. In 2016, the Delivering Good Governance in Local Government Framework was updated. The framework defines the principles that should underpin governance in each local government organisation. The Code is therefore amended so that it is better aligned with the updated principles set out in revised best practice guidance.

### **Finance Standing Orders**

Minor updates to align with some technical terms used elsewhere in the Constitution.

New section at 5.2.2.3 relating to Contingency Budgets, where potential overspends that impact on current and future years budgets cannot be contained by virement. A contingency contribution up to £250,000 may be approved by the Operational Director, Finance; above this amount, Executive Board approval would be required.

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

Standing Order 60 has been updated to reflect the fact that 'early retirement' no longer exists in regulation. Any severance arrangements are now brought about by 'voluntary redundancy' and the Operational Director, Finance, is now part of the approval chain and has been added to the list of responsible Officers.

Deletion of Standing Orders 50 and 51 relating to the Carbon Reduction Scheme, (as we no longer purchase or sell carbon allowances); and Standing Order 53, relating to employee car loans, as this no longer exists.

### **Terms of Reference for Appeals Panel**

This has been updated to reflect the decision of the Executive Board (EXB 68 refers), for the Appeals Panel to have responsibility to hear appeals in respect of the Council Tax Section 13A Discount Policy.

### **Terms of Reference for Business Efficiency Board**

Under the section 'Efficiency and Improvement', Item 6 has been amended to read "To monitor and review the Council's procurement arrangements". (This previously referred to the monitoring and implementation of the Council's Procurement Strategy).

## **Procurement Standing Orders**

Following a number of updates and amendments in previous years, it should be noted that **no changes** to the existing Procurement Standing Orders section are required this year.