

TRAFFORD COUNCIL

Report to: Annual Council
Date: 24 May 2017
Report for: Decision
Report of: Director of Legal and Democratic Services and Monitoring Officer

Report Title

UPDATE OF THE CONSTITUTION

Summary

A review of the Council's constitution has been undertaken and a number of amendments to bring it up to date are proposed. The amendments cover a wide range of matters and the changes are of a minor nature.

Recommendation(s)

That the amendments to the Constitution as summarised in the report be approved.

Contact person for access to background papers and further information:

Name: Peter Forrester
Extension: 1815

Background Papers:

None

Background

It is the duty of the Council's Monitoring Officer to review the Constitution from time to time and to propose amendments which may be considered to be necessary for the efficient and effective management of the Council and Council services.

The current Constitution has been in place for some time and has been updated as and when new legislation and regulations have come into force. However, it was felt necessary to carry out a full review to ensure that all changes have been made and to ensure that working practices are still relevant for the efficient operation of the Council.

Any recommended changes have been included in "track changes" versions and have been added to the website alongside this report. Copies are available in the Members room attached.

The changes can be summarised as follows:

Summary of Changes

Changes
<p>Part 1 – Summary</p> <p>Minor amendments to reflect practice e.g. changes in standards framework, clarification about the role of health scrutiny committee.</p>
<p>Part 2 – Articles</p> <p>Minor updates to reflect practice e.g. reference to website to access information, expanded information on petition scheme, updated committee information, provision of electronic access to the constitution, revision of article 14 to bring it in line with the contract procedure rules and updated policy framework to reflect statutory changes around requirements to produce certain plans.</p>
<p>Part 3 – Scheme of Delegation</p> <p>Minor typographical changes</p> <p>Added new terms of reference for standards committee in relation to the granting of dispensations to bring it into line with the code of conduct.</p> <p>Changes to the scheme of delegation for Executive and Corporate Directors/Senior Managers to reflect legal requirements and service developments are set out in a separate report.</p>
<p>Part 4 – Procedure Rules</p> <p>Council</p> <p>Minor typographical changes.</p> <p>Procedure rule 6 – amended to reflect that we are able to send out electronic agenda. Gives the options available to Members.</p> <p>16.5 Recorded Vote – amended to bring in line with Regulations about the need for a recorded vote on the budget.</p> <p>Budget And Policy Framework Procedure Rules</p> <p>Minor change - Amended reference to capital strategy as this is no longer produced.</p> <p>Overview And Scrutiny Procedure Rules</p> <p>18 – deleted reference to forward plan as this no longer exists in three month format as we now have 28 day notices.</p>

Financial Procedure Rules – See separate document

All references to 'Director of Finance' changed to 'Chief Finance Officer';

References to budget manager, manager or service manager have been amended for consistency and clarity to 'Budget Holder' where appropriate and a definition included;

Budget Virements:

- a) Definition of 'budget head' clarified (based on Objective headings in budget report);
- b) 5 levels of virement are now defined in the document and have been aligned with the limits delegated to the Chief Finance Officer for the creation and use of Reserves as set out in the Scheme of Delegation.

Amendments to FPR12 (Control of Income) and FPR13 (Accounting Officers) following recommendation by Internal Audit to include additional detail in line with other councils' FPR's. Now includes responsibilities of Chief Finance Officer as well as Service Director;

The original FPR13 has been merged with FPR12;

Clarification of approval of disposal of Council assets required by the Executive (FPR7);

Appendix 1 Minimum Document Retention Periods for financial records has been removed and replaced with a general requirement to keep all financial records for 6 years plus current and European Funding documents indefinitely.

Procurement Rules - revisions to Council were agreed on 6 September

Petition Scheme

Some minor changes to wording.

Section 1 - Changes to reflect that electronic petitions can be created on other sites such as change.org. Sets out procedures to the receipt of these petitions.

Also clarifies that once submitted that there can be no further submissions (for example: where additional signatures have been received).

Sections 4 and 7. There was some duplication and contradiction in these sections about what can happen with a petition. Section 7 has been added to section 4 to improve clarity.

Part 5 – Codes and Protocols

Minor typographical changes to Members code of conduct, employee code, member officer protocol and gifts and hospitality code.

Minor amendments to the Officer code of conduct appendix on Gifts and Hospitality so that it is clearer.

Scrutiny protocols – minor changes to reflect practice and some tidying up (e.g. task group references)

Health Scrutiny protocol – changes to simplify the protocol around substantial variations and took out unnecessary parts. Typographical changes.

A separate report on the Planning protocol is contained on the agenda.

Part 6 – Members Allowances

No changes

Consultation on Proposed Changes

The monitoring officer is required to consult on any recommendations and significant changes to the Constitution with the Executive, Scrutiny Committee and Standards Committee prior to referral to Council under Article 15.

The changes presented in the report are minor amendments to reflect legislative changes or to correct or clarify rules and procedures and no consultation is necessary.