

Part 1	ITEM NO.
--------	----------

REPORT OF THE CITY SOLICITOR

TO
FULL COUNCIL
ON
WEDNESDAY 18 NOVEMBER 2020.

TITLE: AMENDMENTS TO THE COUNCIL CONSTITUTION

RECOMMENDATION:

Full Council is asked to approve the proposed changes to the Councils Constitution.

EXECUTIVE SUMMARY:

The full details of the proposed changes are set out in the body of the report.

The Constitution is presently being revamped to ensure its accessibility by making the content and design clear and simple.

BACKGROUND DOCUMENTS:

Salford City Council Constitution – <https://www.salford.gov.uk/your-council/council-and-decision-making/council-constitution/>

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 – <https://www.legislation.gov.uk/uksi/2020/392/contents/made>

KEY DECISION: No – this is a non-Executive decision taken by a meeting of the Council

DETAILS:

Section 37 of the Local Government Act 2000 requires the Council to keep its constitution under review.

Set out below is a summary of proposed minor Constitution changes for approval at this meeting.

Part 5 Section A – Financial Regulations.

To update the financial thresholds as detailed below so they reflect the same authorised levels throughout the Constitution (both previously stated £100,000).

Responsibilities of chief officers

3.4.6 A Chief Officer may exercise virement on budgets under his or her control for up to authorised levels, currently up to but not including **£150,000** on any one budget-head during the year, following notification to the Chief Finance Officer

3.4.7 Amounts of **£150,000** or greater require the approval of the service Lead Member and the Lead Member for Finance and Customer Services, following a report that must specify the proposed expenditure and the source of funding, and must explain the implications in the current and future financial years.

Part 5 Section B – Contractual Standing Orders.

Exception to Contractual Standing Orders

The following paragraph has been revamped for the purpose of clarity:

9.13.5 Approval to exceptions up to a value of £150,000 must be approved by Strategic Director and Lead Member. DDN exception report must be completed and passed to the Procurement Team for information at the next available Procurement Board. Exceptions above £150,000 must be approved by the Procurement Board only.

The paragraph will now state:

Exceptions of £150,000 and above must be approved by the Procurement Board. Exceptions with a value of less than £150,000 must be approved by the relevant Strategic Director and reported to the relevant Lead Member.

Part 6 Section - A Code of Conduct for Members

3A. Duty to Declare Arrears of Non-payment of Council Tax

Paragraph 3A of the Code of Conduct goes beyond the requirements set out in s.106 of the LGFA 1992, therefore it is proposed to remove the following paragraph from the Constitution:

Any councillor who is two or more months in arrears with their Council Tax payments (even if a liability order hasn't been granted) has a legal duty to make a declaration. The process of gaining a court order for non-payment can take less than two months to go through so legal action could in theory commence before the statutory period of 'two months in arrears' is reached and has to be declared.

The following paragraphs will remain:

Section 106 of the Local Government Finance Act 1992 places a duty on a councillor to declare any failure of payment (as above) if they attend any meeting involved in setting the Council Tax rate for the local authority. They must abstain from any vote involved in the setting of the Council Tax rate until they are no longer in arrears.

If a councillor fails to make the declaration and/or makes a vote they are not entitled to then they commit an offence. This is subject to a fine of up to £1,000 per breach.

KEY COUNCIL POLICIES: Not applicable

EQUALITY IMPACT ASSESSMENT AND IMPLICATIONS: - A Customer Impact Assessment is not necessary because no vulnerable group is considered likely to be affected by the decisions recommended in the report.

ASSESSMENT OF RISK: Low
Regular updates to the Constitution will reduce the risk of challenge.

SOURCE OF FUNDING: Not applicable

LEGAL IMPLICATIONS: The legal implications are set out in the report.

FINANCIAL IMPLICATIONS: Not applicable

HR IMPLICATIONS: Not applicable

PROCUREMENT IMPLICATIONS: Not applicable

OTHER DIRECTORATES CONSULTED: Not applicable

CONTACT OFFICER:

Karen Berry, Casual Democratic Management Support Advisor.

Karen.berry@salford.gov.uk

WARD(S) TO WHICH REPORT RELATE(S): All