

COUNCIL

TUESDAY, 23RD JULY 2019, 6.30 PM

COUNCIL CHAMBER, TOWN HALL, CHORLEY

I am now able to enclose, for consideration at the above meeting of the Council, the following reports that were unavailable when the agenda was published.

Agenda No	Item	
10	CONSTITUTION REVIEW	(Pages 77 - 80)
	To receive and consider the report of the Monitoring Officer.	
15	EXCLUSION OF THE PUBLIC AND PRESS	
	To consider the exclusion of the press and public for the following items of business on the ground that it involves the likely disclosure of exempt information as defined in Paragraphs 1 and 3 of Part 1 of Schedule 12A to the Local Government Act.	
	By Virtue of Paragraph 1: Information relating to any individual. Condition: Information is exempt to the extent that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Information is not exempt if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to Regulation 3 of the Town & Country Planning General Regulations 1992(a).	
	By Virtue of Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information) Condition: Information is not exempt if it is required to be registered under- The Companies Act 1985 The Friendly Societies Act 1974 The Friendly Societies Act 1992 The Industrial and Provident Societies Acts 1965 to 1978 The Building Societies Act 1986 (recorded in the public file of any building society, within the meaning of the Act) The Charities Act 1993 Information is exempt to the extent that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.	
	Information is not exempt if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to Regulation 3 of the Town & Country Planning General Regulations 1992(a).	

16	MARKET WALK UPDATE	(Pages 81 - 86)
	To receive and consider the report of the Director (Business, Development and Growth).	
17	CREATION OF A WHOLLY OWNED COMPANY	(Pages 87 - 136)
	To receive and consider the report of the Director (Early Intervention and Support).	
18	SITE ACQUISITION	(Pages 137 - 200)
	To receive and consider the report of the Director of (Business, Development and Growth).	
19	SHADY LANE PROCUREMENT	(Pages 201 - 222)
	To receive and consider the report of the Director (Business, Development and Growth).	
20	SHARED SERVICES UPDATE REPORT	(Pages 223 - 236)
	To receive and consider the report of the Leader.	
21	SENIOR MANAGEMENT REVIEW	(Pages 237 - 308)
	To receive and consider the report of the Chief Executive.	

GARY HALL
CHIEF EXECUTIVE

Electronic agendas sent to Members of the Council

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Report of	Meeting	Date
Monitoring Officer	Full Council	22 July 2019

CONSTITUTION REVIEW

PURPOSE OF REPORT

- To advise Members of proposed changes to the Constitution and seek approval of those changes.

RECOMMENDATION(S)

- That the Constitution document as amended and appended to this report be approved.

EXECUTIVE SUMMARY OF REPORT

- The Constitution is the Council’s book of rules. It sets out how the responsibility for the discharge of functions are split, how decisions are made and how officers and members of council should conduct themselves. It is a living document and should be reviewed and updated regularly.
- Changes based on decisions by the council are implemented throughout the year, although it has been some time since a full review of the whole document was undertaken. It is appropriate to do this now due to changes to the Council’s Code of Conduct and management structure. It is acknowledged however that this exercise will need to be undertaken again soon to reflect proposed changes to the senior management restructure, shared services and the boundary review. It was not felt appropriate however to delay these changes to that time.
- The changes proposed are consequential changes to reflect previously approved decisions by the Council, process changes to enable the smooth running of council business, or recommended changes to reflect changes to best practice.

Confidential report Please bold as appropriate	Yes	No
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CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all		A strong local economy	
Clean, safe and healthy homes and communities		An ambitious council that does more to meet the needs of residents and the local area	X

BACKGROUND

- Whilst Chorley Council’s Constitution has been regularly updated to reflect changes to service provision and processes, it has not been reviewed as a complete document since 2017.

8. The proposed amendments to the Constitution reflect current practices or will improve how the Council discharges its responsibilities, makes decisions and address changes to best practice in relation to the Code of Conduct.
9. All parts of the Constitution have been reviewed but Members are asked to consider in particular the following appendices:-
 - a. Appendix 2 - Responsibility for Functions;
 - b. Appendix 4 - Financial Regulations and Procedure Rules; and
 - c. Appendix 6 - Members Code of Conduct.
10. Throughout the body of the document there are consequential amendments to job titles for example, where the functions have been absorbed by other roles or titles simply changed.
11. It is accepted that further amendments to the Constitution will be required over the course of the next 12 months to ensure it is fit for purpose due to the proposed changes in relation to Shared Services and the implementation of the Boundary Review. These changes will be dealt with under separate cover.

RESPONSIBILITY FOR FUNCTIONS

12. This is the Council's scheme of delegation, which addresses who can make decisions in relation to Council functions. It confirms the split between Council and Executive functions and then the delegations to Council committees and Officers or Executive Members and Officers.
13. Part A are functions set by statute and are unchanged.
14. Part B addresses the roles and functions of Council committees. There are some minor consequential changes to this section to reflect changes in job titles and national guidance.
15. Part C contains the delegations of Council functions to officers. Again, the amendments here relate to changes in job titles and the realignment of portfolio responsibilities.

FINANCIAL REGULATIONS AND PROCEDURE RULES

16. The following changes to the virement scheme are proposed to bring the authorisation limits in line with key decisions limits:
 - Virements below £50k can gain joint approval by the head of paid service, chief finance officer and relevant chief officer(s). Previously anything over £10k also required authorisation by the executive member
 - Any budget virements between £50,000 and £100,000 require joint approval by the head of paid service, chief finance officer, chief officer(s) and the relevant executive member(s). Previously anything over £50k required authorisation by Full Council.
 - Any budget virements greater than £100,000 require the approval of the full council. This is in line with the current key decision making framework.
17. Members are also asked to consider the Contract Procedure Rules which have been amended to streamline decision making and to align with South Ribble Borough Council.

MEMBERS CODE OF CONDUCT

18. The proposed amendments have been approved by Governance Committee and reflect changes to recommended best practice. The report to Governance Committee is referenced as a background paper for further information.

IMPLICATIONS OF REPORT

19. This report has implications in the following areas and the relevant Directors' comments are included:

Finance	X	Customer Services	
Human Resources		Equality and Diversity	
Legal	X	Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

20. The amendments will ensure that the Council have robust and transparent decision making functions and compliance with best practice.

COMMENTS OF THE STATUTORY FINANCE OFFICER

21. Changes to the financial procedure rules have not been made for a number of years. These proposed changes will bring authorisation limits in line with the council’s key decision making framework.

COMMENTS OF THE MONITORING OFFICER

22. Contained in the body of the report.

CHRIS MOISTER
MONITORING OFFICER

Background Papers		
Document	Date	File
Constitution	July 2019	https://democracy.chorley.gov.uk/documents/s101408/Constitution.pdf
Ethical Governance Review	5 June 2019	Governance Committee 5 June 2019

Report Author	Ext	Date
Chris Moister	5160	11 July 2019

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