

Classification: Open	Decision Type: N/a
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Report to:	Audit Committee Council	Date 31 st July 2023 Date: 13 September 2023
Subject:	Constitution Update Report	
Report of	Executive Director of Finance	

Summary

1. The Council's constitution was reviewed and updated during the municipal year 2020/21 and the last annual update report was presented at the 24 May 2023 Council meeting. As and when Council policies are reviewed and updated, amendments to the Constitution are required to align the policies.

Recommendation(s)

Audit Committee is requested to approve, for onward submission to Council on the 13 September 2023, the:

2. Proposed amendments to the Constitution in relation to the authorised debt write-off thresholds set out in the report.

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Introduction

3. The Constitution sets out how the Council operates; how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. The Council has a legal duty to publish an up-to-date Constitution and review regularly.

Background

4. A refresh of the Council Write-off Policy and Procedure (appended to this report) has been undertaken, the updated policy proposes uplifting the current authorised debt write-off thresholds that have been in place since 2004, as set out in the table below:

Value	Approval Required	Reported to
Up to £1,000	Responsible Budget Holder	Director

In excess of £1,000 but not more than £10,000	Responsible Director in consultation with the Chief Accountant	Section 151 Officer
In excess of £10,000 but not more than £50,000	Section 151 Officer in consultation with the Monitoring Officer	Relevant Cabinet Member
In excess of £50,000	Cabinet	

The proposals set out in the table above require amendments to the Council Constitution.

Sections to be Updated

5. The following sections of the Constitution require amending to align with the updated Council Write-off Policy and Procedure.

Part 21 Section 7 – Officer Functions

Appendix 1: Delegations to Specific Officers

Section 151 Officer

From:

13. The writing off of debts from £2,001 to £5,000

To:

13. The writing off of debts from £10,001 to £50,000

Part 28 Section 7 – Financial Regulations

4.7.3.5 The Statutory Officers: Chief Finance Officer

From:

(j) the writing-off of debts from £2,001 to £5,000 with the Head of Revenues and Benefits being authorised to write-off debts of less than £2,000

To:

(j) the writing-off of debts from £10,001 to £50,000, with Directors being authorised to write-off debts from £1,001 to £10,000 and budget holders up to £1,000.

4.7.6.4. Income

From:

The Chief Finance Officer is responsible for writing off irrecoverable debts from £2,001 to £5,000; with the Head of Revenues and Benefits writing off debts of less than £2,000; and with write-offs above £5,000 being subject to approval by the Cabinet.

To:

Budget Holders responsible for writing off irrecoverable debts up to £1,000; Directors responsible for writing off irrecoverable debts from £1,001 to £10,000; The Chief Finance Officer responsible for writing off irrecoverable debts from £10,001 to £50,000; and with write-offs above £50,000 being subject to approval by the Cabinet.

Links with the Corporate Priorities:

6. An up-to-date Constitution will ensure decisions are taken lawfully and in an open and transparent manner.

Equality Impact and Considerations:

7. An up-to-date Constitution will ensure decisions contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.

Environmental Impact and Considerations:

8. N/A

Assessment and Mitigation of Risk:

Risk / opportunity	Mitigation
Legal challenge	An up-to-date Constitution will ensure decisions are taken lawfully and in an open and transparent manner.

Legal Implications:

To be completed by the Council's Monitoring Officer.

9. Section 9P of the Local Government Act 2000 as amended sets out the duty of the Council to prepare and keep up to date its constitution as follows:
 - (1) A local authority must prepare and keep up to date a document (referred to in this section as its constitution) which contains—
 - (a) a copy of the authority's standing orders for the time being,
 - (b) a copy of the authority's code of conduct (if any) for the time being under section 28 of the Localism Act 2011,
 - (c) such information as the Secretary of State may direct, and
 - (d) such other information (if any) as the authority considers appropriate.

A local authority must ensure that copies of their constitution are available at their principal office for inspection by members of the public at all reasonable hours. A local authority must supply a copy of their constitution to any person who requests a copy and who pays to the authority such reasonable fee as the authority may determine. The Bury constitution is made available on our public website.

It is for the Monitoring Officer to monitor and review the operation of the constitution on an ongoing basis and where necessary bring forward amendments to Council.

Financial Implications:

10. There are no financial implications arising from this report.

Background papers:

11. None.

Appendices:

Appendix 1: Bury Write-off Policy and Procedure

Please include a glossary of terms, abbreviations and acronyms used in this report.

Term	Meaning