

Classification	Item No.
Open	

Body:	Council
Date:	22 nd November 2023
Title of report:	Council Constitution – Finance Regulations Review
Report by:	Cllr Gold, Cabinet Member, Finance and Communities.
Decision Type:	Council Decision
Ward(s) to which report relates	All

Executive Summary:

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.

One of the primary functions of the Council’s Monitoring Officer is oversight and responsibility for the Council Constitution. In undertaking this role, the Monitoring Officer introduced an annual review of the Council’s Constitution.

With the establishment of a Capital Programme Board and also a Financial Improvement Panel, the Monitor Officer in consultation with colleagues from the finance department has reviewed the Council Financial Regulations.

Recommendation(s)

1. Adopt the proposed changes to the Council’s Financial as detailed in the report;

Key considerations

The proposed changes to the Financial Regulations ensure that the Council’s constitution is updated, the proposed changes are appended to the report at Appendix 1.

Financial regulations provide the framework for managing the Council’s financial affairs and are part of our Council’s constitution. They apply to every Member and Officer of the Council and anyone acting on its behalf.

The regulations identify the financial responsibilities of the Council Committees including Full Council and sets out Officers responsibilities. All Members and Officers have a general responsibility for taking reasonable action to provide for the security and proper recording of the assets under their control, and for ensuring that the use of these resources is legal, properly authorised, provides value for money and achieves best value.

Community impact/links with Community Strategy

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

Equality Impact and considerations:

Equality Analysis	<i>Please provide a written explanation of the outcome(s) of either conducting an initial or full EA.</i>
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.	

Assessment of Risk:

The following risks apply to the decision:

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

Consultation:

The proposals set out have been shared with

Legal Implications:

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:

Finance Officers have had oversight of the proposed changes to the regulations.

Report Author and Contact Details:

Jacqui Dennis, Monitoring Officer and Council Solicitor

Background papers:

