

Adoption of Revisions to Swindon Borough Council's Constitution 2019/20

Council

Date: 17th May 2019

Author:	Interim Director of Law
Wards:	All
Locality Affected:	All
Parishes Affected:	All

1. Purpose and Reasons

- 1.1 To consider and adopt revisions to Swindon Borough Council's Constitution for the Municipal Year 2019/20.
- 1.2 It is necessary to review and update the Constitution for 2019/20 to reflect decisions taken by the Council during the 2018/19 Municipal Year, to meet statutory requirements and to reflect changes in the Council's management structure and working practices required to ensure the efficient discharge of Council business during the course of the 2019/20 Municipal Year.
- 1.3 Article 15 of the Council's Constitution requires the approval of the Council, or of the Special Committee, to changes to the Constitution.
- 1.4 The Council is committed to engaging local people in local decision making, promoting capacity building at a local level and growing community interest and participation. The Constitution seeks to provide the governance framework to enable the delivery of the Council's Corporate Strategy and all its key plans and policies.

2. Recommendations

The Council is recommended to:

- 2.1 Adopt the revised Swindon Borough Council Constitution for the Municipal Year 2019/20.
- 2.2 Authorise the Interim Director of Law, in consultation with the members of the Corporate Governance Review Working Group where appropriate, to vary the wording and layout of the Constitution and its associated documentation to reflect legislative and procedural changes, should this prove necessary for the efficient discharge of Council business during the course of the Municipal Year.

3. Detail

- 3.1 The Council's Constitution has been revised to reflect statutory requirements and legislative and procedural changes, political management arrangements,

Further information on the subject of this report can be obtained from Steve Jones, Direct Dial Telephone Number (01793) 463602, stevejones@swindon.gov.uk.

Adoption of Revisions to Swindon Borough Council's Constitution 2019/20

Council

Date: 17th May 2019

revisions to the Council's management structure and operating model, and other procedures and protocols agreed by the Council for 2019/20.

- 3.2 A digital "tracked changes" copy of the Constitution, showing all proposed revisions to the Constitution, is included at Appendix 2.
- 3.3 The main changes proposed to the Constitution are set out in the paragraphs below.

Proposed Changes

- 3.4 Highlighted below are the various proposed amendments to the different sections of the Council's Constitution. Changes have been made, throughout the document, to reflect decisions and recommendations arising from the relevant Council bodies during the 2018/19 Municipal Year, including new titles and officer responsibilities and lines of reporting arising out of revisions to the Council's management structure. A small number of changes have been made to the Council's Standing Orders and elsewhere in the Constitution to reflect changes to legislation and Government Regulations and Guidance. Minor changes have also been made for purposes of clarification and to ensure that the Constitution refers to current working practices.
- 3.5 Part 1 – Summary and Explanation - Some minor typographical and formatting changes have been made. Commentary in relation to "Community Involvement" amended to reflect the Council's current and developing arrangements for interactions with Parish Councils.
- 3.6 Part 2 – Article 8 – Appointments Committee – The role of the Appointments Committee has been reviewed and revised to better align with legislative requirements.
- 3.7 Part 2 – Article 10 – Community Involvement – see 3.5 above
- 3.8 Part 2 – Article 12 – The Council's Officers – Revised to take into account changes to the Council's Management Structure and senior management portfolios.
- 3.9 Part 2 – Article 14 – Finance, Contracts and Legal Matters – The provision relating to "Absence of Chief Executive" has been revised to allow the Chief Executive to nominate a member of the Corporate Management Team to carry out that function in the event of his/her absence.
- 3.10 Part 3 – Responsibility for functions - Minor revisions have been made to the text. *Please note that references to specific paragraphs within the scheme of delegations will be updated once that revised document has been updated following the Annual Council meeting.*

Adoption of Revisions to Swindon Borough Council's Constitution 2019/20

Council

Date: 17th May 2019

- 3.11 Part 4 – Rules and Procedure – Section 8 - Officer Employment Procedure Rules – reviewed and revised to better align with legislative requirements.
- 3.12 Part 5 - Codes and Protocols – These Codes were reviewed by the Council's Standards Committee at its meeting on 21st January 2019, following consultation with the Political Groups on the Council, and Corporate Directors, Directors and Heads of Service and Parish Councils. The Committee endorsed the current Codes and Protocols, without change, for inclusion in the Council's Constitution for 2019/20.
- 3.13 Part 6 – Councillors' Allowances Scheme – The scheme has been amended to reflect the changes to levels of Councillors' Basic and Special Responsibility Allowances for 2019/20 approved by the Council on July 2018
- 3.14 Part 7 – Management Structure – A revised structure is included, reflecting changes made to the Council's Management Structure in 2018/19.
- 3.15 Part 8 – Scheme of Delegations and Designations of Proper Officers – Revisions have been made throughout to reflect the revised management structures and responsibilities approved by the Council and Special Committee during the 2018/19 Municipal Year. Where necessary, some individual delegations have been deleted to reflect legislative changes and others have been transferred to alternate Corporate Directorates under the revised management structure. Appendix 1 provides a summary of the proposed main additions and changes made to the Scheme of Delegations. The complete and revised scheme of delegations can be inspected within the draft Constitution at Appendix 2.
- 3.16 Members are reminded of the role played by the Corporate Governance Review Working Group in considering and making recommendations regarding the Council's governance arrangements. Issues such as the Council's future political management arrangements, procedures adopted at Council meetings and the implications of new legislation and statutory guidance were all discussed by the Working Group during the 2018/19 Municipal Year and have played a significant part in informing the review of the Constitution that is contained within this report. Councillors are invited to contact their Group Leaders or the Interim Director of Law if they have issues that they would like the Working Group to review as part of its work in the 2019/20 Municipal Year.

4. Alternative Options

- 4.1 The Council could seek to adopt alternative changes and wording to individual parts of the Constitution. No alternative options are proposed.

Adoption of Revisions to Swindon Borough Council's Constitution 2019/20

Council

Date: 17th May 2019

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 There are no specific financial or procurement implications.

Legal and Human Rights Implications

- 5.2 Legal and Human Rights implications have been taken into account in drafting this report.
- 5.3 The Council is required to comply with the requirements of the Localism Act 2011 the Local Government Acts 1972 and 2000, the Health and Social Care Act 2012, the Public Services (Social Value) Act 2012, the Local Audit and Accountability Act 2014, and associated Regulations and Statutory Instruments.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.4 No other specific implications have been identified.

Diversity Impact Assessment

- 5.5 A Diversity Impact Assessment (DIA) has not been completed for this report as it is an annual review of existing content with the inclusion of text that reflects legislative requirements or Council endorsed actions. A Diversity Impact Assessment has previously been undertaken to review the relevance in equality terms of the Constitution and its component parts. It was determined that because of the nature and role of the Constitution a full DIA was not required. Should a requirement for a DIA for a component part be identified this will be undertaken at the appropriate stage.

Risk Management

- 5.6 There are no specific risk implications that have not previously been highlighted.

6. Consultees

- 6.1 All Chief and Senior Officers have been consulted on elements within this report, specifically the content of the Scheme of Delegations.

7. Background Papers

- 7.1 Council Constitution 2018/19.

Adoption of Revisions to Swindon Borough Council's Constitution 2019/20

Council

Date: 17th May 2019

8. Appendices

Appendix 1 – Summary of Proposed Changes to the Scheme of Delegations 2018/19.

- 8.1 Appendix 2 - A digital “tracked changes” copy of the Constitution, showing all proposed revisions. (*This appendix is in excess of 400 pages and is available for inspection online at the Council's website*).