

Adoption of Revisions to Swindon Borough Council's Constitution 2021/22 Municipal Year

Council

Date: 21st May 2021

Author: Chief Legal Officer (Monitoring Officer)

Wards: 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 2021/22.
- 1.2 Article 15 of the Council's Constitution requires the approval of the Council, or of the Special Committee, to changes to the Constitution.
- 1.3 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 Committee is recommended to:

- 2.1 Adopt the revised Swindon Borough Council Constitution for the Municipal Year 2021/22.
- 2.2 Authorise the Chief Legal Officer (Monitoring Officer), 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 It is necessary to review and update the Constitution for 2021/22 to reflect decisions taken by the Council during the 2020/21 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 2021/22 Municipal Year.
- 3.2 Part 8 of the Constitution, Scheme of Delegations, has been updated to reflect new officer roles and lines of reporting. Any new delegations requested are highlighted in yellow. These additions are sought in order to provide for the efficient, transparent and

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accountable discharge of Council's decisions as agreed by Members. No significant changes are being brought to Members for consideration.

- 3.3 There are some minor typographical corrections throughout the document, which have been marked. A digital 'tracked changes' copy of the Constitution, showing all proposed revisions to the Constitution, is included at Appendix 1.
- 3.4 It is proposed to conduct a wider review to incorporate lessons from the Covid-19 ways of working. It is intended that a report be brought to the Corporate Governance Review Working Group during the course of the 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.

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.

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Risk Management

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

6. Consultees

6.1 The Corporate Director of Finance and Assets (s151 officer) and Chief Legal Officer (Monitoring Officer) are consulted in respect of all reports.

7. Background Papers

7.1 None

8. Appendices

8.1 Appendix One: Draft 2021/22 Constitution, with 'track changes'