

# **Adoption of Revisions to Swindon Borough Council's Constitution for 2013/14**

**COUNCIL**

**Date: 17<sup>th</sup> May 2013**

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Author: Director of Law and Democratic Services

Wards / Locality / Parishes Affected: All

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## **1. Purpose and Reasons**

- 1.1 To consider and adopt revisions to Swindon Borough Council's Constitution for the Municipal Year 2013/14.
- 1.2 It is necessary to review and update the Constitution for 2013/14 to reflect decisions taken by the Council during the 2012/13 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 2013/14 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.

## **2. Recommendations**

The Council is recommended to:

- 2.1 Adopt the revised Swindon Borough Council Constitution for the Municipal Year 2013/14.
- 2.2 Authorise the Director of Law and Democratic Services, 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 recent legislative and procedural changes, political management arrangements, the Council's new "Stronger Together" management structure and operating model, and other procedures and protocols agreed by the Council for 2013/14.
- 3.2 A copy of the Constitution showing all the significant revisions to the 2012/13 Constitution has been supplied to each political group and a copy has been placed in the Member's Room.
- 3.3 The main changes proposed to the Constitution are set out in the paragraphs below.

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Further information on the subject of this report can be obtained from Stephen Taylor Direct Dial Telephone Number (01793) 463612, [staylor@swindon.gov.uk](mailto:staylor@swindon.gov.uk) or Ian Willcox, Direct Dial Telephone Number (01793) 463601, [iwillcox@swindon.gov.uk](mailto:iwillcox@swindon.gov.uk).

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### *Proposed Changes*

- 3.4 Highlighted below are the various proposed amendments to the different sections of the Council's Constitution. Many of the changes have been made to reflect new titles and officer responsibilities arising out of revisions to the Stronger Together management structure. A small number of changes reflect changes to legislation and Regulations and Guidance. Minor changes have also been made to ensure that the Constitution refers to current working practices.
- 3.5 Part 1 –Summary and Explanation – To revise the paragraph relating to “How Decisions Are Made” to reflect changes to the Cabinet Forward Plan. Now the Cabinet Work Programme / Forward Plan as a result of provisions in the Local Authorities (Executive Arrangements)(Meetings and Access to Information) (England) Regulations 2012.
- 3.6 Part 1 –Summary and Explanation – To introduce a paragraph relating to “the establishment of the Health and Wellbeing Board as a standing committee of the Council.
- 3.7 Part 1 –Summary and Explanation – To revise the paragraph relating to “Citizens’ Rights” to reflect changes resulting from the provisions in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.
- 3.8 Part 2 – Article 3 – Citizens and the Council - To revise paragraph 3.01(b) of the Article relating to “Citizens’ Rights” to reflect changes resulting from the provisions in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.
- 3.9 Part 2 – Article 6 – Overview and Scrutiny Committees – To revise the Article to reflect changes resulting from the Local Authority (Public Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.
- 3.10 Part 2 – Article 7 – The Cabinet – (The Council's Executive) – To revise the Article by the deletion of “(b)” in paragraphs 7.03 and 7.04 to reflect changes resulting from the provisions of the Localism Act 2011 relating to the powers of Standards Committees to suspend councillors. To revise paragraph 7.07 to clarify this paragraph and reflect current practice.
- 3.11 Part 2 – Article 8 – Regulatory and Other Committees - To revise the Article to take into account changes to existing committees, the introduction of the Health and Wellbeing Board as a committee of the Council, and changes required to wording to reflect legislative changes and the introduction of new Government Regulations..

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- 3.12 Part 2 – Article 11 – Joint Arrangements - To revise paragraph 11.02 of the Article to reflect changes resulting from the Local Authority (Public Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.
  - 3.13 Part 2 – Article 12 – The Council's Officers - To revise the Article to reflect the revised "Stronger Together" management structure and titles adopted by the Council.
  - 3.14 Part 2 – Article 14 – Finance, Contract and Legal Matters - To revise paragraph 14.03 of the Article to further clarify this paragraph and reflect current practice.
  - 3.15 Part 3 – Responsibility for Functions – To revise to reflect the revised "Stronger Together" management structure and titles and the Scheme of Delegations proposed for 2013/14
  - 3.16 Part 4 – Rules and Procedure - Section 1 - Council Procedure Rules (Standing Orders) – The amendment of Standing Order 4(1)(k) (Order of Business) to reflect the decision of the Council on 11<sup>th</sup> April 2013 that notices of motion will not be considered at the Annual Meeting of the Council.
  - 3.17 Part 4 – Rules and Procedure - Section 1 - Council Procedure Rules (Standing Orders) – The amendment of Standing Order 6(18) (Rules of Debate for Council Meetings) and the addition of a new paragraph (19) to clarify the position regarding the process when a Councillor is required to declare a disclosable pecuniary interest or a personal and / or personal and prejudicial interest in any matter being discussed.
  - 3.18 Part 4 – Rules and Procedure - Section 1 - Council Procedure Rules (Standing Orders) – The amendment of Standing Order 12 (Recording of Proceedings) – The amendment of this Standing Order to reflect the wish of the Council with regard to the recording of proceedings by local residents.
  - 3.19 Part 4 – Rules and Procedure - Section 1 - Council Procedure Rules (Standing Orders) - No other significant changes are proposed to Standing Orders – minor revisions to wording to incorporate revised Stronger Together Management titles, changes in legislation and required minor updates to wording to reflect current Council practice.
  - 3.20 Part 4 – Rules and Procedure - Section 2 - Access to Information Procedure Rules – Major revisions have been made to this section to reflect the implementation of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 in September 2012. Councillors may recall the report on the implications of these regulations provided to the Corporate Governance Review Working Group on 13<sup>th</sup> September 2012.

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- 3.21 Part 4 – Rules and Procedure - Section 3 - Budget and Policy Framework Procedure Rules - Minor revision to wording to incorporate title changes required to reflect revised “Stronger Together” management structure titles.
  - 3.22 Part 4 – Rules and Procedure - Section 4 - Executive (Cabinet) Procedure Rules - Minor revision to wording to incorporate title changes required to reflect revised “Stronger Together” management structure titles..
  - 3.23 Part 4 – Rules and Procedure - Section 5 – Overview and Scrutiny Procedure Rules – Revisions to wording to incorporate changes required to reflect the implementation of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, and the Local Authority (Public Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, the revised “Stronger Together” management structure titles, and to reflect current Council practice.
  - 3.24 Part 4 – Rules and Procedure - Section 6 – Financial Procedure Rules (Financial Regulations) – Proposed revisions to wording to incorporate the revised “Stronger Together” management structure titles and responsibilities. Required updates to wording to reflect legislative and changes to Regulations, and changes to clarify and reflect current Council practice.
  - 3.25 Part 4 – Rules and Procedure - Section 7 – Standing Orders Relating to Contracts - Minor revisions to wording to clarify and reflect current Council practice.
  - 3.26 Part 4 – Rules and Procedure - Section 8 – Officer Employment Procedure Rules - Minor revisions to wording to incorporate the revised “Stronger Together” management structure titles and to reflect changes to joint arrangements following the implementation of the recent Health reforms replacing the Primary Care Trust.
  - 3.27 Part 4 – Rules and Procedure - Section 9 – Petitions Scheme - Minor revisions to wording to clarify existing custom and practice.
  - 3.28 Part 5 - Codes and Protocols – Section 1 - Members Code of Conduct – The replacement of the Preamble to the Members Code of Conduct by the new definition of the 7 Principles of Public Life as set out in the 14th Report of the Committee on Standards in Public Life which was published in January 2013, to reflect the decision of the Council on 11th April 2013.
  - 3.29 Part 5 - Codes and Protocols – Section 3 – Monitoring Officer Protocol – Minor revision to remove reference to the Standards Board for England that is no longer applicable.

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- 3.30 Part 5 - Codes and Protocols – Section 4 – Councillor Role Definitions – Revisions to wording to incorporate the revised “Stronger Together” management structure titles and the addition of a role definition for the Chair of the Health and Wellbeing Board.
- 3.31 Part 5 - Codes and Protocols – Section 6 – Protocol for Member/Officer Relations – Minor revisions to wording to incorporate the revised “Stronger Together” management structure titles and responsibilities and to reflect current Council practice.
- 3.32 Part 5 - Codes and Protocols – Section 8 – Local Code of Corporate Governance – Minor revisions to wording to update for legislative changes and to reflect current Council practice.
- 3.33 Part 6 – Councillors’ Allowances Scheme – No change to level of Councillors Basic Allowances. Minor changes to wording to reflect Budget allocation for 2013/14. Inclusion of changes to Special Responsibility Allowances as determined by the Council on 17<sup>th</sup> January 2013. Minor drafting changes to reflect current Council practice, revised contact details and organisation and outside bodies titles.
- 3.34 Part 7– Management Structure – Revisions to incorporate the revised “Stronger Together” management structure adopted by the Council from 1<sup>st</sup> April 2013.
- 3.35 Part 8 – Scheme of Delegations and Designations of Proper Officers – To reflect changes previously agreed by the Council and to incorporate the revised Stronger Together management structures and responsibilities within the Council. An appendix is attached that outline the proposed additions to be made to the Scheme.

## **4. Alternative Options**

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

## **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.

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- 5.3 The Council is required to comply with the requirements of the Localism Act 2011, the Health and Social Care Act 2012, the Local Government Act 2000 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.

Links to One Swindon, Plans and Policies

- 5.5 One Swindon and Stronger Together set out a shared commitment to connect local people to local decision making, promote capacity building at a local level and grow 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.

Diversity Impact Assessment

- 5.6 A Diversity Impact Assessment (DIA) has not been undertaken at this stage as the report does not make any recommendations or have implications that affect services. The Constitution has been subject to a DIA

Risk Management

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

## **6. Consultees**

- 6.1 The Board Director, Resources (S.151 Officer) and the Director of Law and Democratic Services (Monitoring Officer) are consulted on all reports.

## **7. Background Papers**

- 7.1 Council Constitution 2012/13.

## **8. Appendices**

- 8.1 Appendix 1 – Summary of Proposed Changes to the Scheme of Delegations 2013/14.