

# **Adoption of Revisions to Swindon Borough Council's Constitution 2016/17**

**Council**

**Date: 20<sup>th</sup> May 2016**

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Author:	Director of Law and Democratic Services
Wards:	All
Locality Affected:	All
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 2016/17.
- 1.2 It is necessary to review and update the Constitution for 2016/17 to reflect decisions taken by the Council during the 2015/16 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 2016/17 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 One Swindon, The Vision and Stronger Together all 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 including the Health and Wellbeing Strategy.

## **2. Recommendations**

The Council is recommended to:

- 2.1 Adopt the revised Swindon Borough Council Constitution for the Municipal Year 2016/17.
- 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.

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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 Steve Jones, Direct Dial Telephone Number (01793) 463602, [stevejones@swindon.gov.uk](mailto:stevejones@swindon.gov.uk).

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## **3. Detail**

- 3.1 The Council's Constitution has been revised to reflect statutory requirements and recent legislative and procedural changes, political management arrangements, revisions to the Council's management structure and operating model, and other procedures and protocols agreed by the Council for 2016/17.
- 3.2 A copy of the Constitution showing all the significant revisions to the 2015/16 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.

### 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 2015/16 Municipal Year, including new titles and officer responsibilities arising out of revisions to the Council's management structure. A small number of changes to the Council's Standing Orders and elsewhere 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 2 – Article – 4 – The Full Council - To revise the Article's paragraph 4.01(a) relating to "Meanings – Policy Framework" to reflect legislative requirements for inclusion of certain plans and policy documents.
- 3.6 Part 2 – Article 6 – Overview and Scrutiny Committees - To revise the Article's paragraph 6.02 to take into account proposed changes to the names of the Council's Overview and Scrutiny Committees and to the scope of each committee in order to align more closely with Cabinet Member responsibilities.
- 3.7 Part 2 – Article 8 – Regulatory and Other Committees - To revise the Article's paragraph 8.01 to include the revised functions of the Audit Committee (*approved by the Audit Committee at its meeting on 16<sup>th</sup> June 2015*).
- 3.8 Part 2 – Article 12 – The Council's Officers – To revise the Article's paragraph 12.01 to take into account changes to the Council's Management Structure (*agreed by the Special Committee at its meeting on 25<sup>th</sup> April 2016*).

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- 3.9 Part 3 – Responsibility for functions - To revise the Article's paragraph 4 to reflect changes to the exercise of executive decision making powers by the Locality Panels.
- 3.10 Part 4 – Rules of Procedure – Section 3 – Budget and Policy Framework Procedure Rules - Changes have been made to reflect proposed name changes and the composition and scope of the council's Overview and Scrutiny Committees, specifically the new "Resources and Corporate Overview and Scrutiny Committee".
- 3.11 Part 4 – Rules and Procedure - Section 5 – Rules of Procedure and Terms of Reference – Overview and Scrutiny Committees – Changes have been made to reflect proposed name changes and the composition and scope of the Council's Overview and Scrutiny Committees.
- 3.12 Part 4 – Rules and Procedure - Section 6 – Financial Procedure Rules (Financial Regulations) – Revisions have been made to reflect changes to the exercise of executive decision making powers by the Locality Panels.
- 3.13 Part 4 – Rules and Procedure - Section 7 – Standing Orders Relating to Contracts – To incorporate revisions to Standing Orders Relating to Contracts (*approved at the Council meeting on 14<sup>th</sup> November 2015*).
- 3.14 Part 4 – Rules and Procedure - Section 9 – Petitions Scheme - Minor revisions to wording, agreed in consultation with the Corporate Governance Working Party, to reflect existing custom and practice and to address issues encountered in relation to the acceptance of e-petitions that are not compiled on the Council's e-platform.
- 3.15 Part 5 - Codes and Protocols –These Codes were reviewed by the Council's Standards Committee at its meeting on 25th January 2016, following consultation with the Political Groups on the Council, and Board Directors and Heads of Service and Parish Councils. The Committee endorsed the current Codes and Protocols, as submitted to the meeting, for inclusion in the Council's Constitution for 2016/17. Some changes have been made subsequently to the Protocol and Guidance in relation to "Public Question Time at Council meetings" to rationalise the procedure in relation to written questions, in circumstances where these have been made available within requisite notice periods, and where written answers have been provided in advance of the meeting.
- 3.16 Part 6 – Councillors' Allowances Scheme – The scheme has been amended to reflect the changes to levels of Councillors' Basic and Special Responsibility Allowances for 2016/17 approved by the Council on 25<sup>th</sup> February 2016.

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- 3.17 Part 7– Management Structure – A revised structure is included, reflecting the decisions of the Special Committee at its meeting on 25<sup>th</sup> April 2016.
- 3.18 Part 8 – Scheme of Delegations and Designations of Proper Officers – Revisions have been made to reflect the revised management structures and responsibilities approved by the Council and Special Committee during the 2015/16 Municipal Year. Where necessary, some individual delegations have been deleted to reflect legislative changes and others have been transferred to appropriate officers under the revised management structure. Appendix 1, attached, provides a summary of the proposed main additions and changes made to the Scheme.
- 3.19 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 2015/16 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 Director of Law and Democratic Services if they have issues that they would like the Working Group to review as part of its work in the 2016/17 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.

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## 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 The Board Director, Resources (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

## **7. Background Papers**

- 7.1 Council Constitution 2015/16.

## **8. Appendices**

- 8.1 Appendix 1 – Summary of Proposed Changes to the Scheme of Delegations 2016/17.