

Adoption of Revisions to Swindon Borough Council's Constitution 2017/18

Council

Date: 19th May 2017

Author:	Director of Law and Democratic Services
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 2017/18.
- 1.2 It is necessary to review and update the Constitution for 2017/18 to reflect decisions taken by the Council during the 2016/17 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 2017/18 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 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 2017/18.
- 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 legislative and procedural changes, political management arrangements,

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revisions to the Council's management structure and operating model, and other procedures and protocols agreed by the Council for 2017/18.

- 3.2 A digital copy of the Constitution, showing all the significant revisions to the 2016/17 Constitution, has been supplied to each political group and is available to inspect on the Council's website. A hard copy is available for members' inspection in Committee and Member Services.
- 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 2016/17 Municipal Year, including new titles and officer responsibilities 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 – Community Involvement - Revised to remove reference to Locality Panels and, instead, to confirm the Council's commitment to promoting community involvement, enabling community empowerment and devolving power and responsibility to neighbourhood level.
- 3.6 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.
- 3.7 Part 2 – Article 10 – Community Involvement - The article has been revised to remove reference to Locality Panels and, instead, to set out the Council's commitment to community empowerment at local level via the Parish Councils and continuing to work with Residents' Associations and other Community Groups.
- 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, including the establishment of the new post of Director of Finance (Section 151 Officer) (*agreed by the Special Committee at its meetings on 4th July and 10th October 2016 and 13th April 2017*).

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- 3.9 Part 3 – Responsibility for functions - To revise the Article's paragraph 4 to remove references to the exercise of executive decision making powers by the former-Locality Panels.
- 3.10 Part 4 – Rules and Procedure - Section 5 – Overview and Scrutiny Rules – Revised to remove references to Locality Panels.
- 3.11 Part 4 – Rules and Procedure – Section 6 - Financial Procedure Rules (Financial Regulations) – Revisions have been made to remove references to the exercise of executive decision making powers by the Locality Panels.
- 3.12 Part 5 - Codes and Protocols –These Codes were reviewed by the Council's Standards Committee at its meeting on 25th January 2017, 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, as submitted to the meeting, for inclusion in the Council's Constitution for 2017/18.
- 3.13 Part 5 – Codes and Protocols – Section 4 - Councillor Role Definitions – Revised to include the role of the Deputy Leader of the Council.
- 3.14 Part 6 – Councillors' Allowances Scheme – The scheme has been amended to reflect the changes to levels of Councillors' Basic and Special Responsibility Allowances for 2017/18 approved by the Council on 14th July 2016.
- 3.15 Part 7– Management Structure – A revised structure is included, reflecting the decisions of the Special Committee at its meeting on 13th April 2017.
- 3.16 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 2016/17 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.
- 3.17 A change has been made to the General provisions in the scheme of delegations to specify that Article 15.03 (that changes to the Constitution will only be approved by the full Council (or Special Committee), will not apply in relation to proposed changes in the job title of an officer in the Council's Management Structure (Part 7 of the Council's Constitution refers). The approval of such changes is delegated to the Chief Executive (rather than by Council or Special Committee), in consultation with the Group Leaders, with the Director of Law and

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Democratic Services then authorised to make the necessary changes to the Management Structure chart in the Constitution.

- 3.18 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 2016/17 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 2017/18 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

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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 Director of Finance (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 2016/17.

8. Appendices

Appendix 1 – Summary of Proposed Changes to the Scheme of Delegations 2017/18.