

## **SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Annual Council

**DATE:** 19<sup>th</sup> May, 2011

**CONTACT OFFICER:** Member Panel on the Constitution/Catherine Meek  
**(For all enquiries)** Deputy Borough Secretary  
01753 875011

**WARD(S):** All

### **PART I** **FOR DECISION**

#### **REVIEW OF THE COUNCIL'S CONSTITUTION**

##### **1 Purpose of Report**

To consider recommendations for proposed amendments to the Council's Constitution.

##### **2 Recommendations**

The Council is requested to consider the recommendations for amendment to the Constitution as detailed in the attached papers and resolve:-

- (a) That the proposed changes to the Council's current Constitution be endorsed subject to any further amendments the Council may agree; and
- (b) That the Cabinet be requested to consider and endorse the Officer Scheme of Delegation insofar as it relates to executive functions.
- (c) That the Deputy Borough Secretary be authorised to make all necessary and consequential administrative alterations to the Constitution as required.

##### **3 Key Priorities**

- 3.1 The Constitution provides an important means of enabling citizens and stakeholders to understand how the Council makes decisions and who is responsible for those decisions.

##### **4. Other Implications**

###### Financial

- (a) There are no financial implications in this report.

###### (b) Legal and Human Rights Implications

Section 37 of the Local Government Act 2000 requires each local authority to prepare, keep up to date and publicise the document known as the Council's Constitution. There are no Human Rights Act or workforce implications associated with this report.

## **5 Supporting Information**

- 5.1 The Constitution is at the heart of the Council's business. It allocates power and responsibility within the Council and between it and others. It also regulates the behaviour of individuals and groups through Codes of Conduct, Protocols and Procedure Rules. The Constitution is designed to meet all the necessary statutory requirements for instruments of governance and to include matters traditionally covered by local authority Standing Orders, Financial Regulations, Schemes of Delegation and terms of reference. It is a coherent single document which can be used as a comprehensive point of reference by individuals or organisations inside and outside of the Council.
- 5.2 The basic distinction in the presentation of the Constitution is between Articles, Procedure Rules and associated material. Articles are intended to set the overall framework and in general will not be subject to frequent change. They are about *what* is to be done and by *whom*. Procedure Rules, Codes of Conduct and other material located after the Articles are broadly about how the Articles are put into effect and may be subject to more frequent change.

### **Review of the Constitution**

- 5.3 At its meeting in May 2010 the Council agreed that the Member Panel on the Constitution be re-appointed to keep the Constitution and its operation under review.
- 5.4 Since its revision last year there have been a number of suggestions for revision/amendments to the existing Constitution which have arisen as a result of:-
- New legislative requirements
  - Amendments suggested to manage business more efficiently
  - Minor drafting amendments/typographical errors with minor corrections
  - Revisions already agreed by the Council in the course of the year
  - Proposals from Members

### **Meetings of Member Panel on the Constitution**

- 5.5 The Member Panel on the Constitution has met to give consideration to proposed changes to the Constitution. Councillor Swindlehurst chaired the Panel meetings.
- 5.6 The Panel has given detailed consideration several parts of the Constitution and recommendations of the Panel are set out with amendments shown in italic and strikeout on the attached extracts from the Constitution (Appendix 2).
- 5.7 A summary of the key changes proposed is set out in Appendix 1.

## **6 Views of the Monitoring Officer**

- 6.1 The Council's Constitution gives authority to the Monitoring Officer to monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution may only be approved by the Council after consideration of the proposal by the monitoring Officer.
- 6.2 The Monitoring Officer has considered the proposed changes to the Constitution and has recommended them to the Council for consideration.

**7 Format and Distribution of the Constitution**

The Constitution is on the Council's website and a copy will be provided to each Member of the Council following the annual meeting each year. Notification of changes will be detailed in the Members' Bulletin.

**8 Background Papers**

Agenda and minutes – Member Panel on the Constitution.