

SLOUGH BOROUGH COUNCIL

REPORT TO: Council **DATE:** 19th May 2015
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WARD(S): All

PART I **FOR DECISION**

REVIEW OF CONSTITUTION AND RELATED MATTERS

1. **Purpose of Report**

To report the recommendations of the Member Panel on the Constitution (MPOC) on the Review of the Constitution.

2. **Recommendations**

The Council is requested to Resolve:

- (a) That the proposed amendments to Part 4 - Overview and Scrutiny Procedure Rules be approved as set in paragraph 5.5 for implementation from 1st June 2015;
- (b) That the Head of Democratic Services be authorised to amend the current published Constitution to reflect Council Structures, legislative requirements and other administrative amendments as necessary.

3. **Community Strategy Priorities**

None as this report is administrative in nature.

4. **Other Implications**

The Constitution meets the Council's requirements and incorporates all necessary legal requirements.

5. **Supporting Information**

Background – Fundamental Review

5.1 The Council undertook a fundamental review of the Constitution in 2013.

5.2 The aim of the review was:

- To make all forms of decision making as streamlined and clear as possible.
- To introduce modern best practice wherever possible.
- To make the Constitution a modern, fit for purpose, easily understandable and easily updated document.

- To simplify rules and remove duplication and conflict.
- To redraft officer delegations to empower officers to make decisions in line with corporate procedures with a robust audit trail and clear sub delegation rules.
- To consider the current Overview and Scrutiny process and structure to enhance its role and ability to scrutinise effectively.
- To review financial procedure rules and thresholds for decision making.

Progress on the Review

- 5.3 The Review is a significant piece of work and the Panel has met to undertake the detailed review work on the Constitution. Over the course of the year the Panel has made/endorsed a number of recommendations to the Council detailing amendments to the Constitution.

Amendments reported to Council in the course of the year

- 5.4 A number of amendments to the Constitution have been agreed by the Council over the course of the year as follows:

Section 4.6 - Financial Procedure Rules

A comprehensive review of the contracts element of the Financial Procedure Rules had been undertaken to both simplify them and provide greater clarity over exemption requests and tendering processes. The rules were amended to enforce best practice in purchasing and support the Council in delivering its Community and Corporate plans. These Rules in conjunction with the Procurement Operating Procedures and the Procurement strategy provide a corporate framework designed to ensure that all procurement activity is conducted in line with the principles of good public procurement and legal requirements.

Corporate Parenting Panel – Terms of Reference

The terms of reference of the Corporate Parenting Panel Terms were amended in order to bring the Panel's arrangements into line with the Slough Corporate Parenting Strategy 2014 to 2016.

Scheme of Delegation to Officers

A number of delegations had been inadvertently omitted from the Scheme that was submitted to the Council in April 2014. The Council approved amendments to - Part 2 - Delegation of functions to Officers by the Council and the Executive (E20) and - Part 3 - Proper Officer Functions (Part 3) with regard to the National Health Service Act 2006 (PO61 – PO69.)

Procurement Delegations

Delegations B1 and B2 were deleted as they are covered under Financial Delegations A5 and A6 relating to authorisation of approved expenditure and are therefore unnecessary.

Review of Members Allowances Scheme – Part 6

The Council is required to undertake a review the Members Allowances Scheme every four years. The Independent Remuneration Panel was convened to undertake the statutory review of the Scheme and the Council considered the recommendations of the Panel and approved amendments to the Scheme at its meeting on the 19th February 2015.

Article 9 & 10 – Standards Advisory Committee and Audit and Risk Committee

At its meeting on 21st April 2015 the Council agreed that the Standards Advisory Committee be disbanded and its terms of reference subsumed into the terms of reference of the Audit and Risk Committee with effect from the Annual Council meeting in May 2015. It was agreed that the Audit and Risk Committee be renamed the “Audit and Corporate Governance Committee”.

Recommendations for further revisions to the Constitution

- 5.5 The Member Panel on the Constitution has considered Member absences at Scrutiny Panel/Committee meetings. The Panel has recommended the inclusion of a new policy for the treatment of such absences. The proposed wording for this policy is set out below:

Where a Member has been absent (even if apologies are given) from a particular Overview and Scrutiny Committee/Panel for two consecutive meetings, that Member will be sent a letter warning of the impending revocation of their membership of that Committee/Panel, should they miss a third consecutive meeting.

Should that Member then miss a third consecutive meeting of that Committee/Panel, their membership will be revoked, and a replacement will be sought from the respective group.

If apologies are given for the third meeting, Members of the Committee/Panel will have discretion to waive the revocation of membership if they consider that there are exceptional reasons that need to be taken into account.

Late arrival or early departure by a member will not be treated as absence if notice has been given to the Chair with a valid reason.

Ongoing Review of the Constitution

- 5.6 Work on reviewing some parts of the Constitution is ongoing and will be programmed into future Panel Review meetings. The Council is requested to authorise the Head of Democratic Services to make any consequential changes to the Constitution that have arisen as a result of amendments agreed by the Council and restructuring decisions.

6 Appendices

None

7. Background Papers

None.

A full copy of the Constitution can be accessed on the Council's website.