

SLOUGH BOROUGH COUNCIL

REPORT TO: Council **DATE:** 17th May 2016
CONTACT OFFICER: Catherine Meek, Head of Democratic Services
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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 and seek endorsement to the amended Terms of Reference of the Corporate Parenting Panel.

2. **Recommendations**

The Council is requested to Resolve:

- (a) That the grant of general dispensations, as set out in paragraph 6.1 of the report, be approved;
- (d) That the Monitoring officer be authorised to make any consequent changes to the Code of Conduct to reflect the Council's decision;
- (c) That the amendments to the Member Call-In process, as set out in paragraph 6.2 be approved;
- (d) That the amendments to the petition scheme, as set out in paragraph 6.3, be approved;
- (e) That the amendment to the Overview and Scrutiny Procedure Rules regarding member questions, as set out in paragraph 6.4, be approved;
- (f) That the amended Financial Procedure Rules, as set out in paragraph 6.5, be approved;
- (g) That the amendments to the Council's protocol for filming meetings, as set out in paragraph 6.6, be approved;
- (h) That the updated Corporate Parenting Panel Terms of Reference, as set out in paragraph 6.7, be approved;
- (i) 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 discussed the review work on the Constitution. The Panel has made/endorsed a number of recommendations to the Council detailing amendments to the Constitution, as follows:

6. **Recommendations for revisions to the Constitution**

Localism Act 2011 - Dispensations

6.1 In order to protect Members it is recommended that a general dispensation is granted to all Members to be present, speak and vote where they would otherwise have a DPI on the grounds that it is appropriate to grant a dispensation to allow all Members to participate fully in the following matters:

- (a) Housing: where the member (or spouse or partner) holds a tenancy or lease with the Council as long as the matter does not only relate to the member's particular tenancy or lease*.
- (b) school meals or school transport and travelling expenses where the member is a parent or guardian of a child in full time education, or is a parent governor of a school, provided that the matter does not only relate to the particular school which the child attends;

- (c) Housing Benefit: where the member (or spouse or partner) directly receives housing benefit in relation to their own circumstances
- (d) Allowances, travelling expenses, payments or indemnity for members; [looked as though it could be one payment to one]
- (e) Setting the Council Tax or a Precept; and
- (f) Decisions in relation to Council Tax Benefit.

*Any general housing related dispensations afforded to members will not negate the need for members to declare a personal or prejudicial interest; particularly where the member or spouse holds a tenancy or lease with the Council and a matter requiring a decision may/will impact their own Council tenancy.

For example in cases where the matter particularly affected their local neighbourhood and was considered to affect their own tenancy more than other people in the Authority's area, the Member should consider whether it is appropriate to participate in the decision making process.

For the avoidance of doubt and to ensure adherence to the member code of conduct, members should seek guidance from the Council's Monitoring Officer.

Members' allowances are included in this general dispensation for the avoidance of doubt and for completeness even though they are not a DPI.

It is recommended that the general dispensation applies until the next election (May 2016) and that the Council considers granting general dispensations annually at its annual meeting.

Dispensations for Council Tax relate to Members' DPIs, and do not affect a Member's obligation under Section 106 of the Local Government Finance Act 1992 to declare and not vote if they are two months or more in arrears with their Council Tax when voting on setting the Council's budget.

Member Call-Ins – Single Member Ward

- 6.2 It has been requested that the Constitution be amended to address the issue of Foxborough being a single member ward. Under the current rules, only ward councillors can request a planning application go to the full committee for consideration. As such, the Ward Member for Foxborough must involve themselves with any and all planning casework for Foxborough, in case a call-in is appropriate.

It is felt that this could give rise to the perception of impartiality and that this affects the Member's ability to remain in the meeting for Foxborough issues. It is therefore proposed that the Constitution be altered to enable a Councillor for a single-Member Ward to be able to refer planning request issues to another councillor who is able to call in if appropriate. The suggested amended wording is attached as Appendix A.

Article 17 – Petitions Scheme

- 6.3 The Petitions Scheme was agreed by Council at its meeting in July 2010 and included the option to submit an e-petition. The majority of petitions are submitted by hard copy. A number of public and Member queries have been received

recently relating to the identity of signatories and the right to run a hard and E Petition at the same time. The Panel is recommended to endorse a number of amendments which will provide further clarification for petitioners:

- Identification of Petitioner: The Organiser of the Petition must be clearly identified and provide contact details so that there is one point of contact.
- Age of signatories: In accordance with Regulations, anyone including those under the age of 18 can sign the petition provided that they live, work or study in the Borough.
- Provision of Address: Signatories will be asked to provide a home, business, or study address that can be verified to show that they live, work or study in the Borough, and be advised that the signature will otherwise not be counted.
- Combination of hard copy and E Petition: Clarification that a Petition Organiser can run a hard copy and E Petition at the same time and provision of advice on timescales.
- Publication of names of Signatories: The scheme will advise that the name of a signatory will be published on the Council's E Petition facility and also be shown in a public version of a hard copy petition. Addresses and signatures will not be shown and are requested so that the council can validate entries.
- Fair Processing Notice: All petitions should contain a fair processing notice.

A track/change document setting out the proposed amendments is attached at Appendix B.

Part 4.5 Overview and Scrutiny Procedure Rules - Member Questions

- 6.4 In March 2011, Members of the Overview and Scrutiny Committee resolved to introduce a formal process for Member questions at Scrutiny meetings. Whilst the new process has been in practice since that date, the Procedure Rules were not amended to reflect these agreed changes.

Proposed wording to correct this omission is attached at Appendix C.

Part 4.6 - Financial Procedure Rules: Strategic Acquisition Strategy

- 6.5 At its meeting in September 2015, the Council approved a Strategic Acquisition Strategy (SAS), with the formation of a Strategic Acquisition Board (a subgroup of the Capital Strategy Board). The Financial Procedure Rules require amendment to reflect this. The additions, proposed as Financial Procedure Rules point 12.28 - 12.33, are attached as Appendix D.

Part 4.1 – Council Procedure Rules - Protocol for Filming Meetings

- 6.6 The wording of the policy for filming and recording meetings needs a minor amendment. The Protocol as it currently stands welcomes filming of meetings and sets out what is requested of anyone who wants to film, such as advising Democratic Services in advance of the meeting, etc. There is **a right** to film and the wording of the last sentence of the protocol must be amended to reflect this. Amended wording is attached as Appendix E.

Corporate Parenting Panel Terms of Reference

- 6.7 The Terms of Reference of the Corporate Parenting Panel have been amended in order to ensure the Panel's arrangements are better aligned with the new Corporate

Parenting Strategy and Action Plan. The updated Terms are attached as Appendix F.

Ongoing Review of the Constitution

7. 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.

8 Appendices

Appendix A – Amended wording for Single-Member Wards Call-Ins

Appendix B – Amended Article 17 - Petition Scheme

Appendix C – Amended Overview & Scrutiny Procedure Rules

Appendix D – Amended Financial Procedure Rules

Appendix E – Amended Protocol for Filming

Appendix F – Corporate Parenting Panel Terms of Reference 2016/17

7. Background Papers

None.

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