

Slough Borough Council

Report To:	Council
Date:	24 April 2025
Subject:	Changes to the Council's Constitution
Chief Officer:	Sukdave Ghuman, Director of Law and Governance/Monitoring Officer
Contact Officer:	Sarah Wilson, Assistant Director – Legal and Governance
Ward(s):	All
Exempt:	No
Appendices:	Appendix 1 – Draft Article 9 Audit and Corporate Governance Committee Appendix 2 – Draft Part 4.1 Council Procedure Rules Appendix 3 – Draft Part 5.6 Statutory Governance Officers Protocol

1. Summary and Recommendations

- 1.1 This report sets out proposed amendments to Article 9, Part 4.1, 5.6 of the Council's Constitution.

Recommendations:

Council is recommended to:

1. Approve the proposed new Article 9 – Audit and Corporate Governance Committee terms of reference at Appendix 1 in relation to removal of the restriction for group leaders, with the exception of the Leader of the Council, to be appointed to the committee, to take effect on the day after Full Council approval.
2. Approve the changes to Part 4.1 Council Procedure Rules at Appendix 2 to take effect on the day after Full Council approval.
3. Approve a new Part 5.6 Statutory Governance Officers Protocol at Appendix 3 to replace the current Part 5.6 Monitoring Officer Protocol.

Reason:

The Council is required to prepare and keep up to date a constitution under the Local Government Act 2000. This requires that individual parts of the Constitution are subject to regular review to ensure they remain in accordance with the law and best practice.

The proposed changes have been reviewed by the Member Panel on the Constitution.

Commissioner Review

This report has been reviewed by Commissioners and there are no specific comments to add.

2. Report

Options considered

The changes to the Audit and Corporate Governance Committee terms of reference are minor in nature, as a wider review was conducted and presented to Full Council in January 2025. The change is solely to remove the restriction on group leaders, except the Leader of the Council, from being on the committee. This restriction has been in place for several years and it is assumed was put in place to address the intention for the committee to operated in a non-political manner. However, there is nothing specific in CIPFA guidance recommending this approach and other committees are operating on a cross party basis without such restrictions.

The replacement of the Monitoring Officer Protocol with a Statutory Governance Officer Protocol reflects up to date guidance and the current Monitoring Officer Protocol is out of date and does not reflect the current statutory framework for member standards matters.

The Council Procedure Rules have not been subject to a wider review for several years. The proposed changes reflect good practice in existence in other local authorities and are to strike a balance between political debate on matters of community concern and rules restricting such debate for legitimate reasons.

Changes to Audit and Corporate Governance Committee

- 2.1 The current terms of reference for Audit and Corporate Governance Committee state that members of the executive, group leaders and Chair of Corporate Improvement Scrutiny Committee should not be appointed to the committee. The intention is to remove the restriction for group leaders only. All other membership rules will remain as agreed at Full Council in January 2025.
- 2.2 The MPOC have reviewed and discussed this minor change and are in agreement.

Changes to Council Procedure Rules

- 2.3 The Council Procedure Rules have not been subject to a fundamental review for some time. The Member Panel on the Constitution received a research report on the rules for political motions in other councils and a review of the main rules of debate on motions, particularly considering rules that have been used in the last municipal year.
- 2.4. Members agreed that the rules on political motions remain appropriate and reflect those that exist in many other councils. Members were keen not to constrain political debate on matters that are of significance to local communities and this included political motions on matters of foreign policy and international significance where there is a clear link to the local community in Slough.
- 2.5 The main changes in the Council Procedure Rules are as follows:
 - (a) Motions relating to executive decision-making – change the rule to make it a requirement for the motion to be drafted as a recommendation to Cabinet.
 - (b) Challenge to inclusion rule – remove rule as the rules on determining a motion as invalid for reasons including it being defamatory or vexatious is

sufficient. If there is disorder in the meeting, there are existing rules to deal with this.

- (c) Seconder to be second signatory – remove rule as it is unclear what was intended by the rule, bearing in mind it is in a section relating to rules made without notice, it is not replicated in other constitutions reviewed and does not appear to be needed.
- (d) Amendments – make it an explicit requirement that the amendment is written down and provided to the Mayor at the beginning of the meeting.
- (e) Leader to have right to penultimate speech – it is likely this rule exists from the time when these rules governed Executive meetings. It is not replicated elsewhere and not required.
- (f) Alteration and withdrawal of motion - remove requirement for Council to agree and replace this with the Mayor as this saves an unnecessary vote.

2.6 Drafting changes have been made to tidy the rules up and correct errors, as well as update rules on eating and drinking and use of mobile phones.

Statutory Officer Protocol

2.7 The Member Panel on the Constitution agreed that a new protocol should replace the current Monitoring Officer Protocol. This reflects the key roles of the three statutory governance officers and how they should work together and with other stakeholders. The protocol reflects the latest guidance from SOLACE, Lawyers in Local Government and CIPFA.

Implications of the Recommendation

3.1 Financial implications

3.1.1 There are no financial implications directly resulting from the recommendations of this report.

3.2 Legal implications

3.2.1 The Council is required to prepare and keep up to date a constitution under the Local Government Act 2000.

3.3 Risk management implications

3.3.1 The changes support the Council to comply with the law and good governance.

3.4 Environmental implications

3.4.1 There are no identified environmental implications.

3.5 Equality implications

3.5.1 There are no specific equality implications arising from this report.

4. Background Papers

None