

Slough Borough Council

Report To:	Annual Council
Date:	14 May 2026
Subject:	Changes to and annual review of the Council's Constitution
Chief Officer:	Sarah Wilson, Monitoring Officer
Contact Officer:	Sarah Wilson, Monitoring Officer
Ward(s):	All
Exempt:	NO
Appendices:	Appendix 1 – SACRE Terms of Reference Appendix 2 – Part 4.6 Financial Procedure Rules Appendix 3 – Constitution Status Update

1. Summary and Recommendations

1.1 This report sets out proposed amendments to parts of the Council's Constitution and provides an update on the annual review.

Recommendations:

Council is recommended to:

1. Approve the new terms of reference for the Standing Advisory Council on Religious Education (SACRE) at Appendix 1.
2. Approve the proposed new Part 4.6 Financial Procedure Rules at Appendix 2.
3. Approve the removal of Part 5.7, 5.7.1 and 5.7.2 in relation to anti-fraud from the Constitution.
4. Note the status update at Appendix 3 and that all constitutional changes will take effect on the day after Annual Council.

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 main substantive changes relate to new terms of reference for SACRE and updated Financial Procedure Rules. These changes, the status update and a work plan for 2026/27 have been reviewed by the Member Panel on the Constitution.

Commissioner Review

Commissioners have reviewed the report and are content for the report to be considered.

2. Report

Options considered

The recommended changes to the Constitution are relatively minor in nature, reflecting that the Constitution has been extensively reviewed in the past few years.

The adoption of the revisions to the Council's Constitution recommended in this report are recommended as they are designed to improve the governance of the organisation and can be used as a basis for officer and member training and development, both as part of onboarding processes and on an ongoing basis.

Consideration was given to whether changes should be made to terms of reference to committees to restrict executive members sitting on them, however no changes were considered necessary at this time.

SACRE

2.1 The proposed new terms of reference are attached at Appendix 1. A new format has been adopted as proposed by the SACRE Advisor. The main change is to add a humanist representative to Group 1 as a full voting member. This is following a review and vote by SACRE to include a humanist representative in consideration of the 2021 census results and replaced the previous arrangement of having representation as a co-opted non-voting member. The Member Panel on the Constitution were supportive of the changes.

Financial Procedure Rules

2.2 Minor changes are proposed to these rules to tighten up budget responsibility and clarify roles and responsibilities. In addition new rules on virements and supplementary estimates have been included. The draft changes were sent to the Council's external auditor at the request of the Member Panel on the Constitution. The Panel had no other comments and were supportive of the changes.

Removal of constitutional rules on anti-fraud

2.3 It is proposed to remove three documents from the Constitution. The Strategy as published in the constitution and on the Council's website was last updated in 2021, however one is dated September and one is dated May 2021. The Response Plan in the constitution is dated May 2021. The Sanctions Policy is also dated May 2021 and is out of date as it references enforcement which has moved outside the Council's responsibility. The Council's approach, including regular review and updating of strategies and plans, needs to be capable of being more responsive and having these documents in the constitution is not deemed necessary and is potentially hindering the process of regular review. The removal of these documents from the Constitution should not be taken as a reduction in focus on these areas. Other parts of the Constitution already reference the need to tackle fraud and place responsibilities on officers and members in relation to this area. This includes:

- a) Article 9 – Audit and Corporate Governance Committee’s terms of reference specifically referencing reviewing assessment of fraud risks and potential harm from fraud and corruption, monitoring counter-fraud strategy, actions and resources and general responsibility to assure itself on internal controls.
- (b) Part 4.6 - Financial Procedure Rules – reference zero tolerance of fraud and corruption and roles and responsibilities to combat this.
- (c) Part 4.6.1 - Contract Procedure Rules – provide a framework for approval of procurement and contract management to put in place checks and balances to help combat fraud and corruption.
- (d) Part 5.1 - Code of Conduct for Members – sets out principles for members, including the need to act with integrity and honesty.
- (e) Part 5.2 - Local Code of Conduct for Officers – sets out principles for officers, including the need to act with integrity and honesty, comply with council procedures and report any suspected financial irregularity, corruption or fraud to a manager or via the whistleblowing procedure.
- (f) Part 5.5 - sets out protection for officers who report wrongdoing, including possible fraud and corruption, including the ability to do this on an anonymous basis

Status update and minor amendments

2.4 Appendix 3 sets out a status update on the Constitution. Priorities for 2026/27 are as follows:

- (a) Overview and scrutiny – members will be aware that the Council has commissioned the Centre for Governance and Scrutiny to review current arrangements. At this stage it is unlikely that this will lead to significant constitutional changes, but there may be a need to make minor changes.
- (b) Planning reform – as a result of legislative change, a new scheme of delegation will need to be adopted based on a national scheme. In addition there is a limit to the number of members that can be on planning committee which should be referenced and a need for mandatory training. The new regulations and guidance are still in draft and therefore the drafting changes cannot be completed. This is timetabled for approval at July or September Council.
- (c) Donation and sponsorship acceptance policy – this requires review by the Monitoring Officer and is now timetabled for review in 2026/27.
- (d) Code of Corporate Governance – this was last updated in 2024 and best practice would be to review every 3 years, therefore this will be reviewed in 2026/27 with a view to any changes being made in 2027.
- (e) Member Allowance Scheme – this requires review every 4 years and was last reviewed in 2023. An Independent Remuneration Panel is due to be convened to review the scheme

Review of arrangements for executive members to be on committees

2.5 At the request of group leaders, a review was undertaken of arrangements in relation to cabinet members sitting on committees. This includes a comparison with other Berkshire authorities, which indicated that the Council’s restrictions were already more extensive than those authorities, including following best practice to not permit cabinet members to sit on the audit committee. The Member Panel on the Constitution noted that planning and licensing are quasi-judicial functions and therefore members should make decisions based on the relevant statutory framework and that there were systems in place for members to declare a conflict of interest and decline to participate if the application involves land the Council owed or had an interest in. There was discussion about Employment Committee and it was noted that for appointments and disciplinary bodies,

the regulations required at least one member of the executive to be appointed. There was discussion about whether there should be a restriction for Trustee Committee, however it was noted that in practice cabinet members have not been appointed to this committee, so this could be managed by custom and practice. Officers agreed to conduct a review of this to inform new council members after the May 2027 election.

3. 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. The Constitution must comply with statutory requirements and be regularly reviewed to ensure it meets the needs of the Council and addresses risks and issues, as well as best practice from elsewhere.

3.2.4 The Council has a best value duty under the Local Government Act 1999 and this includes making arrangements to secure continuous improvement in the way in which its functions are exercised.

3.3 Risk management implications

3.3.1 Having clear rules and procedures assists members and officers to comply with the law and make evidence based decisions. An up to date constitution, which is used as a basis for training and followed by all those involved in decision-making, is a key means of managing risk.

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 out of the proposed changes.

4. Background Papers

None