

SLOUGH BOROUGH COUNCIL

REPORT TO: Audit & Corporate Governance Committee

DATE: 30 July 2019

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WARD(S): All

PART I **FOR DECISION**

REVISION OF THE CONSTITUTION

1 **Purpose of Report**

The purpose of this report is to seek the approval of the Committee to revisions of the Council's Constitution and the agreement of the Committee to place these revisions before the Council for approval.

2 **Recommendation to Council**

That the revisions to the Council's Constitution as set out in this report be approved.

3. **The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**

The delivery of all these strategic priorities is dependent on the highest possible standards of openness, honesty and accountability. The adoption of the revisions to the Council's Constitution recommended in this report will serve to enhance the delivery of these priorities through good governance procedures.

4 **Other Implications**

(a) **Financial**

There are no direct financial implications arising from this report.

(b) **Human Rights Act and Other Legal Implications**

There are no Human Rights Acts implications arising from this report. Local Authorities have a statutory duty to prepare, keep up to date and publicise a constitution, whose contents are partly prescribed by statute and partly matters of local content, within a statutory framework.

Equalities Impact Assessment

There is no identified need for an EIA arising from the subject matter of this Report.

5 **Supporting Information**

5.1 **Proposed New Contract Procedure Rules**

- 5.1.1 The Council's current contract procedure rules are contained in the Financial Procedure Rules in Part 4.6 of the Constitution. They constitute paragraphs 16.1 to 16.81 inclusive of those Financial Procedure Rules.
- 5.1.2 It is proposed that these contract procedure rules be revised in order to update and modernise them to accord with current best practice and to make them more easily understood and operated.
- 5.1.3 a draft set of new contract procedure rules have been prepared and are appended to this Report.
- 5.1.4 The Committee are asked to consider and approve these new set of rules to be place before full Council for adoption.

5.2 **Proposed amendments to the Constitution which seek to take account of the recommendations made by the Council's internal auditors, following their audit of the Council's processes and procedures relating to declarations of interest by Members and Officers.**

- 5.2.1 At their meeting on 7 March 2019 the Committee approved the Monitoring Officer's revisions to the sections of the Councillors Code of Conduct in Part 5.1 of the Constitution dealing with Members' interests and the declaration of such interests.
- 5.2.2 Concurrently with the Monitoring Officer's revision of the provisions in the Constitution relating to Members' interests, The Council's internal auditors were carrying out an audit of the Council's processes and procedures relating to the declaration of interests by Members and Officers.
- 5.2.3 The recommendations of the internal auditors relating to declarations of interests by Officers relate principally to revision of the Council's policies in this area and do not raise any matters requiring revisions to the Constitution.
- 5.2.4 The recommendations relating to declarations of Members' interests raised the following issues which could be addressed by way of revisions to the Constitution:
- search of public databases revealing company directorships held by Members not being declared in the Members' Registers of Interests;
 - the finding that the Council's Confidential Whistleblowing Code in Part 5.5 of the Constitution does not include specific guidance on the process of identifying and raising concerns relating to conflicts of interests and the anonymised publication of the details of breaches.
- 5.2.5 With regard to declarations of company directorships there can be legitimate reasons for directorships appearing on public databases not being declared in the register of Members' interests. Principally this could be because these directorships are not "carried on for profit or gain" as referred to in the definition of disclosable pecuniary interests in Appendix 2 to the Councillors'

Code of Conduct. It is conceivable; however, that Members might not appreciate that the reference to the term “office” in the definition of disclosable pecuniary interests in Appendix 2 includes company directorships. **It is suggested, therefore, in order to remove any doubt, that after the word “office” wherever it occurs in the first and second columns of the table in Appendix 2 to the Councillors’ Code of Conduct in Part 5.1 of the Constitution, the expression “(which includes directorship of any company)” be inserted immediately after the word “office” in those columns.**

5.2.6 With regard to the findings in relation to the Confidential Whistleblowing Code it is **suggested that paragraph 2.2 of the Code in Part 5.5 of the Constitution is amended by including an additional sub-clause 2.2.4 in the following terms:**

“2.2.4. Councillors and Officers, by nature of working in the public sphere, are always likely to face a conflict between their own personal interest and the public interest. That is why the Council has codes of conduct for Councillors and Officers which require each of them to act in the public interest rather than in their own personal interest. Councillors are subject to the Councillors’ Code of Conduct in part 5.1 of the Constitution and Officers are subject to the Officers are subject to the Local Code of Conduct for Employees in Part 5.3 of the Constitution. These codes guide Councillors and Officers on how to act in the public interest in certain circumstances where this conflicts with their own personal interest. Any breach of these codes could in extreme circumstances lead to the disqualification of a Councillor or the dismissal of the Officer. If you become aware of any breach of these codes by a Councillor or another Officer you must report this to the Monitoring Officer.”

6 Comments of other Committees

The changes to the Constitution proposed in this Report have been formally considered and approved by the Member Panel on the Constitution at its meeting held on 20th June 2019.

7 Conclusion

The revisions to the Council’s Constitution recommended by this Report will enhance good governance by providing an updated, clearer and more robust guide for Members and Officers in the conduct of the Council’s affairs.

8 Appendices

A) Draft revised contract procedure rules.