

Standards Committee



12 February 2025

Title	Amendments to the Constitution
Purpose of the report	To make a recommendation
Report Author	Linda Heron, Interim Monitoring Officer
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	Not applicable
Corporate Priority	This item is not in the current list of Corporate Priorities but still requires a Council decision.
Recommendations	Committee is asked to recommend Council to: Approve the proposed changes to the Terms of Reference and Financial Regulations in the Constitution as set out in this report.
Reason for Recommendation	To ensure that the Constitution supports good governance.

1. Summary of the report

What is the situation	Why we want to do something
<ul style="list-style-type: none"> Two matters requiring correction have been identified in the Constitution. These relate to the terms of reference for the Grants Panel and the ability to have virement for capital budgets. 	<ul style="list-style-type: none"> To ensure the Constitution supports good governance.
This is what we want to do about it	These are the next steps
<ul style="list-style-type: none"> Recommend the changes as set out in this report, to Council for approval. 	<ul style="list-style-type: none"> Seek Council approval for the proposals. Once approved, the Constitution will be updated and published on the website.

1.1 This report seeks a recommendation to Council to approve proposed amendments to the Constitution, which have the support of the Committee System Working Group.

2. Key issues

- 2.1 The Committee System Working Group (CSWG) is responsible for considering whether any amendments are required to the Constitution and making recommendations on these to the Standards Committee.
- 2.2 The proposed amendments relate to:
 - the terms of reference of the Grants Panel (Part 3b of the Constitution), and
 - Financial Regulations (Part 4d)
- 2.3 Officers had identified a minor amendment to wording in the terms of reference for the Grants Panel which clarifies the annual revenue grants process will be the subject of a report to CWHC (Community Wellbeing and Housing Committee) and **a recommendation to** Full Council at its annual budget-setting meeting.
- 2.4 The words '**a recommendation to**' replace '*acceptance by*', to make it clear that it is for Council to consider whether or not to agree the proposals for revenue grants.
- 2.5 The CSWG requested a change to Financial Regulations to remove the ability to have virement for capital projects. Regulations A31 and A34 have been amended and new Regulation A35 included, to give effect to this request.
- 2.0 The Chief Finance Officer supports the view that a capital budget for a project is not transferable.
- 2.1 The proposed changes to the Constitution were discussed with, and received the support of, the Committee System Working Group on 27 January 2025.
- 2.2 Clean copies of the amended Parts of the Constitution are attached as appendices. Tracked change versions of these documents are available to councillors in the Mod.Gov app library.
- 3. Legal comments**
- 3.1 The Council has a statutory obligation to prepare a constitution and keep it up to date (Section 9P of the Local Government Act 2000).
- 3.2 The procedure for making changes to the Council's Constitution is set out in Article 13 of the Constitution.
- 3.3 The amendments set out in the body of this report is a matter for full Council.
- 4. Risk considerations**
- 4.1 None arising from this report.
- 5. Timetable for implementation**
- 5.1 A recommendation from Standards Committee will be considered by Council at its meeting on 27 February 2025.
- 5.2 The amendments will take effect upon agreement by Council and the Constitution will be updated and published as soon as reasonably practicable.
- 6. Contact**
- 6.1 Gill Scott, Corporate Governance Support Officer (g.scott@spelthorne.gov.uk)

Please submit any material questions to the Mayor and Officer Contact by two days in advance of the meeting.

Background papers: There are none.

Appendices:

Appendix 1 - Part 3(b) Terms of Reference

Appendix 2 - Part 4(d) Financial Regulations