

Report for: ACTION
Item Number: 9



Contains Confidential or Exempt Information	NO
Title	CONSTITUTION AMENDMENTS
Responsible Officer(s)	Maria Lucas, Head of Legal
Contact officer, job title and phone number	Maria Lucas, Head of Legal 6555
Member reporting	Councillor Burbage
For Consideration By	Council
Date to be Considered	27 February 2014
Implementation Date if not Called In	
Affected Wards	All
Keywords/Index	Constitution

Report Summary

1. This report sets out proposed amendments to the Constitution.
2. It recommends that Council consider and approves the proposed revisions.
3. These recommendations are being made as the Constitution needs to reflect the current best practice and other required amendments.
4. If adopted, there are no key financial implications for the Council.

If recommendations are adopted, how will residents benefit?

Benefits to residents and reasons why they will benefit	Dates by which residents can expect to notice a difference
An up to date Constitution reflecting best practice will ensure democratic processes run efficiently and effectively, and ensure residents are informed of the correct processes.	From date of decision

1. Details of Recommendations

RECOMMENDATION: That the amendments to the Council's Constitution as set out in Appendix A to the report be approved.

2. Reason for Recommendation(s) and Options Considered

2.1 The Constitution of the Royal Borough of Windsor and Maidenhead is a single point of reference which contains the principal operating structures and procedures of the authority. It sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. A full review of the Constitution was carried out in December 2012 and various changes have been made as required..

2.2 What amendments are requested to be made to the Constitution?

Amendments are recommended to Part 6 F20 Schools Forum to reflect a reduction in the formal membership of the Forum from 19 to 17 members. This proposal would reduce the number of vacancies that would otherwise need to be filled and ensure a more compact and effective membership. The proposed number of maintained and academy school members also reflects the number of pupils in each sector as required by Schools Forum Regulations. The proposed change was discussed and agreed by RBWM Schools Forum in July 2013 and is consistent with DfE guidance on the effective operation of School Forums (see Appendix A).

Option	Comments
1. Approve the changes to the Constitution Recommended Option	This will ensure that the Constitution is legally compliant and up to date with best practice.
2. Do not approve changes	The Constitution will not be up to date.

3. Key Implications

Defined Outcomes	Unmet	Met	Exceed	Significantly Exceeded	Date they should be delivered by
Amend the Constitution by the date set out.	Do not amend the Constitution by the date set out.	Amend by the date set out.	n/a	n/a	

4. Financial Details

a) Financial impact on the budget (mandatory)

There are no financial implications.

5. Legal Implications

The Constitution must be in compliance with the terms of the Local Government Act 2000, Local Government and Public Involvement in Health Act 2007 and Local Democracy, Economic Regeneration and Construction Act 2009, Localism Act 2010 and any other relevant statutory acts or guidance.

6. Value For Money

An updated Constitution will ensure the Council is less likely to be challenged on it's procedures and processes.

7. Sustainability Impact Appraisal

There is no impact on sustainability objectives.

8. Risk Management

Risks	Uncontrolled Risk	Controls	Controlled Risk
There is a risk of challenge if the Constitution is not legally updated.	Constitution is not updated.	Constitution is regularly reviewed and updated.	Revised Constitution available on website.

9. Links to Strategic Objectives

The main links are to:

Residents First

- Work for safer and stronger communities

Value for Money

- Improve the use of technology

Delivering Together

- Enhanced Customer Services
- Deliver Effective Services

Equipping Ourselves for the Future

- Developing Our systems and Structures

10. Equalities, Human Rights and Community Cohesion

These amendments to the Constitution do not require a full EQIA. No negative impacts were identified.

11. Staffing/Workforce and Accommodation implications:

None.

12. Property and Assets

None.

13. Any other implications:

None.

14. Consultation

N/A

15. Timetable for Implementation

N/A

16. Appendices

N/A

17. Background Information

None

18. Consultation (Mandatory)

Name of consultee	Post held and Department	Date sent	Date received	See comments in paragraph:
Internal				
Cllr Burbage	Leader of the Council	Report –	20/2/14	
Mike McGaughrin	Managing Director	28/11/13		
Maria Lucas	Head of Legal Services	n/a		5. Legal
Andrew Brooker	Head of Finance	28/11/13		4. Financial
External				
	Police, voluntary Organisation, etc	n/a		

Report History

Decision type:	Urgency item?
Non-key decision	No

Full name of report author	Job title	Full contact no:
Maria Lucas	Head of Legal	01628 79 6555

Appendix A

Recommended amendments to Part 6 F20 Schools Forum

F20.2 Membership

10. Proposed membership of the RBWM Schools Forum ~~for September 2012~~ is

Delete

School / Non School	Sub-sector	Nos on-roll	Governor	Head Teacher	Total
Non Schools	Early Years / Private, Voluntary, Independent				1
	14-19				1
Non Schools members subtotal					2
Schools	Academy (all phases)	30%	1	4	5
	Maintained primary & nursery	45%	2	5	7
	Maintained secondary	25%	1	3	4
	Special	n/a	0	1	1
Schools members SubTotal		100%	4	13	17
All members Total					19

[Replace with]

School / Non School	Sub sector	Nos on roll	Governor	Head Teacher	Total
Non Schools	Early Years / Private, Voluntary, Independent				1
	14-19				1
Non Schools members subtotal					2
Schools	Academy (all phases)	34%	1	3	4
	Maintained primary & nursery	44%	1	5	6
	Maintained secondary	22%	1	2	3
	Special	n/a	0	1	1
	Pupil Referral Unit	n/a	0	1	1
Schools members SubTotal		100%	3	12	15
All members Total					17

Comment [E1]: Regulations require that where a Local Authority has a Special School or a Pupil Referral Unit, they must also be represented on the Schools Forum.