

## Updates to the Constitution Appendix 4

SECTION OF CONSTITUTION	AMENDED TEXT	REASON FOR AMENDMENT
<b>Chapter 1 contents</b>	Decision Making by the Overview and Scrutiny Management Committee and <del>Health Overview and Scrutiny Committee</del>	Health Overview and Scrutiny Committee now reports to the Overview and Scrutiny Management Committee.
<b>1.1.10 Publication [Constitution]</b>	e) <del>The Monitoring Officer will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.</del>	Full Constitution is available on the Council's website and on request.
<b>1.4.8 Decision Making by the Overview and Scrutiny Committees and Health Overview and Scrutiny Committee</b>	<b>1.4.8 Decision Making by the Overview and Scrutiny Committees and <del>Health Overview and Scrutiny Committee</del></b>	Health Overview and Scrutiny Committee now reports to the Overview and Scrutiny Management Committee.
<b>Section 1.5.3 Procedure for Approval of the Budget by the Council</b>	<p><b>1.5.3.1</b> The following procedure is required in accordance with provisions of the <del>Local Authorities (Standing Orders) (England) Regulations 2001</del> <b>The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014</b> , and must be applied in a situation where the Council objects to the Executive's recommendations in respect of any item or items making up the annual budget.</p> <p><i>Add:</i></p> <p><b>1.5.3.4 Immediately after any vote is taken at a budget decision meeting regarding the budget, there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.</b></p>	To clarify the budget approval process, reflecting an update in the relevant legislation and the requirement for a recorded vote on budget matters at the budget decision Council meeting to be recorded within the minutes of that meeting.
<b>Section 2 Independent Remuneration Panel terms of reference</b>	<i>Delete sections and renumber the rest of the terms of reference accordingly.</i>	In accordance with regulations councillors are no longer entitled to join the Local Government Pension Scheme.

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	<p><del>6 as to which Members of the Council, if any, are to be entitled to pensions in accordance with a scheme made under section 7 of the Superannuation Act 1972; and</del></p> <p><del>7 as to treating Basic Allowance or Special Responsibility Allowance, or both, as amounts in respect of which such pensions are payable in accordance with a scheme made under section 7 of the Superannuation Act 1972.</del></p>	
<b>3.1.4 Participation</b>	<p>The Council's constitutional arrangements will allow for the evolution of arrangements for public consultation and participation. For the time being members of the public may:-</p> <p>a) by writing to the Chief Executive, submit questions to the Council, the Executive, the Licensing and Appeals Committee, the Overview and Scrutiny Committees, the Personnel Board and, the Standards Committee, <b><i>the Audit Committee and the Wokingham Wellbeing Board</i></b> as outlined in the rules of procedure for each meeting;</p>	Public questions may be also submitted to the Audit Committee and the Wokingham Wellbeing Board.
<b>3.1.5 Consultation</b>	<p>Local authorities have a statutory obligation to consult on a range of specific issues of local and national interest .—e.g. Local Development Framework (LDF) and Best Value Performance Indicators (BVPIs). Wokingham Borough Council is keen to exceed its statutory obligations and consult effectively with local residents, businesses and other stakeholders on issues which affect them, to ensure they are involved in the planning, implementing and monitoring of the services offered by the Council.</p> <p><del>The following statement, taken from the Consultation Strategy, sets out the Council's commitment to consultation:</del></p> <p><del>“Wokingham Borough Council will consult with its residents and stakeholders to</del></p>	Reference to Consultation Strategy is outdated.

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	ensure that they have a voice in the delivery, scrutiny and improvement of service delivery. These consultations and their results will be open and inclusive, and undertaken in accordance with the Council's publicised protocols and service standards."	
<b>3.2.12.4 Meaning of Exempt Information</b>	Information is not exempt information if it is required to be registered under: the Companies Act <del>1985</del> <b>2011</b> ; the Friendly Societies Acts 1974 and 1992; the Industrial and Provident Societies Acts 1965 to 1978; the Building Societies Act <del>1986</del> <b>1997</b> ; or the Charities Act 1993 <b>2011</b> .	Updated legislation
<b>Section 4 – The Council Meeting</b>	Add the following and reorder the following letters accordingly:	Although we have always accepted petitions at Annual Council and an item has been included on the agenda it is not explicitly set out in the order of business.
<b>4.2.1 Annual Meeting of the Council</b>	<b>i. to receive petitions presented under Rule 4.2.19</b>	
<b>4.2.1.1 Timing and Order of Business</b>		
<b>4.2.2 Timing and Order of Business</b>	...In determining that programme, the Council will set aside the February meeting to deal with the budget. Other than statutory business, recommendations from the Executive, Public Questions, <b>receipt of</b> petitions, and Motion of No Confidence in the Leader, no other business will be conducted at the meeting.	Because the focus of the February Council meeting is the Budget it was never intended for petition debates to be undertaken at this meeting. The additional wording is to clarify that petitions can only be received but not debated at this meeting.
<b>4.2.2.1 Timing and Order of Business</b>	Move <i>'to receive any announcements from the Mayor or the Head of Paid Service,'</i> from j) to f) and realphabetize the order of business accordingly  Move q) <i>to deal with any questions submitted by Members in accordance with <a href="#">Rule 4.2.10</a>; and r) to receive Minutes of</i>	Following the introduction of Mayor's Awards for members of the public it is proposed that announcements from the Mayor or the Head of Paid Service be heard earlier in the agenda so that those receiving awards do not have to wait until later in the meeting.  Constitution Review Working Group feel that it would be appropriate if Member

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	<i>Committees and Sub-Committees and to deal with Ward matters, subject to the provisions of <a href="#">Rule 4.2.10.9</a>; from q) and r) to n) and o) and realphabetize the order of business accordingly</i>	Questions and Ward Questions are dealt with prior to Statements from Executive Members and Statements from Directors of Council Owned Companies, on the Council agenda.
<b>4.4.22 Health and Wellbeing Board [Wokingham Wellbeing Board]</b>	Replace all references to Wokingham Clinical Commissioning Group to NHS Berkshire West Clinical Commissioning Group	Merger of Berkshire West Clinical Commissioning Groups into one organisation.
<b>5.1.9.2 Key Decisions</b>	h) involve the approval of <del>Best Value</del> and Service Improvement Plans.	Updated document title.
<b>6.2.3.2 Terms of Reference (Community and Corporate Overview and Scrutiny Committee)</b>	j) at the request of the Overview and Scrutiny Management Committee investigate matters of concern referred to it by non-Executive Members of the Council, Corporate Leadership Team, members of the public, or external organisations, including the consideration of requests made as a “Councillor Call for Action” as defined in Section 119 of the Local Government and Public Involvement in Health Act 2007 <b>and the Localism Act 2011;</b>	Amended provisions under the Localism Act 2011.
<b>6.2.4.1 Terms of Reference (Health Overview and Scrutiny Committee)</b>	d) at the request of the Overview and Scrutiny Management Committee investigate matters of concern referred to it by non-Executive Members of the Council, Corporate Leadership Team, members of the public, external organisations or a responsible person, including the consideration of requests made as a “Councillor Call for Action” as defined in Section 119 of the Local Government and Public Involvement in Health Act 2007 <b>and the Localism Act 2011;</b>	Amended provisions under the Localism Act 2011.
<b>6.3.4 Petitions (to scrutiny committees)</b>	Petitions can be submitted to the Overview and Scrutiny Management Committee <del>and the Health Overview and Scrutiny Committee</del> subject to the requirements of the Council’s Petition Protocol described in Chapter 3.5 of this Constitution.	Health Overview and Scrutiny Committee reports to the Overview and Scrutiny Management Committee. Petitions cannot be submitted to the Health Overview and Scrutiny Committee.

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	Petitions may not be submitted at other Overview and Scrutiny Committee or Task and Finish Group meetings or extraordinary meetings of the Overview and Scrutiny Management Committee.	
<b>6.3.7 Procedure at Overview and Scrutiny Committees</b>	<p>Overview and Scrutiny Committees will support the objectives of the Overview and Scrutiny Management Committee in seeking to develop less formal approaches to meetings.</p> <p>iv) Consideration of review reports prior to their submission to the Executive, <b>relevant committee</b> or partner authorities;</p>	Review reports may also be presented to other committees e.g. Wokingham Wellbeing Board.
<b>9.2.1 Code of Conduct for Members</b>	The Local Government <b>and Social Care</b> Ombudsmen may also regard a breach of the Code as incompatible with good administration, and may make a finding of maladministration by the Council in some circumstances.	Change of name of organisation.
<b>Section 9 Appendix 2 Supporting Guidance on Media Relations</b>	Replace references to Communications Unit with Communications Team	Updated name of service.
<b>9.4.13 Effective Action (Corporate Anti Fraud and Anti Corruption Policy)</b>	<p>Responsibility for investigating suspected fraud and corruption against the Council rests with the Shared Audit and Investigation Service. This is to ensure that the investigation is performed only by properly trained officers in accordance with the appropriate legislation <b>as appropriate</b>:</p> <p>a) <del>Corruption Act 1906</del> <b>Bribery Act 2010</b>  g) Local Government Finance Act 1992-<del>2012</del>  i) <del>Proceeds of Crime Act 2002</del> <b>Criminal Finances Act 2017</b>  l) <b>Investigatory Powers Act 2016</b></p>	<p>Clarification of process.</p> <p>Updated legislation</p>
<b>9.5.3 Who should I contact? (Whistleblowing)</b>	<p>d) <del>Director People Children's Services and</del> <b>Director Adult Services</b>  If you wish to raise a concern involving vulnerable children and adults, you can contact the Director of</p>	To reflect new Council structure.

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	<p>People <b>Children's</b> Services on 0118 974 6205 to seek guidance on how to proceed.</p> <p><b><i>If you wish to raise a concern involving vulnerable adults, you can contact the Director Adult Services on 0118 974 6414 to seek guidance on how to proceed.</i></b></p> <p>e) <b>Schools</b> You should refer to the whistleblowing arrangements for the individual school. If it is not suitable for the school's Governing Body to deal with, the concern should be raised with the Director People <b>Children's</b> Services (contact details shown in d)).</p>	
<b>9.6.17 Public Contracts and Failure to Prevent Bribery</b>	<p><b>9.6.17 Public Contracts and Failure to Prevent Bribery</b> Under the Public Contracts Regulations 2006 <b>2015</b> (which gives effect to EU law in the UK), a company is automatically and perpetually debarred from competing for public contracts where it is convicted of a corruption offence. <del>There are no plans to amend the 2006 Regulations for this to include the crime of failure to prevent bribery.</del> Organisations that are convicted of failing to prevent bribery are not automatically barred from participating in tenders for public contracts. This organisation has the discretion to exclude organisations convicted of this offence.</p>	Updated legislation.
<b>9.7.1 Anti Money Laundering Policy Introduction</b>	<p>e) <del>Money Laundering Regulations 2007</del> <b><i>The Money Laundering, Terrorist Financing and Transfer of Funds (information on the Payer) Regulations 2017</i></b></p> <p>f) <b><i>Anti Money Laundering Act 2018</i></b></p>	Updated and new legislation
<b>9.7.3 What is Money Laundering?</b>	<p>d) becoming concerned in an arrangement facilitating concealment, removal from the jurisdiction, transfer to nominees or any other retention or control of</p>	Correction.

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	terrorist property (section 18 of the <del>Terrorist</del> <b><i>Terrorism</i></b> Act 2000); or	
<b>9.9.1 Introduction (RIPA Policy)</b>	Drawing on the principles set out in the Regulation of Investigatory Powers Act 2000 and the Data Protection Act 1998, this policy sets out the <del>Royal Borough's</del> <b><i>Council's</i></b> approach to Covert Surveillance, the use of Covert Human Intelligence Sources and the acquisition of Communications Data.	Correction.
<b>11.3.3 Proper Officer functions</b>	<p>11.3.3.1 Local Government Act 1972 – Responsibility for Functions with respect to Ordnance Survey</p> <p>Exercised by: Director <del>Environment</del> <b><i>Locality and Customer Services</i></b></p> <p>Section [Local Government Act 1972): Section 191 (<b><i>as amended</i></b>)</p>	Amendment to legislation.
<b>11.3.3 Proper Officer functions</b>	<p>11.3.3.1 Local Government Act 1972 – Responsibility for Receipt of notices of Disclosable Pecuniary Interests or any relevant Personal Interests.</p> <p>Keeping records of Disclosable Pecuniary interests</p> <p>Exercised by <del>Head of Governance and Improvement Services</del> <b><i>Assistant Director Governance</i></b></p> <p><del>Section 96(1) as amended by S29-34 of the Localism Act 2011</del>  <del>96(2) as amended by S30(3) of the Localism Act</del></p>	Amendment to legislation.
<b>12.1 Financial Regulations</b>	<del>Note: The term “Director” includes the post of Head of Governance and Improvement Services.</del>	Assistant Director Governance is now a third tier position so therefore is no longer included.

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<b>12.1 Financial Regulations</b>	Replace all references to WISER with Business World On	To reflect new system used.
<b>12.1.2.3 Chief Finance Officer statutory duties</b>	d) The Accounts and Audit Regulations 2014 <b>2015</b>	Updated legislation.
<b>12.1.4.11</b>	Director <b>Corporate Services</b> of Finance and Resources (Chief Finance Officer) shall ensure that the audited accounts of the Council are prepared and published in accordance with the statutory timetable which shall include the requirement for the audited Statement of Accounts to be approved by the Audit Committee and signed by the Chairman of the Audit Committee by 30 <sup>th</sup> September <b>31st July</b> each year.	Updated statutory deadline for the audited Statement of Accounts to be approved by the Audit Committee and signed by the Chairman of the Audit Committee.
<b>12.1.5.10</b>	... No costs associated with the disposal of land and buildings may be capitalised unless they can be shown to have enhanced the value of the asset in accordance with the Institute of Public Finance and Accountancy – Practitioners' Guide to Capital Finance in Local Government. <del>This will exclude any residual expenditure to secure premises, maintain utility services or the fees of legal and selling agents.</del>	These are no longer required to be excluded.
<b>12.1.19 Audit and Anti Fraud</b>	<p>The <b>Director Corporate Services</b> of Finance and Resources (Chief Finance Officer) has a statutory responsibility for maintaining an adequate and effective internal audit of the accounting, financial and other operations of the Council and its Officers.</p> <p>Internal audit highlights weaknesses in controls or unsound practice, offers advice and suggests improvements to existing arrangements and checks that financial and other systems and procedures are sound. The internal audit function is provided by the Shared Audit and Investigation Service <del>within the Chief Executive's Department</del> and is independent in its planning and operation and has direct access to the Chief Executive and the Audit Committee.</p>	Reflects new titles and structure following 21 <sup>st</sup> century council programme



	<p>The Council's Accounts are also scrutinised by external auditors. <del>The Local Government Finance Act 1982 set up the Audit Commission which is responsible for appointing external auditors to each local authority in England and Wales.</del></p> <p>The external auditors must be satisfied that the statement of accounts represent a 'true and fair view' of the financial position of the Authority and its income and expenditure for the year in question and complies with the legal requirements.</p> <p><del>The Audit Commission Code of Audit Practice issued in April 2005 sets out the auditor's objectives to review and report on:</del></p> <p><del>a) the Council's financial statements and its statements on internal control; and</del></p> <p><del>b) whether the Council has made proper arrangements for securing economy, efficiency and effectiveness in its use of resources.</del></p>	<p>To reflect the abolition of the Audit Commission</p> <p>To reflect the abolition of the Audit Commission</p>
12.1.10.1	<p>The <del><b>Assistant Director Governance</b></del> Head of Governance and Improvement Services shall assist the Chief Executive in preparing and promoting the Council's Risk and Opportunity Management Policy Statement, Strategy <del><b>Enterprise Risk Management Policy and Guidance</b></del> and Risk Register.</p>	To reflect updated job title and Policy title
12.1.16.14 Resource Allocation	<p>No revenue or capital expenditure may be committed, which is not authorised, through the capital or revenue budgets except in the event of an emergency, as defined in Section 138 of the Local Government Act 1972, or where the commitment can demonstrate value for money to the Council and with the agreement of Director <del><b>Corporate Services</b></del> of Finance and Resources (Chief Finance Officer) regarding budget implications.</p> <p>Such action to be reported to <del><b>Director Corporate Services</b></del> of Finance and Resources (Chief Finance Officer) as soon as possible and to the Executive at the next practical opportunity.</p>	To reflect updated job title and abolition of Group

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	This provision includes those staff that represent the Council on the Thames Valley Strategic Coordinating Group.	
12.1.22.7	<p>Each Director shall:</p> <ul style="list-style-type: none"> <li>a) notify <b>Business Services</b> the Employee Services and Payment Manager of all appointments, terminations or variations which may affect the pay or pension of an employee, or former employee, as soon as they are aware of them;</li> <li>e) check and approve through <del>Expenses</del> <b>Travel Expenses on Business World On</b> or Purchase to Pay systems, travel and subsistence claims and other allowances.</li> <li>f) ensure that the Employee Services &amp; Payments Manager is <b>Business services are</b> notified of the details of any employee benefits in kind to enable full and complete reporting within the income tax self-assessment system.</li> </ul>	Reflects structure following 21 <sup>st</sup> century council programme