

TITLE	Changes to the Constitution
FOR CONSIDERATION BY	Council on 22 March 2018
WARD	None Specific
LEAD OFFICER	Andrew Moulton, Assistant Director, Governance

OUTCOME / BENEFITS TO THE COMMUNITY

Reviewing the Council's Constitution on a regular basis ensures that it is relevant and fit for purpose.

RECOMMENDATION

That Council agree the following changes to the Constitution as recommended by the Constitution Review Working Group:

1) Chapter 4 The Council Meeting

that Rule 4.2.19.2 be amended as follows:

4.2.19.2 Petitions presented to Council

*'...Members will be entitled to speak for no more than **three** minutes in support of a petition. A member of the public may present a petition at any meeting of the Council and will be entitled to speak for no more than **three** minutes in support of the petition...'*

2) Chapter 8 Regulatory and Other Committees

that Rule 8.2.7 be amended as follows:

8.2.7 Speaking by Members other than [Planning] Committee Members

*'...if the Member who wishes to speak is not the relevant Ward Member they will need to provide evidence that he/she (or their residents) are directly affected by the proposed development. **Ward Members directly affected by the proposed development should register to speak as either a supporter or objector as appropriate. In cases of applications situated in a single member ward and the Ward Member is directly affected by the proposed development, a Ward Member from an adjoining ward may be requested to speak on others' behalf.***

3) that Section 9 Ethics and Corporate Governance be amended as set out in Appendix 1 to the report;

4) revisions to the Procurement and Contract Rules and Procedures as highlighted in Appendix 2 to the report.

SUMMARY OF REPORT

Chapter 1.1.4 of the Council's Constitution states that the Monitoring Officer will monitor and review the operation of the Constitution to ensure that its aims and principles are given full effect.

The report contains revisions to a number of areas in the Constitution which were agreed by the Constitution Review Working Group (CRWG) at their meeting on 8 March 2018.

Background

SECTION 4 – THE COUNCIL MEETING

1. The Constitution Review Working Group considered proposals regarding the time limit for presenting petitions at meetings of Full Council.

The following change is therefore proposed to Rule 4.2.19.2:

4.2.19.2 Petitions presented to Council

*‘...Members will be entitled to speak for no more than **three** minutes in support of a petition. A member of the public may present a petition at any meeting of the Council and will be entitled to speak for no more than **three** minutes in support of the petition...’*

SECTION 8 – REGULATORY AND OTHER COMMITTEES

2. The CRWG considered a request that *8.2.7 Speaking by Members other than [Planning] Committee Members* be clarified. Current 8.2.7 conflicts with 8.2.5 Public Speaking Rights. If a Member is not a Committee member or the relevant Ward Member and are directly affected by the proposal they should register to speak under other pre-existing categories e.g. supporters or objectors. Ward Members also directly affected by an application should also register to speak as either a supporter or objector as appropriate. In this instance the Member would not be speaking in their capacity as a Councillor.

The CRWG considered this request and felt that this would be appropriate.

The following change is therefore proposed to Rule 8.2.7:

8.2.7 Speaking by Members other than Committee Members

*‘...if the Member who wishes to speak is not the relevant Ward Member they will need to provide evidence that ~~he/she~~ (or their residents) are directly affected by the proposed development. **Ward Members directly affected by the proposed development should register to speak as either a supporter or objector as appropriate. In cases of applications situated in a single member ward and the Ward Member is directly affected by the proposed development, a Ward Member from an adjoining ward may be requested to speak on others’ behalf.**’*

SECTION 9 ETHICS AND CORPORATE GOVERNANCE

Section 9.4 Anti Fraud and Corruption Strategy, Section 9.5 Whistleblowing Policy and Guidance, Section 9.6 Anti Bribery Policy, Section 9.7 Anti Money Laundering Policy, Section 9.8 Prosecution and Sanctions Policy

3. The CRWG reviewed the Anti Fraud and Corruption Strategy, the Whistleblowing Policy and Guidance, the Anti Bribery Policy, the Anti Money Laundering Policy and the Prosecution and Sanctions Policy which are included in the Constitution at Section 9. Minor amendments such as changes to job titles within the policies had been proposed. Changes to the Whistleblowing Policy reflected current best practice. Members also

received the Regulation of Investigatory Powers Act (RIPA) Policy which was now a separate document to the RIPA Procedures so as to capture legislative updates, and agreed that it should be included within Section 9 of the Constitution at Section 9.9, with the remainder of Section 9 being renumbered accordingly.

The amended policies and the Regulation of Investigatory Powers Act (RIPA) Policy are attached at Appendix 1 to the report.

4. In addition, the inclusion of the RIPA Policy in Section 9 of the Constitution means that Section 11.3.3.2 Other Legislation, should be deleted as this information is contained with the RIPA Policy.

11.3.3.2 Other Legislation

~~The following Officers have been appointed Proper Officer under the terms of the following legislation:~~

Regulation of Investigatory Powers Act 2000

~~Sections 29 and 30 of the Regulation of Investigatory Powers Act 2000 empower Authorising Officers to authorise covert directed surveillance activities and the use of covert human intelligence sources, where to do so would be likely to prevent or detect crime. Section 22 of the Act empowers the Council's designated single Point of Contact (SPOC) to authorise the acquisition of communications data, also for the purposes of the prevention or detection of crime.~~

~~Persons, designated as Authorising Officers, in the case of local authorities, by regulations made under the Act are any Officers appointed as "Assistant Chief Officer", "Assistant Head of Service", "Service Manager or equivalent". Any Officer senior to the designated Officers is also an Authorising Officer.~~

~~The Council considers that any executive Officer who reports directly to a Director an "Assistant Chief Officer" or an "Assistant Head of Service". It is a matter for each Director to identify, when the need arises in relation to his/her service, who the Director considers to be a "Service Manager". Further guidance can be found in the Council's Regulation of Investigatory Powers Act 2000 – Policy and Procedures.~~

SECTION 13 - PROCUREMENT AND CONTRACT RULES AND PROCEDURES

5. The CRWG considered a number of proposed amendments to the Procurement and Contract Rules and Procedures regarding tender openings and tender thresholds, which are highlighted and set out in Appendix 2 to the report.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	£0		
Next Financial Year (Year 2)	£0		
Following Financial Year (Year 3)	£0		

Other financial information relevant to the Recommendation/Decision
There are no financial implications arising from this report.

Cross-Council Implications
None

List of Background Papers
The Council's Constitution

Contact Madeleine Shopland	Service Governance
Telephone No 0118 974 6319	Email madeleine.shopland@wokingham.gov.uk
Date 6 March 2018	Version No. 1

This page is intentionally left blank