

<b>TITLE</b>	<b>Changes to the Constitution</b>
<b>FOR CONSIDERATION BY</b>	Council on 19 July 2018
<b>WARD</b>	None Specific;
<b>DIRECTOR</b>	Director of Corporate Services - Graham Ebers

## 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) that Rule 4.2.10.8 Length of [Member] Question Time be amended as follows:  
*'The time allotted to questions submitted under Notice, including those relating to urgent issues, shall not exceed ~~twenty~~ 30 minutes for **Full Council meetings and 20 minutes for all other committees**. Any questions not answered within the allotted time shall be the subject of a written reply within seven working days to the questioner and the reply shall be recorded in the Minutes of the Meeting.'*
- 2) that Rule 4.4.44 Health and Wellbeing Board Partnership Groups be amended as follows:
  - d) **Wokingham Integrated Partnership**
- 3) that Rule 5.5.1 List of items delegated to Individual Executive Members be amended as follows:
  - d) *Writing off of irrecoverable amounts above ~~£20,000~~ **£25,000***
- 4) that Rule 5.2.12.24 Executive Member for Finance and Corporate Resources be amended as follows:  
*'To act as the primary press spokesman on all matters relating to the whole of the Finance, ~~21<sup>st</sup> Century Council, Internal Services and Human and Corporate Resources portfolio (including aspects that are delegated to the Deputy Executive Member for Finance and Corporate Resources).~~*
- 5) that Rule 11.2 Responsibility for Local Choice Functions be amended to reflect the appointment of the Assistant Director Governance as the Council's Data Protection Officer.
- 6) that Sections 11.4 Officers' Code of Conduct, 11.5 Officer Employment Procedure Rules and 11.6 Delegated Powers Relating to Staffing Matters be amended as set out in Appendix 1 of 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 20 June 2018.

## Background

### SECTION 4 – THE COUNCIL MEETING

1. The Constitution Review Working Group (CRWG) considered a request from Councillor Ferris, Leader of the Liberal Democrat Group, to review the length of Members' Question Time at meetings of Full Council.

The CRWG considered this request and following discussion it was proposed that Members' Question Time at meetings of Full Council be extended from 20 minutes to 30 minutes to enable a greater number of questions to be answered within the timeframe.

The following change is therefore proposed to Rule 4.2.10.8 Length of [Member] Question Time:

*'The time allotted to questions submitted under Notice, including those relating to urgent issues, shall not exceed ~~twenty~~ 30 minutes for **Full Council meetings and 20 minutes for all other committees**. Any questions not answered within the allotted time shall be the subject of a written reply within seven working days to the questioner and the reply shall be recorded in the Minutes of the Meeting.'*

2. The CRWG was informed that the Integrated Health and Social Care Strategic Partnership, a sub partnership of the Health and Wellbeing Board, had changed its name to Wokingham Integrated Partnership.

It is proposed that Rule 4.4.44 Health and Wellbeing Board Partnership Groups be amended as follows:

*'d) **Wokingham Integrated Partnership'***

### SECTION 5 – THE EXECUTIVE

3. It is proposed that Rule 5.5.1 List of items delegated to Individual Executive Members be amended as follows to correct an inconsistency in the Constitution:

*'d) **Writing off of irrecoverable amounts above ~~£20,000~~ £25,000'***

4. It is proposed that Rule 5.2.12.24 Executive Member for Finance and Corporate Resources be amended as follows to correct an inconsistency:

*'To act as the primary press spokesman on all matters relating to the whole of the Finance, ~~21<sup>st</sup> Century Council, Internal Services and Human~~ **and Corporate***

*Resources portfolio (including aspects that are delegated to the Deputy Executive Member for Finance and Corporate Resources).*

## **SECTION 8 – REGULATORY AND OTHER COMMITTEES**

### **5. Section 8.1.1 Planning Committee Terms of Reference**

The Planning Committee terms of reference currently state that Ward Members have 28 days from the date of the notification letter in which to list a planning application in writing. Officers proposed that this be reduced to 21 days. It was felt that this would enable more efficient processing of householder applications and also bring the Council in line with other local authorities. Town and Parish Councils would be informed of this change should it be agreed.

This proposal was supported by the Executive Member for Planning and Enforcement and the Chairman of the Planning Committee.

It is proposed that Rule 8.1.1 Planning Committee Terms of Reference be amended as follows

*l) Applications where the Ward Member(s), or consultations where the affected Ward Member(s), wish(es) the item to be 'listed'. This is conditional in that the listing must: -*

*i) Be in writing and within 28 21 days of the notification letter;*

## **SECTION 11 – OFFICERS**

### **6. Rule 11.2 Responsibility for Local Choice Functions**

Members were informed that the General Data Protection Regulations had introduced a requirement for councils to appoint a Data Protection Officer. The Assistant Director Governance has been appointed to this role and it is proposed that Rule 11.2 Responsibility for Local Choice Functions Constitution be amended to reflect this.

### **7. Sections 11.4 Officers' Code of Conduct, 11.5 Officer Employment Procedure Rules and 11.6 Delegated Powers Relating to Staffing Matters**

The CRWG considered proposals that parts of Section 11 – Officers be updated to reflect new job titles following the 21<sup>st</sup> century council programme, clarification regarding processes to be followed with regards to suspension, the disciplinary procedures and flexible working arrangements and also the appointment of senior officers. The proposed changes were previously circulated to the Personnel Board and are highlighted and set out in Appendix 1 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)	N/A	N/A	N/A
Next Financial Year (Year 2)	N/A	N/A	N/A
Following Financial Year (Year 3)	N/A	N/A	N/A

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

<b>Cross-Council Implications</b>
N/A

<b>Reasons for considering the report in Part 2</b>
N/A

<b>List of Background Papers</b>
Council's Constitution

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