

TITLE	Changes to the Constitution
FOR CONSIDERATION BY	Council on 21 May 2015
WARD	None Specific
LEAD OFFICER	Andrew Moulton, Head of Governance and Improvement Services

OUTCOME / BENEFITS TO THE COMMUNITY

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

RECOMMENDATION

Council is recommended to agree the following amendments to the relevant sections of the Council's Constitution as put forward by the Constitution Review Working Group:

1) Chapter 4.2 – Council Rules of Procedure

- (a) The addition of a new paragraph to Rule 4.2.15.5 Recorded Votes as follows:

“A recorded vote will be required on any business relating to approving the budget, setting the council tax or issuing precepts. This also includes any amendments proposed to any of these items of business.”

- (b) The addition of a new Rule 4.2.24 Statements from the Council Owned Companies as set out in the report;

2) Chapter 4.4 – Committees of the Council – Health and Wellbeing Board

- (a) Delete *“b) Adults Strategic Partnership”* from Rule 4.4.44;

- (b) The following additional paragraph be added:

“4.4.45 Health and Wellbeing Board Sub-Committees

The Health and Wellbeing Board has the ability to set up sub-committees to undertake any of its functions. The Health and Wellbeing Board will agree the terms of reference and membership of any such sub-committee and any such terms of reference will subsequently be included in the Council's Constitution.”

3) Chapter 5.5 – Protocol for Decision Making by Individual Executive Members

The addition of the following to Rule 5.5.1:

- “o) Designation of a neighbourhood area following consultation with the local Ward Member(s) and appropriate Town or Parish Council.”*

- 4) Chapter 9.2 – Code of Conduct for Councillors
Revised version of Chapter 9.2 as attached at Appendix 1 to the report;
- 5) Section 11 – Officers
Revised versions of the following documents as attached at Appendix 2 to the report:

Chapter 11.4 – Officers’ Code of Conduct
Chapter 11.5 – Officer Employment Procedure Rules
Chapter 11.6 – Delegated Powers Relating to Staffing Matters

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 a number of proposed amendments to various sections of the Constitution.

Background

Section 4 – The Council Meeting

1. Chapter 4.2 – Council Rules of Procedure

a) **Rule 4.2.15.5 Recorded Vote:** The Local Authorities (Standing Orders)(England)(Amendment) Regulations 2014 introduced a mandatory requirement for local authorities to amend their Council Procedure Rules to include the provision to require a recorded vote when agreeing the budget, setting council taxes or issuing precepts, and also on any amendments proposed on any of these matters. The purpose of this change is to provide residents with the opportunity to see how their councillors voted on decisions relating to expenditure on local services and council tax levels. Whilst the Council has complied with this regulation at the 2014 and 2015 budget meetings the change to the Council Procedure Rules has so far not been implemented.

It is therefore proposed to add a new paragraph to Rule 4.2.15.5 Recorded Vote as follows:

“A recorded vote will be required on any business relating to approving the budget, setting the council tax or issuing precepts. This also includes any amendments proposed to any of these items of business.”

b) **Rule 4.2.24 Statements from the Council Owned Companies:** Council agreed at its meeting in February 2015 that a standing item be included on all future Council agendas relating to “statements from the Council Owned Companies.” In order to formalise the amount of time given to this item it is proposed to add a new Rule 4.2.24 as follows:

“4.2.24 Statements from the Council Owned Companies
At each Ordinary meeting of the Council, provision shall be made for Directors of the Council Owned Companies to make statements to the Council.

These statements shall primarily be to advise the Council of items of interest which have been dealt with by the Companies recently or are due to be dealt with in the near future. Speeches of a party political nature will not be allowed.

When making such a statement, no Director, except with the consent of the Council, shall speak for more than 3 minutes.

The time allowed for statements under this rule shall not exceed 10 minutes.”

The current Rules 4.2.24 to 4.2.27 to be renumbered accordingly.

2. Chapter 4.4 – Committees of the Council – Health and Wellbeing Board

a) **Rule 4.4.44 Health and Wellbeing Board Partnership Groups:** Delete the following Partnership Group as it is no longer in existence:

“b) Adults Strategic Partnership”

b) **New Rule 4.4.45 Health and Wellbeing Board Sub-Committees:** The Health and Wellbeing Board wish to have the ability to set up a Health and Wellbeing Board sub-committee to act as a Programme Board to manage the planning of local primary care infrastructure up to 2026. The Board would also like to have authority to agree the terms of reference and membership of this sub-committee and any further sub-committees that it may wish to set up in the future and include any such terms of reference in the Constitution. Inclusion in the Constitution will provide transparency of the areas covered by this and any future sub-committees.

The Health and Wellbeing Board are therefore asking for the following new paragraph to be added and the current Rules 4.4.45 and 4.4.46 subsequently renumbered:

“4.4.45 Health and Wellbeing Board Sub-Committees

The Health and Wellbeing Board has the ability to set up sub-committees to undertake any of its functions. The Health and Wellbeing Board will agree the terms of reference and membership of any such sub-committee and any such terms of reference will subsequently be included in the Council’s Constitution.”

Section 5 – The Executive

3. Chapter 5.5 – Protocol for Decision Making by Individual Executive Members

As a result of the Department for Communities and Local Government introducing an eight week time limit to determine neighbourhood area applications the Executive, at its meeting on 26 March 2015, agreed that in future decisions to designate a neighbourhood area be dealt with by an Individual Executive Member Decision (IEMD).

The Leader of Council also requested that as part of the new process full consultation should be undertaken with the local Ward Member(s) and appropriate Town or Parish Council.

It is therefore proposed to add the following to Rule 5.5.1 List of Items that are Delegated to Individual Executive Members:

“o) Designation of a neighbourhood area following consultation with the local Ward Member(s) and appropriate Town or Parish Council.”

Section 9 – Ethics and Corporate Governance

4. Chapter 9.2 – Code of Conduct for Councillors

The Standards Committee, at its meeting on 2 April 2015, considered a revised Code of Conduct for Councillors which it agreed to go forward to Council for adoption. A copy of

the proposed Chapter 9.2 is attached at Appendix 1.

Section 11 – Officers

5. Chapters 11.4 Officers’ Code of Conduct; 11.5 Officer Employment Procedure Rules and 11.6 Delegated Powers Relating to Staffing Matters

Following a review by a number of Officers, including the Service Manager HR, of the Officers’ Code of Conduct and matters relating to employment and staffing matters a number of changes were made to the current version in order to align the document with current practice and identify any anomalies. Changes to legislation, including the recent changes to regulations relating to the disciplinary and dismissal process for senior local authority staff, have also been incorporated.

The following revised Chapters are attached at Appendix 2:

- Chapter 11.4 – Officers’ Code of Conduct
- Chapter 11.5 – Officer Employment Procedure Rules
- Chapter 11.6 – Delegated Powers Relating to Staffing Matters

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
Minutes from the Audit Committee meeting held on 9 December 2014

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