

# Wokingham Borough Council Constitution

## Introduction and Summary

Wokingham Borough Council has agreed a Constitution. This is a document setting out how the Council is structured, how it operates, how decisions are made and the checks and balances in place to ensure that these decisions are efficient, transparent and accountable to the residents of the Borough. Some of these processes are legal requirements while others are a matter of choice for the Council.

The Council has a legal duty to prepare the Constitution, keep it up to date and make it available for inspection by members of the public.

The Constitution helps to deliver the following:

- Clear political and managerial leadership
- Decisions which are fair, transparent and evidence-based
- Active involvement of residents in the decision making process
- Effective mechanisms to hold decision makers to account
- Accountability for other public service providers in the Borough

The Constitution is divided into 13 sections as follows:

## Section 1 – Structure and Responsibilities

This section sets out the way in which the Constitution is developed and monitored. It also describes the way decisions are made by Councillors (also known as Members) and implemented by the Council's management and staff in a number of service departments and corporate teams.

The Council is made up of 54 elected Councillors, one of whom is elected as Leader. The Leader and the other 53 Councillors meet together as the Council. The Leader also appoints up to 9 Councillors who make up the Executive which is responsible for the development and implementation of policy on behalf of the Council. Decisions made by the Executive are scrutinised by a number of Overview and Scrutiny Committees.

The Council also appoints Regulatory Committees to perform functions such as planning, licensing and appeals. The Audit Committee and the Standards Committee ensure that the principles of efficiency, transparency and accountability are demonstrated throughout the decision making process and the delivery of services.

The Council also has a duty to set up a Wokingham Borough Wellbeing Board which is responsible for identifying health and social care needs and the development of a Joint Health and Wellbeing Strategy for the Borough.

## Section 2 – Councillors

This section describes the different roles and functions of elected Councillors. The Borough's 54 Councillors are elected by thirds and serve a four year term. This means that a third of the Councillors are elected each May with no regular election being held in the fourth year. Councillors carry out a range of duties including:

- Policy development
- Representing the interests of the local electors in their Ward
- Overseeing the governance and management of the Council
- Encouraging community participation and citizen involvement in decision making
- Representing the Council on a range of outside bodies

In carrying out these duties Councillors are expected to maintain the highest standards of conduct as set out in the Member Code of Conduct and the Protocol on Working with Council Officers. The Council's Monitoring Officer is responsible for training and support to Councillors to ensure that the highest standards of behaviour are maintained.

### **Section 3 – Citizens and the Council**

This section describes the rights of citizens in dealing with the Council. These include:

- Voting at local elections if they are on the electoral register
- Attending and recording meetings of the Council, the Executive and Council Committees
- Giving evidence to the Overview and Scrutiny Committees
- Examining reports, background papers and decision records
- Submitting questions and petitions and giving feedback in consultation exercises
- Submitting complaints to the Council and the Local Government and Social Care Ombudsman
- Submitting requests under the Freedom of Information Act
- Inspecting the Council's accounts and submitting comments to the external auditor

### **Section 4 – The Council Meeting**

This section describes the role and functions of the meeting of the full Council. The Council is responsible for a range of functions including:

- Approving the overall Policy Framework including key plans and strategies
- Approving the annual Budget, Medium Term Financial Plan and Capital Strategy
- Appointing and removing the Leader of the Council
- Confirming appointment of the Head of Paid Service and other Statutory Chief Officers
- Updating the terms of reference for the Executive and Council Committees
- Appointing Members to Council Committees and outside bodies
- Receiving questions and petitions
- Approving changes to the Council's Constitution

This section also includes information about Council Committees including the Audit Committee and the Wokingham Borough Wellbeing Board.

### **Section 5 – The Executive**

This section describes the role and functions of the Executive which is responsible for key decisions within the Budget and Policy Framework set by the full Council. If a decision is proposed which is outside that framework it must be referred to the full Council for decision. When key decisions are to be made they are set out in the Executive's Forward Programme which enables non-Executive members and residents to see what business is coming forward.

Meetings of the Executive are open to the public unless consideration is being given to specific issues which are exempt or confidential. These include issues of a personal, financial or contractual nature or details about legal proceedings. The Constitution sets out specific powers and duties which are delegated to the Leader and the Councillors (Lead Members) on the Executive. The 2018/19 Executive comprises the Leader and Lead Members responsible for:

- Adult Social Care, Health and Wellbeing
- Business, Economic Development and Strategic Planning

- Children's Services
- Environment, Leisure and Libraries
- Finance and Corporate Resources
- Highways and Transport
- Housing
- Planning and Enforcement
- Regeneration

## **Section 6 – Overview and Scrutiny**

This section describes the role and functions of the Council's Overview and Scrutiny Committees. There are four Overview and Scrutiny Committees:

- Overview and Scrutiny Management Committee
- Children's Services Overview and Scrutiny Committee
- Community and Corporate Overview and Scrutiny Committee
- Health Overview and Scrutiny Committee

The Scrutiny Committees make recommendations on the development of policy and the improvement of service performance. They also hold the Executive to account and provide "critical friend" challenge to the decision making process. Specific issues can be scrutinised through time-limited Task and Finish Groups.

Scrutiny Committees can ask Executive Members and senior officers to attend meetings to explain why particular decisions have been taken and to give details about performance in their service areas. In exceptional circumstances the Committees may also be asked to consider decisions which are the subject of "Call-In" because it is felt that the decision has not been taken in accordance with the principles set out in the Constitution.

## **Section 7 – This section is no longer used.**

## **Section 8 – Regulatory and Other Committees**

This section describes the work of the Council's Regulatory Committees and other bodies with specific responsibilities. These include the Planning Committee and the Licensing and Appeals Committee. The Planning Committee determines planning applications which can have a significant impact in the community. Consequently the section includes guidelines on good practice to ensure that planning decisions are robust and evidence based.

## **Section 9 – Ethics and Corporate Governance**

This section describes the role of the Standards Committee in maintaining high standards of conduct by Councillors, co-opted members and Council Officers. It describes the procedure to be followed in the event of complaints of misconduct against Borough, Town and Parish Councillors. It also includes details of the Codes of Conduct and Protocols relating to Councillors and Officers, anti-fraud and corruption and whistleblowing.

## **Section 10 – Partnership Working**

This section describes the principles of effective partnership working and the steps to be taken to ensure that partnership working includes strong governance arrangements, the management of risk and clearly defined outcomes. The Council works in partnership with a range of bodies including Town and Parish Councils, other local authorities, the health service, the voluntary sector and Thames Valley Police. Adherence to the Protocol ensures a consistent and effective approach to partnership working.

### **Section 11 – Officers**

This section describes the roles and responsibilities of Council employees who are known as “Officers”. Officers give advice to elected Councillors, implement decisions and manage the day to day delivery of services. The Corporate Leadership Team is made up of the Chief Executive (Head of Paid Service), and The Director for Adult Services, Director for Locality and Customer Services, Director for Children’s Services and the Director for Corporate Services. The Assistant Director for Governance is also the Council’s Monitoring Officer. The section sets out the powers and duties delegated to Officers by the Council and Executive.

### **Section 12 – Financial Regulations**

This section describes the Financial Regulations which provide the framework for managing the Council’s financial affairs. The regulations incorporate the financial responsibilities of the Council, Executive, Overview and Scrutiny Committees and Council Officers.

### **Section 13 – Procurement and Contract Rules and Procedures**

This section describes the compliance framework for managing the Council’s expenditure on goods, services and works. The rules and procedures ensure that expenditure delivers quality, value for money and is compliant with the relevant legislation.

### **Updating the Constitution**

The Constitution is amended on a regular basis to keep it up to date and to reflect changes in the law. As a result the updated Constitution is periodically republished on the Council’s website. The Constitution can also be inspected at the Council offices in Shute End, Wokingham. The Council welcomes participation by citizens in its work. For further information on your rights as a citizen and ways to get involved, please contact:

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