

TITLE	Changes to the Constitution
FOR CONSIDERATION BY	Council on 24 March 2016
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

That Council approves the following amendments to the relevant sections of the Council's Constitution, as put forward by the Constitution Review Working Group:

1) Rule 4.2.15 Voting - Delete the last line of the second paragraph of Rule 4.2.15;

2) Rule 5.1.6 Deputy Executive Members

The following additional wording to be added to the first paragraph of Rule 5.1.6:

"The Leader may also remove any Member from their role as Deputy Executive Member."

3) Chapter 9.2 – Code of Conduct for Councillors

Guidance on Bullying and Intimidation (to be included as Appendix C to Chapter 9.2) and the following wording to be added to Rule 9.2.8.2:

"Supporting Guidance on Bullying and Intimidation can be found at Appendix C."

4) Chapter 9.3 – Member/Officer Protocol

Revised versions of the following documents:

- Chapter 9.4 – Anti-Fraud and Corruption Strategy;
- Chapter 9.5 – Whistleblowing Policy and Guidance;
- Chapter 9.6 – Anti Bribery Policy;
- Chapter 9.7 – Anti Money Laundering Policy;
- Chapter 9.8 – Prosecution and Sanction Policy.

5) Chapter 11.3 – Scheme of Delegation to Officers

A new Rule to be inserted as 11.3.6g)ii) as follows and the numbering of 11.3.6g)ii-v) amended accordingly:

"Approval of Community Asset Transfers under leases of between 14-30 years following consultation with the Executive Member for Regeneration and Communities, the Executive Member with responsibility for the relevant service area and local Ward Members."

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 which have been agreed by members of the Constitution Review Working Group.

Background

Chapter 4 – The Council Meeting

1. Rule 4.2.15 Voting

On 4 February 2014 a letter was received from the DCLG advising Councils that legislation would be coming into force shortly that would require a recorded vote to be taken on any business, including any amendments, relating to approving the budget, setting the council tax or issuing precepts. Councils were asked to adopt this practice prior to this legislation coming into force and amend their standing orders as soon as practicable.

The Constitution was subsequently amended in line with the advice from DCLG however it has now come to light that the relevant regulations do not actually specify that amendments relating to budget decisions actually require a recorded vote. A recorded vote is only actually required on “decisions related to the making of the calculation or the issuing of the precept”.

It is therefore proposed to delete the last line of the second paragraph of Rule 4.2.15 which states:

“This also includes any amendments proposed to any of these items of business.”

Section 5 – The Executive

2. Rule 5.1.6 – Deputy Executive Members

The above rule states that “the Leader may appoint Members as he determines to act as Deputy Executive Members” but does not state explicitly who has authority to remove them from this role. The Leader has asked that this be clarified in the Constitution and it is therefore proposed to add the following additional wording to the first paragraph of Rule 5.1.6:

“The Leader may also remove any Member from their role as Deputy Executive Member.”

Section 9 – Ethics and Corporate Governance

3. Chapter 9.2 – Code of Conduct for Councillors

The Standards Committee, at its meeting held on 19 January 2016, considered a document setting out Guidance on Bullying and Intimidation which it agreed, subject to some minor amendments, to go forward to Council for adoption. A copy of the Guidance, as agreed by the Committee, is attached at Appendix 1 and it is proposed that this Guidance be included as Appendix C to Chapter 9.2.

In order to signpost the Guidance it is also proposed to add the following wording to Rule 9.2.8.2:

“Supporting Guidance on Bullying and Intimidation can be found at Appendix C.”

4. Chapters 9.4, 9.5, 9.6, 9.7 and 9.8

The Audit Committee, at its meeting held on 10 February 2016, recommended approval to Council, via the CRWG, of the following revised documents which are attached as Appendices 2-6:

- Chapter 9.4 – Anti-Fraud and Corruption Strategy;
- Chapter 9.5 – Whistleblowing Policy and Guidance;
- Chapter 9.6 – Anti Bribery Policy;
- Chapter 9.7 – Anti Money Laundering Policy;
- Chapter 9.8 – Prosecution and Sanction Policy.

Chapter 11.3 – Scheme of Delegation to Officers

5. Rule 11.3.6 Director Finance and Resources

Whilst considering a proposed Model for Community Asset Transfers the Executive, at its meeting held on 28 January 2016, agreed the following recommendation:

- “2) then recommends to Full Council, via the Constitution Review Working Group, that a change be made to the Constitution whereby following consultation with Services and Ward Members, approval for Community Asset Transfers under leases of 14 -30 years be delegated to the Director of Finances and Resources in consultation with the Executive Member for Regeneration and Communities, the Executive Member of the current service and Local Ward Members;”

Rule 11.3.6g)i) currently states that the Director Finance and Resources only has delegated authority to grant leases up to 14 years.

It is therefore proposed that a new Rule be inserted as 11.3.6g)ii) as follows:

“Approval of Community Asset Transfers under leases of between 14-30 years following consultation with the Executive Member for Regeneration and Communities, the Executive Member with responsibility for the relevant service area and local Ward Members.”

The numbering of the current Rules 11.3.6g)ii-v) will be amended accordingly.

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
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There are no financial implications arising from this report.

Cross-Council Implications

None

List of Background Papers

<p>The Council's Constitution The Local Authorities (Standing Orders)(England)(Amendment) Regulations 2014 Minutes from the Standards Committee meeting held on 19 January 2016 Minutes from the Audit Committee meeting held on 10 February 2016 Minutes from the Executive meeting held on 28 January 2016</p>
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Contact Anne Hunter	Service Governance and Improvement Services
Telephone No 0118 9746051	Email anne.hunter@wokingham.gov.uk
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