

## Changes to the Constitution – December 2005

No.	Page No	Existing Wording	Proposed Change
		<b>Summary and Explanation</b>	
1.	Page 5	“Overview and Scrutiny Committees (Select Committees) (Article 7)	Overview and Scrutiny Commission (Article 7)
2.	Page 6	<p><b>Paragraph 1.5 Overview and Scrutiny</b>            “There are four Overview and Scrutiny Committees known as Select Committees. These Committees support the work of the Executive and the Council as a whole. They prepare reports and recommendations which advise the Executive and Council as a whole on its policies, budget and service delivery, consulting within and outside the Council. Select Committees also monitor the decisions of the Executive. Any five Members of the Council may ‘call-in’ a decision which has been made by the Executive but not yet implemented. This enables the relevant Select Committee to consider whether the decision is appropriate. They may recommend that the Executive reconsider the decision. They may also be consulted by the Executive or the Council on forthcoming decisions and the development of policy”.</p>	<p><b>Paragraph 1.5 Overview and Scrutiny Commission</b>            “There is one Overview and Scrutiny Commission. This Commission support the work of the Executive and the Council as a whole. It prepare reports and recommendations which advise the Executive and Council as a whole on its policies, budget and service delivery, consulting within and outside the Council. The Overview and Scrutiny Commission also monitors the decisions of the Executive. Any five Members of the Council may ‘call-in’ a decision which has been made by the Executive but not yet implemented. This enables the Overview and Scrutiny Commission to consider whether the decision is appropriate. It may recommend that the Executive reconsider the decision. It may also be consulted by the Executive or the Council on forthcoming decisions.</p> <p><b>New paragraph 1.6 – Policy Development Commissions</b>            There are three Policy Development Commissions which mirror the three main Blocks of the Local Area Agreement, namely, Children and Young People, Healthier Communities and Older People and Safer</p>

			and Stronger Communities. The Policy Development Commissions will prepare reports and recommendations for the Executive on emerging policy and its implications for the Council. The Policy Development Commissions will also undertake reviews of existing Council policies and make their recommendations known to the Executive.
3.	Page 7	<b>Paragraph 1.9 – Citizens’ Rights</b> “ask questions at Council meetings and contribute to investigations, on request, by the Select Committees.”	<b>Paragraph 1.9 – Citizens’ Rights</b> “ask questions at Council meetings and contribute to investigations, on request, by the Overview and Scrutiny Commission and Policy Development Commissions.”
		<b>ARTICLE 1 – THE CONSTITUTION</b>	
4.	Page 9	<b>Paragraph 2.2.3</b> Find out from West Berkshire Council’s Forward Plan what items the Select Committees are to consider.	Find out from West Berkshire Council’s Forward Plan what items the Policy Development Commissions or Overview and Scrutiny Commission are to consider.
5.	Page 9	<b>Paragraph 2.2.4</b> Actively contribute to the work of the Select Committees by providing written or verbal evidence.	Actively contribute to the work of the Policy Development Commissions and Overview and Scrutiny Commission by providing written or verbal evidence.
		<b>ARTICLE 3 – MEMBERS OF THE COUNCIL</b>	
6.	Page 11	<b>Paragraph 2.3.4 – Key Roles</b> Individually and collectively advise the Council, its Select Committees, Sub-Committees and Area Forums on issues of policy.	Individually and collectively advise the Council, its Policy Development Commissions, Overview and Scrutiny Commission, Sub-Committees and Area Forums on issues of policy.
		<b>ARTICLE 4 – DECISION MAKING</b>	

7.	Page 14	<p><b>Paragraph 2.4.3</b></p> <p>(f) Decision-making by Select Committees</p> <p>Select Committees will follow the Select Committee Rules of Procedure set out in Part 6 of this Constitution when considering any matter.</p>	<p>(f) Decision-making by Policy Development Commissions and the Overview and Scrutiny Commission</p> <p>The Policy Development Commissions and the Overview and Scrutiny Commission will follow the Overview and Scrutiny Commission Rules of Procedure set out in Parts 5A and 6 of this Constitution when considering any matter.</p>
		<b>ARTICLE 5 – THE FULL COUNCIL</b>	
8.	Page 16	<p>Paragraph 2.5.5</p> <p>Agreeing and/or amending the terms of reference for Committees, Select Committees and Area Forums and deciding on their composition and making appointments to them.</p>	<p>Agreeing and/or amending the terms of reference for Committees, Policy development Commissions, Overview and Scrutiny Commission and Area Forums and deciding on their composition and making appointments to them.</p>
		<b>ARTICLE 6 – THE EXECUTIVE</b>	
9.	Page 18	<p>Paragraph 2.6.2</p> <p>Members of the Executive cannot be Members of the Council's Select Committees.</p>	<p>Members of the Executive cannot be Members of the Overview and Scrutiny Commission.</p>
10.	Pages 20 -23	<b>ARTICLE 7 – OVERVIEW AND SCRUTINY (SELECT) COMMITTEES</b>	<p>Article 7 – Overview and Scrutiny Commission</p> <p>Complete new Section</p>
		<b>ARTICLE 9 – AREA FORUMS</b>	
11.	Page 26	<p>Paragraph 2.9.4</p> <p>To consider, monitor, scrutinise and make recommendations to the Executive or Select</p>	<p>To consider, monitor, scrutinise and make recommendations to the Executive or Policy Development Commissions and Overview and Scrutiny Commission, as appropriate, with respect to service</p>

		Committees, as appropriate, with respect to service delivery / performance of local services and facilities.	delivery / performance of local services and facilities.
12.	Page 27	<p>Paragraph 2.9.6 – Conflict of Interest</p> <p>If a Select Committee is scrutinising specific decisions or proposals in relation to the business of the Area Forum of which the Councillor concerned is a Member, then the Councillor may not speak or vote at the Select Committee meeting unless a dispensation to do so is given by the Standards Committee.</p>	If the Overview and Scrutiny Commission is scrutinising specific decisions or proposals in relation to the business of the Area Forum of which the Councillor concerned is a Member, then the Councillor may not speak or vote at the Select Committee meeting unless a dispensation to do so is given by the Standards Committee.
13.	Page 27	<p>Paragraph 2.9.7 General Policy Reviews</p> <p>Where the Select Committee is reviewing policy generally the Member on the Area Forum must declare his/her interest before the relevant agenda item is reached, but need not withdraw.</p>	Where the Policy Development Commissions or Overview and Scrutiny Commission are reviewing policy generally the Member on the Area Forum must declare his/her interest before the relevant agenda item is reached, but need not withdraw.
14.	Page 38	<p>Paragraph 2.16 – Schedule 1 – Description of Executive Arrangements</p> <p>The following parts of this Constitution constitute the Executive arrangements:</p> <p>Article 4 (Decision-making) and the Access by the Public to Information Rules of Procedure</p> <p>Article 6 (The Executive) and the Executive Rules of Procedure;</p> <p>Article 7 (Overview and Scrutiny Committees) and the Overview and Scrutiny Rules of Procedure;</p> <p>Article 9 (Area Forums);</p> <p>Article 11 (Joint arrangements);</p>	<p>The following parts of this Constitution constitute the Executive arrangements:</p> <p>Article 6 (The Executive) and the Executive Rules of Procedure;</p> <p>Article 6A – Policy development Commissions</p> <p>Article 7 (Overview and Scrutiny Commission) and the Overview and Scrutiny Commission Rules of Procedure;</p> <p>Article 9 (Area Forums);</p> <p>Article 11 (Joint arrangements);</p> <p>Part 3 (Responsibility for Functions).</p>

		Part 3 (Responsibility for Functions).	
		<b>PART 4 – COUNCIL RULES OF PROCEDURE</b>	
15.	Page 8	<p>Paragraph 4.2 - Appointment to Standing Committees and Area Forums</p> <p>At the Annual Meeting of the Council or as soon as possible afterwards, the Council shall appoint the following Standing Committees and Area Forums:</p> <p>Environment and Public Protection Select Committee.</p> <p>Community Care and Housing Select Committee</p> <p>Strategy and Commissioning Select Committee</p> <p>Children and Young People Select Committee</p>	<p>At the Annual Meeting of the Council or as soon as possible afterwards, the Council shall appoint the following Standing Committees and Area Forums:</p> <p>Overview and Scrutiny Commission</p> <p>Children and Young People Policy Development Commission</p> <p>Healthier Communities and Older People's Policy Development Commission</p> <p>Safer and Stronger Communities Policy Development Commission</p>
16.	Page 10	<p><b>Paragraph 4.3.1 – Annual Meeting</b></p> <p>(j) Appoint at least one Select Committee, a Standards Committee and such other Committees and Area Forums as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Executive functions.</p>	<p>(j) Appoint an Overview and Scrutiny Commission, Policy Development Commissions, a Standards Committee and such other Committees and Area Forums as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Executive functions.</p>
17.	Page 11	<p><b>Paragraph 4.3.2 – Ordinary Meetings</b></p> <p>(j) Receive any annual reports of the Select Committees.</p>	<p>(j) Receive any annual reports of the Overview and Scrutiny Commission and Policy Development Commissions.</p>
		<b>PART 5 – EXECUTIVE RULES OF PROCEDURE</b>	
18.	Page 7	<b>Paragraph 5.1.1</b>	Members of the Executive cannot be Members of the

		Members of the Executive cannot be Members of the Council's Select Committees but may be Members of Task Groups.	Council's Overview and Scrutiny Commission but may be Members of Task Groups.
19.	Page 10	<p><b>Paragraph 5.3.2</b></p> <p>The item has been considered by a Select Committee, or has been the subject of a review undertaken by another body e.g. Task Group associated with a Select Committee, within the preceding six months.</p>	The item has been considered by the Overview and Scrutiny Commission, or has been the subject of a review undertaken by another body e.g. Task Group associated with the Overview and Scrutiny Commission, within the preceding six months.
20.	Page 10	<p><b>Paragraph 5.3.5 - Procedure Following Call-In</b></p> <p>When a call-in request is duly made, the Head of Policy and Performance shall inform the Executive Leader and the Chairman of the relevant Select Committee and shall convene a special meeting of the relevant Select Committee as soon as reasonably practicable for the purpose of reviewing the decision unless the matter can conveniently be reviewed at the next scheduled meeting of that Committee. Where a call-in request relates to a decision which is within the terms of reference of more than one Select Committee, the Business Management Group (comprising the four Chairmen of Select Committees) shall decide which Select Committee will review the decision.</p>	When a call-in request is duly made, the Head of Policy and Performance shall inform the Executive Leader and the Chairman of the Overview and Scrutiny Commission and shall convene a special meeting of the Commission as soon as reasonably practicable for the purpose of reviewing the decision unless the matter can conveniently be reviewed at the next scheduled meeting of the Overview and Scrutiny Commission..
21.	Page 10	<p><b>Paragraph 5.3.6 - Review of Decision</b></p> <p>Any Member of Council who has signed a call-in request may attend the meeting of the Select Committee when the decision is reviewed and may</p>	Any Member of Council who has signed a call-in request may attend the meeting of the Overview and Scrutiny Commission when the decision is reviewed and may speak to that item of business. The Overview and Scrutiny Commission cannot overturn the decision

		<p>speak to that item of business. The Select Committee cannot overturn the decision which it is reviewing but may either concur with the decision (in which case it will take immediate effect) or refer it back to the Executive for further consideration. If the Select Committee is of the opinion that a decision is outside the Budget and Policy Framework approved by the Council, the Select Committee may refer the decision to the Council. The Council may concur with the decision (in which case it will take immediate effect) or refer it back to the Executive for further consideration.</p>	<p>which it is reviewing but may either concur with the decision (in which case it will take immediate effect) or refer it back to the Executive for further consideration. If the Overview and Scrutiny Commission is of the opinion that a decision is outside the Budget and Policy Framework approved by the Council, the Overview and Scrutiny Commission may refer the decision to the Council. The Council may concur with the decision (in which case it will take immediate effect) or refer it back to the Executive for further consideration.</p>
22.	Page 11	<p><b>Paragraph 5.3.7 - Referral Back to Executive</b>  The Select Committee will produce a report to the next meeting of the Executive either confirming the original decision or proposing amendments to it in any way it thinks fit and shall give reasons for its final decision. If the Select Committee upholds the Executive decision, that decision shall take immediate effect (Rule 5.3.6 [Review of Decision] above refers).   Any matter which has been the subject of a call-in request may not be the subject of a further call-in request.</p>	<p>The Overview and scrutiny Commission will produce a report to the next meeting of the Executive either confirming the original decision or proposing amendments to it in any way it thinks fit and shall give reasons for its final decision. If the Overview and Scrutiny Commission upholds the Executive decision, that decision shall take immediate effect (Rule 5.3.6 [Review of Decision] above refers).   Any matter which has been the subject of a call-in request may not be the subject of a further call-in request.</p>
23.	Page 12	<p><b>Paragraph 5.4.6 - General Exception – 'Key Decision'</b>  If a matter which is likely to be a 'key decision' has not been included in the Forward Plan, then</p>	<p>If a matter which is likely to be a 'key decision' has not been included in the Forward Plan, then subject to Rule 5.4.7 (Special Urgency) below, the decision may still be taken if:</p>

		<p>subject to Rule 5.4.7 (Special Urgency) below, the decision may still be taken if:</p> <p>(a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next Forward Plan and until the start of the first month to which the next Forward Plan relates;</p> <p>the Head of Policy and Performance has informed the Chairman of the relevant Select Committee, or if there is no such person, each Member of that Committee in writing, by notice, of the matter on which the decision is to be made;</p> <p>(b) the Head of Policy and Performance has made copies of that notice available to the public at the offices of the Council; and</p> <p>(c) at least three clear working days have elapsed since the Head of Policy and Performance complied with (a) and (b).</p> <p>Where such a decision is taken collectively, it must be taken in public.</p>	<p>(d) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next Forward Plan and until the start of the first month to which the next Forward Plan relates;</p> <p>the Head of Policy and Performance has informed the Chairman of the Overview and Scrutiny Commission, or if there is no such person, each Member of that Committee in writing, by notice, of the matter on which the decision is to be made;</p> <p>(e) the Head of Policy and Performance has made copies of that notice available to the public at the offices of the Council; and</p> <p>(f) at least three clear working days have elapsed since the Head of Policy and Performance complied with (a) and (b).</p> <p>Where such a decision is taken collectively, it must be taken in public except for items deemed exempt information as set out in Rule 9.10.3.</p>
24.	Page 13	<p><b>Paragraph 5.4.7 - Special Urgency – ‘Key Decision’</b></p> <p>An urgent item of business, which is deemed to be a ‘key decision’, that needs to be determined before the next scheduled meeting of the Executive and which cannot be dealt with under</p>	<p>An urgent item of business, which is deemed to be a ‘key decision’, that needs to be determined before the next scheduled meeting of the Executive and which cannot be dealt with under the existing Scheme of Delegation to Officers may be considered if the conditions set out below are followed.</p>

		<p>the existing Scheme of Delegation to Officers may be considered if the conditions set out below are followed.</p> <p>The 'key decision' can only be taken if:</p> <p>(a) agreement is obtained from the Chairman of the relevant Select Committee, that the taking of the decision cannot be reasonably deferred;</p> <p>(b) in the absence of the Chairman of the relevant Select Committee, agreement may be obtained from the Chairman of the Council; or in his/her absence, the Vice-Chairman.</p> <p>Where such a decision is taken by the Executive, it must be taken in public, except for items that are deemed Exempt Information as set out in Rule 9.10.3.</p>	<p>The 'key decision' can only be taken if:</p> <p>(a) agreement is obtained from the Chairman of the Overview and Scrutiny Commission, that the taking of the decision cannot be reasonably deferred;</p> <p>(b) in the absence of the Chairman of the Overview and Scrutiny Commission, agreement may be obtained from the Chairman of the Council; or in his/her absence, the Vice-Chairman.</p> <p>Where such a decision is taken by the Executive, it must be taken in public, except for items that are deemed Exempt Information as set out in Rule 9.10.3.</p>
25.	Page 13	<p><b>Paragraph 5.4.8 - Report To Council – 'Key Decision'</b></p> <p>A Select Committee can require a report if it thinks that a 'key decision' has been taken which was:</p> <p>not included in the Forward Plan; or</p> <p>not the subject of the general exception procedure; or</p> <p>the subject of an agreement with a relevant Select Committee Chairman, or the Chairman/Vice-Chairman of the Council.</p>	

		<p>The Select Committee may then require the Executive to submit a report to the Council within such reasonable time as the Committee specifies. The power to require a report rests with the Committee, but is also delegated to the Head of Policy and Performance, who shall require such a report on behalf of the Committee when so requested by the Chairman or any five Members. Alternatively the requirement may be raised by resolution passed at a meeting of the relevant Select Committee.</p>	
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