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# Changes to the Constitution - Part 5 (Executive Rules of Procedure)

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<b>Committee considering report:</b>	Governance and Ethics on the 23 November 2015 Council on the 10 December 2015
<b>Member:</b>	Councillor Alan Macro
<b>Date Member agreed report:</b>	19 October 2015
<b>Report Author:</b>	David Holling
<b>Forward Plan Ref:</b>	C3011(a)

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## 1. Purpose of the Report

- 1.1 To review and if appropriate amend Part 5 (Executive Rules of Procedure) following a request from the Liberal Democrat Group.

## 2. Recommendation(s)

- 2.1 To reduce the number of Members required to request that an item be called-in from five to three to reflect the political balance of the Council.
- 2.2 To delegate authority to the Monitoring Officer to make associated changes to paragraphs 5.3, 2.7.5 and 6.4.4. of the Constitution.
- 2.3 To agree that any changes will come into effect on the 11 December 2015.

## 3. Implications

- 3.1 **Financial:** There will be no costs associated with making the amendments to the Constitution.
- 3.2 **Policy:** Will require changes to Parts 2, 5, and 6 of the Constitution
- 3.3 **Personnel:** None
- 3.4 **Legal:** None
- 3.5 **Risk Management:** None
- 3.6 **Property:** None
- 3.7 **Other:** None

## 4. Other options considered None

- 4.1 Not to agree the changes

## 5. Executive Summary

5.1 Following an internal audit of the management of the Constitution in 2010 it was noted that one of the responsibilities of the Finance and Governance Group is to have ownership of the Council's Constitution. The content of the Local Code of Corporate Governance says that there will be an annual review of the operation of the Constitution. A timetable has been established for the Finance and Governance Group to review individual sections of the Constitution and this work is ongoing.

### *Part 5 (Executive Rules of Procedure) – Call in*

5.2 In accordance with the Council's Constitution almost all decisions of the Executive, Committees of the Executive, individual Members of the Executive and 'key decisions' taken under delegated powers of Officers are subject to call-in.

5.3 Where items are marked as being subject to call-in currently five Members are required to sign the notice asking for the decision to be reviewed. Following the May 2015 elections the make up of the Council comprises 48 Conservative Members and 4 Liberal Democrat Members. This means that in order to affect a call-in the Liberal Democrat Group have to garner cross party support. They have therefore asked that this section of the Constitution be reviewed to reflect the political balance of the Council.

5.4 It should be noted that one item was called-in in 2014 and four items were called-in in 2013.

5.5 Within the other Berkshire unitaries the call-in requirements are as follows:

Bracknell Borough Council – five Members or the Chair of Overview and Scrutiny and two other Chairs

Reading Borough Council – does not operate Executive arrangements

Royal Borough of Windsor and Maidenhead – three Members

Slough Borough Council – three Members

Wokingham Borough Council – five Members

5.6 It is therefore suggested that to promote greater accountability paragraphs 5.3, 2.7,5 and 6.4.4 should be amended to require three Members to affect a call-in.

## 6. Conclusion

6.1 This report recommends changes to Parts 2, 5 and 6 of the Council's constitution.