

Title of Report:	Amendments to Parts 7, 8 and 12 of the Council's Constitution
Report to be considered by:	Council
Date of Meeting:	6 December 2011
Forward Plan Ref:	C2349

Purpose of Report:	To consider the amendments to Parts 7, 8 and 12 of the Constitution following a review of these sections of the Constitution by the Finance and Governance Group.
Recommended Action:	To discuss the proposed and any additional revisions to Parts 7, 8 and 12 of the Constitution and to recommend the agreed amendments to full Council for approval.
Reason for decision to be taken:	To ensure that the Council has established a Constitution that is in accordance with statutory requirements / good practice and that there are processes in place ensuring the effective management and maintenance of the Constitution in accordance with good practice guidelines (e.g. CIPFA / SOLACE Code of practice for Corporate Governance)
Other options considered:	None
Key background documentation:	The Local Government Act 2000 (Constitution) (England) Direction 2000

The proposals will also help achieve the following Council Plan Themes:	
<input checked="" type="checkbox"/>	CPT12 - Including Everyone
<input checked="" type="checkbox"/>	CPT13 - Value for Money
<input checked="" type="checkbox"/>	CPT14 - Effective People
<input checked="" type="checkbox"/>	CPT15 - Putting Customers First
The proposals contained in this report will help to achieve the above Council Plan Priorities and Themes by:	
Ensuring that the Constitution is up to date and applies with legislation	

Member Details	
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Date Portfolio Member agreed report:	11 November 2011

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Implications

Policy: Will include changes to the Constitution
Financial: None – will be undertaken within existing resources
Personnel: None
Legal/Procurement: Will include changes to the Constitution
Property: None
Risk Management: None
Equalities Impact Assessment: Stage one EIA completed

Is this item subject to call-in?	Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval	<input checked="" type="checkbox"/>	
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>	
Delays in implementation could compromise the Council's position	<input type="checkbox"/>	
Considered or reviewed by Overview and Scrutiny Commission or associated Task Groups within preceding six months	<input type="checkbox"/>	
Item is Urgent Key Decision	<input type="checkbox"/>	

Executive Summary

1. Introduction

- 1.1 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.
- 1.2 A timetable has now been established for the Finance and Governance Group to review individual sections of the Constitution and a number of Officers have been involved in revising specific parts of the Constitution. This report proposes amendments to Parts 7, 8 and 12 of the Constitution.

2. Proposals

- 2.1 That the amendments to Parts 7, 8 and 12 of the Council's Constitution are approved in order to ensure that the Council has established a Constitution that is in accordance with statutory requirements / good practice and that there are processes in place ensuring the effective management and maintenance of the Constitution in accordance with good practice guidelines (e.g. CIPFA / SOLACE Code of Corporate Governance).

3. Conclusion

- 3.1 The report is a required update, due to the changes in service areas, governance arrangements and changes to legislation and good practice guidelines.

Executive Report

1. Introduction

- 1.1 The internal audit review of the Constitution made a number of recommendations to enhance the management of the Constitution including:
- (1) That the Finance and Governance Group should establish a process to review the content and application of the Constitution on an annual basis in accordance with the requirements of the Council's Local Code of Corporate Governance.
 - (2) That members of the Finance and Governance Group are allocated responsibility for maintaining specific Articles and Rules of the Constitution.
 - (3) That the Finance and Governance Group should monitor progress of proposed amendments to the Constitution to ensure that they are appropriately approved and published.
- 1.2 A timetable was established for the Finance and Governance Group to review individual sections of the Constitution and relevant Officers have been allocated responsibility for maintaining specific parts of the Constitution. Given the wide ranging nature of the Constitution a number of Officers have contributed to the review of each Part.
- 1.3 This report proposes amendments to Parts 7, 8 and 12 of the Constitution. The review has been comprehensive and has led to a rewriting of sections of the Constitution. Amendments to these parts have however not been as extensive. This is largely because no formal review process has been in place previously and a number of changes have been made in the way the Council's procedures operate.

2. Outline of the main changes

- 2.1 Part 7 – Regulatory and Other Committees Rules of Procedure
- (1) Changes to the order of business at ordinary and extraordinary meetings of Committees and Sub-Committees.
 - (2) Attendance entitlements of non-Members of Committees.
 - (3) Rules regarding confidentiality and non-disclosure of reports.
 - (4) Arrangements for referencing-up and exceptions.
 - (5) The procedure for receiving and dealing with Petitions has been amended in line with the previously agreed changes to the protocol.
- 2.2 Part 8 – Access by the Public to Information Rules of Procedure
- (1) Reference to document storage at the Berkshire Records Office.
 - (2) Additional detail on what is considered to be exempt information.
- 2.3 Part 12 – Personnel Rules of Procedure
- (1) Additional detail outlining the Council's recruitment and selection policy and procedures.

3. Conclusion

- 3.1 Given the wide ranging nature of the changes made Governance and Audit are asked to review the documents as a whole, rather than to focus on changes made. Governance and Audit are then asked to make a recommendation to Full Council.

Appendices

Appendix A – Equality Impact Assessment

Appendix B - Part 7 of the Constitution

Appendix C - Part 8 of the Constitution

Appendix D - Part 12 of the Constitution

Consultees

Local Stakeholders: Not consulted

Officers Consulted: Finance and Governance Group

Trade Union: Not consulted