

Part 1 - Summary and Explanation

1. The Council's Constitution

- **1.1** West Berkshire District Council ("**Council**") has produced a Constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these decisions are efficient, transparent and accountable to local people:
 - some of these processes are required by law, while others are a matter for the Council to choose;
 - the Constitution is divided into 13 Articles which set out the basic rules governing the Council's business;
 - more detailed procedures and codes of practice are provided in separate rules and protocols.
 - **1.2** All reports presented at public meetings (except for those deemed as exempt or confidential), agendas and minutes, decisions made, timetables of meetings and the West Berkshire Council Forward Plan can also be found on the Council's website (www.westberks.gov.uk).
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2. Revisions to the Constitution

- **2.1** In April 2023 the Council introduced a suite of changes to the Constitution to update and consolidate the existing Constitution.
 - **2.2** Both the existing ("**Old Constitution**") and revised ("**New Constitution**") versions are divided into numbered Parts.
 - **2.3** The changes introduced Parts 1 to 9 of the New Constitution to replace the following Parts of the Old Constitution: Parts 1, 2, 4 to 7, 9 to 12 and elements of Part 13 (Appendices A, C, G and I).
 - **2.4** For the purposes of (only) the remainder of Part 1 (this Summary and Explanation) and Part 2 (the Articles), "**Part**" refers to a numbered part of the New Constitution and "**O-Part**" refers a numbered Part of the Old Constitution that remains in force.
 - **2.5** For the present, as described at 3.11, all of the O-Parts have been re-numbered to follow on from the new Parts. Thus (for example) O-Part 3 (Scheme of Delegation) is now Part 11.
 - **2.6** Work is ongoing and, in due course, all O-Parts will be replaced with Parts, but at present the Constitution is formed of the Parts and O-Parts together.
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3. What is in the Constitution

New Constitution

- **3.1** The New Constitution is divided into nine main Parts, some of which have Sub-Parts or Appendices.
- **3.2** Part 1 is this Summary and Explanation.

- **3.3** Part 2 contains 14 sub sections called 'the Articles':
 - **3.3.1** Article 1 commits the Council to using the Constitution to help fulfil its corporate aims and values.
 - **3.3.2** Articles 2 to 14 explain the rights of citizens and how the key parts of the Council operate:
 - Citizens and the Council (Article 2);
 - Members of the Council (Article 3);
 - Decision-Making (Article 4);
 - The Full Council (Article 5);
 - The Executive (Article 6);
 - Overview and Scrutiny (Article 7);
 - Regulatory and Other Committees (Article 8);
 - Joint Arrangements (Article 9);
 - Officers (Article 10);
 - Finance, Contracts and Legal Matters (Article 11);
 - Review and Revision of the Constitution (Article 12);
 - Suspension, Interpretation and Publication of the Constitution (Article 13);
 - Description of Executive Arrangements (Schedule 1)
- **3.4** Part 3 sets out the rules relating to Meetings of the Council, the Executive and other Council Bodies, with Appendices relating to:
 - Questions (Part 3.1);
 - Petitions (Part 3.2);
 - Meetings Rules Table (Part 3.3).
- **3.5** Part 4 relates to the Council.
- **3.6** Part 5 relates to the Executive.
- **3.7** Part 6 relates to Bodies of the Council, with Appendices relating to the:
 - Appeals Committee (Part 6.1);
 - Governance Committee (Part 6.2);
 - Health and Wellbeing Board (Part 6.3):
 - Health and Wellbeing Board Steering Group (Part 6.3.1);
 - Building Communities Together Partnership (Part 6.3.2):
 - Domestic Abuse Board (Part 6.3.2.1):
 - Domestic Abuse Board, Behaviours and Conduct (Part 6.3.2.1.1);
 - Children's Prevention and Early Help Partnership (Part 6.3.3);

- Locality Integration Board (Part 6.3.4);
- Health Scrutiny Committee (Part 6.4);
- Joint Public Protection Committee (Part 6.5);
- Licensing Committee (Part 6.6):
- Licensing Sub-Committee (Part 6.6.1);
- Personnel Committee (Part 6.7);
- Planning Committees (Part 6.8);
- Scrutiny Commission (Part 6.9).
- **3.8** Part 7 relates to the Budget and Policy Framework;
- **3.9** Part 8 relates to Contract Rules;
- **3.10** Part 9 relates to Financial Rules.

Old Constitution

- **3.11** The O-Parts remaining in force are:
 - Part 3 (Scheme of Delegation) (new Part 11) ;
 - Part 8 (Access to Information Rules) (new Part 10);
 - Part 13 (Codes and Protocols, excluding Appendices A, C, G and I) (remains Part 13);
 - Part 14 (Members Allowance Scheme) (remains Part 14);
 - Part 15 (Management Structure) (new Part 12).
 - **3.12** If there is a conflict between the Old and New Constitutions, the New Constitution will prevail.
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4. How the Council Operates

- **4.1** The Council is composed of 43 Councillors elected every four years, and:
 - Councillors are democratically accountable to residents of their Ward;
 - the overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them;
 - Councillors have to agree to follow the Code of Conduct to ensure high standards in the way they undertake their duties;
 - the Governance Committee recommends appropriate training and advice on the Code of Conduct.
- **4.2** All Councillors meet together as 'the Council', and:
 - Meetings of the Council are normally open to the public;
 - Councillors decide the Council's Budget and Policy Framework and set the budget each year;

- the Council is responsible for electing the Council Leader and is ultimately responsible for holding the Executive to account.
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5. How Decisions are Made

- **5.1** The Executive is the part of the Council which is responsible for most day-to-day decisions (although most of the operational decision making is delegated to officers).
 - **5.2** The Executive is made up of the Leader and an Executive (or Cabinet) of up to nine Councillors who the Leader appoints annually.
 - **5.3** When Key Decisions are to be discussed or made, these are published on the Council's Forward Plan, which must be published at least 28 days before the decision is made, unless an urgent decision is required.
 - **5.4** All Key Decisions will be discussed at Executive Meetings (and officers will be in attendance to advise Councillors at these meetings).
 - **5.5** Executive Meetings will generally be open for the public to attend except where exempt or confidential matters are being discussed.
 - **5.6** The Executive has to make decisions which are in line with the Council's overall policies and budget - if it wishes to make a decision which is outside the Budget and Policy Framework, this must be referred to the Council as a whole to decide (see Part 7).
 - **5.7** Decisions can also be made by individual Executive Members in accordance with the approved individual decision making protocol (see Part 5 (Executive) and O-Part 13, Appendices B (Protocol for Decision-Making by Individual Executive Members) and B1 (Individual Decision making Process)).
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6. Scrutiny Commission

- **6.1** The Scrutiny Commission supports the work of the Executive and the Council as a whole by providing a mechanism through which the actions of the Executive can be challenged:
 - it prepares reports and recommendations which advise the Executive on its policies, budget and service delivery, consulting within and outside the Council;
 - it monitors the decisions of the Executive.
- **6.2** 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 Scrutiny Commission to consider whether the decision is appropriate, and it may recommend that the Executive reconsider the decision.
- **6.3** The Scrutiny Commission may also be consulted by the Executive or the Council on forthcoming decisions.

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7. Planning and Licensing Committees

- **7.1** The District Planning Committee, the two Area Planning Committees and the Licensing Committee deal with a range of regulatory functions (set out in Article 8, Part 6.6 (Licensing Committee) and Part 6.8 (Planning Committees)) relating to planning applications, and licensing and gambling policies and applications.
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8. Governance Committee

- **8.1** The main roles of the Governance Committee are to:
 - challenge and provide independent assurance on the Risk Management Framework and associated internal controls of the Council;
 - consider and make recommendations to the Council on proposed changes to the Constitution;
 - review the Council's financial statements and review the external auditors annual audit letter;
 - promote and maintain high standards of conduct throughout the Council;
 - determine whether breaches of the relevant Code of Conduct have occurred;
 - promote, educate and support Councillors (both District and Parish) in following the highest standards of conduct and ensuring that those standards are fully owned locally.
 - **8.2** An Advisory Panel has been established to make recommendations to the Governance Committee in respect if any complaints received in respect of District or Parish Councillors' behaviour where a potential breach of the relevant Code of Conduct has been identified.
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9. Personnel Committee

- **9.1** The Personnel Committee is responsible for:
 - agreeing and making changes to the Council's Human Resources and Health and Safety Policies and Procedures;
 - appointing staff at Head of Service level or above by means of an Appointments Panel; and
 - determining requests for the early release of pensions (although the financial implications of each request have to be considered and approved by the Executive).
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10. The Council's Staff

- **10.1** The Council has people working for it ("officers") to give advice, implement decisions and manage the day-to-day delivery of its services.
- **10.2** Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely.

- **10.3** A code of practice governs the relationships between Officers and Members of the Council (see O-Part 13 (Codes and Protocols) and its Appendices).
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11. Citizens' Rights

- **11.1** Citizens have a number of rights in their dealings with the Council, and these are set out in more detail in Article 2 - some of these are legal rights, whilst others depend on the Council's own processes.
- **11.2** In addition the Council has adopted a Customer Service Charter setting out the way in which it will interact with citizens.
- **11.3** Where members of the public use specific Council services, for example as a parent of a school pupil or a social services client, they may have additional rights - these are not covered in this Constitution.
- **11.4** Citizens have the right to:
 - vote at local elections provided they are registered;
 - contact their local Councillor about any matters of concern to them;
 - obtain a copy of the Council's Constitution (available on the Council website at www.westberks.gov.uk/constitution);
 - attend public meetings of the Council and its Bodies except where, for example, exempt or confidential matters are being discussed;
 - petition to request a referendum on a mayoral form of Executive;
 - ask questions at certain Meetings;
 - contribute to investigations, on request, by the Scrutiny Commission;
 - find out, from the Council's Forward Plan, what Key Decisions are to be discussed by the Executive or decided by the Executive, individual Executive Members or Officers, and when;
 - see reports and background papers, except for Exempt Information, as permitted by statute;
 - complain to the Council about something the Council should have done or something that they have done but should not have;
 - complain to the Council concerning an officer's attitude or actions;
 - complain to the Local Government and Social Care Ombudsman if they think the Council has not followed its procedures properly (this should only be done after using the Council's own complaints process);
 - complain to the Monitoring Officer or Governance Committee if they have evidence which they think shows that a District or Parish/Town Councillor has not followed the relevant Code of Conduct;
 - inspect the Council's accounts and make their views known to the external auditor.
- **11.5** The Council welcomes participation by citizens in its work.