
Constitution Changes

Committee considering report:	Council
Date of Committee:	16 July 2026
Portfolio Member:	Portfolio Holder: Strategy and Governance, Commercialisation and Disabled Community Liaison
Date Portfolio Member agreed report:	
Report Author:	Nicola Thomas

1 Purpose of the Report

- 1.1 The purpose of this report is to provide an update regarding the work undertaken by the Constitution Review Task Group (“CRTG”) and to propose the approval of the proposed constitutional updates detailed in this report.
- 1.2 The completion of the Constitution review is an important part of the overall good governance of the Council.

2 Recommendations

- 2.1 It is proposed that the following amendments are considered and approved:
 - (a) **Part 11 Scheme of Delegation** be update in accordance with the changes detailed in Appendix A to reflect the changes to Senior Management within West Berkshire Council and guidance.
 - (b) **Part 5 – Executive Rules** Key decision threshold be affirmed at £500,000 but that social care placements should be excluded from key decisions as set out in Appendix B
 - (c) Task Group guidance (Appendix C) be formally added to the Constitution with amending **Part 6 para 3.4** with the addition of:
3.4.3.3 shall adhere to the Task Group guidance appended.
 - (d) Deletion of Health and Wellbeing Board sub-bodies that have been dissolved or no longer meet in public
 - (e) Update to Part 6 sub part 6 Audit and Risk Committee terms of reference 4.1 to add: *To consider and make recommendations to the Council on proposed changes to the Constitution.*

3 Implications and Impact Assessment

Implication	Commentary			
Financial:	None			
Human Resource:	None			
Legal:	<p>The report proposes changes to the Council’s constitution to ensure clarity of delegated authority for decision making within West Berkshire Council following changes to Senior Management Structures.</p> <p>To formally recognise the Task Group guidance as agreed.</p>			
Risk Management:	<p>There is a risk that any decision of Council could be challenged. Having clear rules governing the manner in which meetings will be conducted, should reduce the risk of challenges being successful.</p>			
Property:	None			
Policy:	None			
	Positive	Neutral	Negative	Commentary
Equalities Impact:				
<p>A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?</p>		x		

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B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		x		
Environmental Impact:		x		
Health Impact:		x		
ICT Impact:		x		
Digital Services Impact:		x		
Council Strategy Priorities:		x		
Core Business:	x			It is considered that the recommendations in this report will support the effective administration of Council business and contribute to the good governance of the Council.
Data Impact:		x		
Consultation and Engagement:	<p>These proposals have been discussed with:</p> <p>The Constitution Review Task Group</p> <p>Scrutiny Chairmen: Cllrs Culver, Boeck and M. Vickers</p> <p>Sarah Clarke – Executive Director (Resources)</p> <p>Martyn Sargeant – Service Director (Strategy and Governance)</p> <p>Nicola Thomas – Service Lead, Legal and Democratic</p> <p>Stephen Chard – Democratic Services Manager</p> <p>Gordon Oliver – Democratic Services Principal Officer</p>			

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4 Executive Summary

- 4.1 The CRTG was set up in July 2019 to review the entire Constitution to update and ensure that it remained fit for purpose. Work has been undertaken since this date, with Council approving the last amendments in November 2025 to Parts 8 (Contract Rules) and 13 (Appendix D, Protocol for Members use of ICT Equipment).
- 4.2 This report outlines a number of proposed changes to Part 11 – Scheme of Delegation, and formally recognising the task group guidance within the Constitution.

5 Supporting Information

Introduction and Background

- 5.1 This report provides an update on the work undertaken by CRTG in reviewing the Constitution and this report seeks approval to progress the proposals through the governance process for final adoption of the changes to Part 11 Scheme of Delegation, Part 5 Executive Rules and Part 6 – Council Body Rules at Council on 14 May 2026.
- 5.2 The CRTG is a working group consisting of the following Members: Councillors Jeff Brooks (Chairman), Martin Colston, Ross Mackinnon, David Marsh and Justin Pemberton.
- 5.3 Since Phase 2 of the Constitution Review was approved by Council in March 2023, it was agreed that Phase 3 to review the Council's scheme of Delegation and Codes and Protocols would be undertaken. The CRTG has met on 13 occasions, twice since the last time a report was approved by Council on 27 November 2025, with each meeting taking place over a number of hours. The significant contribution of all Members of the CRTG in the formulation of these proposals, and the updating of the Constitution should therefore be noted.
- 5.4 This work has also been supported by a number of officers in Democratic Services and Legal Services and their contribution to this significant piece of work should also be recognised.
- 5.5 The need to undertake the wholesale review of the Constitution was driven by a desire to ensure the document was updated and more user friendly and accessible to all and refine processes. If approved, the Constitution will be published on-line when it becomes operational, and there will be full indexing with hyperlinks where appropriate.

Proposals

- 5.6 **Part 11 – Scheme of Delegation** shall be updated as detailed in **Appendix A** of this report. **Appendix B** provides the new scheme of delegation to be approved.
- 5.7 The scheme of delegation for decisions has not been altered for a number of years so no longer reflects operational need, the updated Senior Management Structure and new legislation.
- 5.8 There are specific amendments to:

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- (a) Severance payments to ensure those between £10,000 and £100,000 are approved by the Executive and those over £100,000 seek full Council approval [page 11 3.1.3 Table 2];
- (b) Power to make payments or provide other benefits in cases of maladministration is increased to £5,000 to reflect the Local Government Social Care Ombudsman guidance [page 12 3.1.3 Table 2]
- (c) Recording of delegated decisions being formalised, reflecting good practice [page 17 3.2.3 and 3.3.5];

5.9 **Part 5 – Executive Rules** shall be updated as detailed in Appendix C to reflect changes to Key Decisions. The Council needs to be able to respond to social care placements that are either high cost or may run for many years, potentially leading to an accumulated cost above the Key Decision financial threshold. The nature of arranging placements is that they often have to happen at pace and certainly couldn't be accommodated within the usual governance timelines for consideration by the Executive. It's therefore suggested that social care placements should also be an exclusion from the Key Decision requirements. This is covered by the existing Scheme of Delegation, where the Service Directors for Adult Social Care, and Children and Families, are authorised to exercise the functions duties and powers of the Council in this regard. However, in light of the proposal, the CRTG suggested that the governance of the approval of such placements be strengthened to include sign off by the Chief Executive and this has now been implemented.

5.10 Task Group guidance (Appendix D) be formally added to the Constitution with amending **Part 6 para 3.4**:

3.4.3 Task Groups:

3.4.3.1 will be time – or task – limited bodies generally meeting in private; and

3.4.3.2 have no powers to act, only to advise/ recommend; and

3.4.3.3 shall adhere to the Task Group guidance appended.

5.11 Following revisions to the functions of the Health and Wellbeing Board, the Sub-Bodies need to be removed from the Constitution as they have been dissolved, or do not meet in public (detailed in Appendix E):

- 6.3.1 Health and Wellbeing Board Steering Group (dissolved)
- 6.3.2 Building Communities Together Partnership (now called Community Safety Partnership) (does not meet in public)
 - 6.3.2.1 Domestic Abuse Board (does not meet in public)
 - 6.3.2.1.1 Domestic Abuse Board, Behaviours and Conduct (does not meet in public)
- 6.3.3 Children's Prevention and Early Help Partnership (dissolved/replaced by Families First Partnership) (does not meet in public)
- 6.3.4 Locality Integration Board (does not meet in public)

5.12 Updates to the Constitution were previously considered by the Governance Committee. The Governance Committee responsibilities have now been split between the Audit and Risk Committee and Personnel and Standards Committee. Updates to the Constitution were omitted from the previous paper and shall be considered by the Audit and Risk Committee as part of the overall assurance process of the Council's governance.

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5.13 In line with previous agreed amendments, the updated sections shall have hyperlinks to the Glossary of Terms and when referenced, links to the relevant section of the Constitution for ease of use.

6 Other options considered

Not making any changes to the current Constitution. This option was rejected as the Council must keep the Constitution under review and it is suggested that changes will assist good governance as the procedures by which the Council is operating will be easier to understand, which will improve transparency and openness.

7 Conclusion

7.1 The ongoing hard work and significant contribution of the Task Group to the review of the Constitution is noted. It is considered important to update the various sections of the Constitution as detailed in this report to ensure ease of understanding and use and refine processes. This will support the Council's core principles in respect delegation of decision making and updating other areas of the constitution to reflect the reality of practice.

7.2 It is therefore recommended that the proposals as detailed in paragraph 2 of this report be approved.

8 Appendices

Appendix A – Part 11 – Scheme of Delegation proposed amendment (tracked changes)

Appendix B – Part 11 – Scheme of Delegation proposed approved (clean copy)

Appendix C – Part 5 Executive Rules; key decisions

Appendix D - Task Group Guidance

Appendix E - Health and Wellbeing Board changes

Background Papers:

None

Subject to Call-In:

Yes: No:

The item is due to be referred to Council for final approval

Delays in implementation could have serious financial implications for the Council

Delays in implementation could compromise the Council's position

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Considered or reviewed by Scrutiny Commission or associated Committees,
Task Groups within preceding six months

Item is Urgent Key Decision

Report is to note only

Wards affected: (All Wards);

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