

# West Berkshire Council Constitution

## Part 2

### Articles of the Constitution

#### Document Control

<b>Document Ref:</b>	WB/P&C/MF/2008-11	<b>Date Created:</b>	May 2007
<b>Version:</b>	5	<b>Date Modified:</b>	May 2013
<b>Revision due</b>			
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#### Change History

Version	Date	Description	Change ID
1	May 2008	Paragraph 2.6.5 updated	
2	May 2011	Paragraphs 2.13, 2.2.3, 2.2.4, 2.3.4, 2.5.5, 2.6.2, 2.6.3, 2.6.5, 2.7.1, 2.7.2, new 2.7.3, 2.8.2, 2.8.5, 2.9.2, 2.13.3	
3	April 2012	Changes to reflect new Senior Management Structure and impact of Localism Act	
4	May 2012	Paragraph 2.6.5 updated	
5	May 2013	Paragraph 2.6.5 updated with new portfolios	

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<http://www.opsi.gov.uk/legislation/uk>

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## Contents

- 2.1 Article 1 – The Constitution..... **Error! Bookmark not defined.**
  - 2.1.1 Powers of the Council..... **Error! Bookmark not defined.**
  - 2.1.2 The Constitution..... **Error! Bookmark not defined.**
  - 2.1.3 Purpose of the Constitution..... **Error! Bookmark not defined.**
  - 2.1.4 Decision-making ..... **Error! Bookmark not defined.**
  - 2.1.5 Interacting with the Local Community**Error! Bookmark not defined.**
  - 2.1.6 Interpretation and Review of the Constitution**Error! Bookmark not defined.**
- 2.2 Article 2 – Citizens and the Council**Error! Bookmark not defined.**
  - 2.2.1 Citizens’ Rights ..... **Error! Bookmark not defined.**
  - 2.2.2 Voting and Petitions..... **Error! Bookmark not defined.**
  - 2.2.3 Definition of Citizens’ Rights ..... **Error! Bookmark not defined.**
  - 2.2.4 Participation ..... **Error! Bookmark not defined.**
  - 2.2.5 Complaints..... **Error! Bookmark not defined.**
  - 2.2.6 Citizens’ Responsibilities ..... **Error! Bookmark not defined.**
- 2.3 Article 3 – Members of the Council**Error! Bookmark not defined.**
  - 2.3.1 Composition..... **Error! Bookmark not defined.**
  - 2.3.2 Eligibility..... **Error! Bookmark not defined.**
  - 2.3.3 Election and Terms of Councillors . **Error! Bookmark not defined.**
  - 2.3.4 Key Roles ..... **Error! Bookmark not defined.**
  - 2.3.5 Rights and Duties ..... **Error! Bookmark not defined.**
  - 2.3.6 Conduct ..... **Error! Bookmark not defined.**
  - 2.3.7 Allowances..... **Error! Bookmark not defined.**
  - 2.3.8 Confidentiality – Non-Disclosure of Reports**Error! Bookmark not defined.**
  - 2.3.9 Constitution to be given to Members**Error! Bookmark not defined.**
- 2.4 Article 4 - Decision-Making ..... **Error! Bookmark not defined.**
  - 2.4.1 Responsibility for Decision-Making **Error! Bookmark not defined.**
  - 2.4.2 Principles of Decision-Making..... **Error! Bookmark not defined.**
  - 2.4.3 Types of Decision ..... **Error! Bookmark not defined.**
- 2.5 Article 5 – The Full Council..... **Error! Bookmark not defined.**
  - 2.5.1 Role and Function of the Chairman**Error! Bookmark not defined.**
  - 2.5.2 Policy Framework ..... **Error! Bookmark not defined.**

2.5.3	Budget Framework .....	<b>Error! Bookmark not defined.</b>
2.5.4	Budget.....	<b>Error! Bookmark not defined.</b>
2.5.5	Functions of the Full Council .....	<b>Error! Bookmark not defined.</b>
2.5.6	Council Meetings.....	<b>Error! Bookmark not defined.</b>
2.5.7	Responsibility for Functions .....	<b>Error! Bookmark not defined.</b>
2.6	Article 6 – The Executive.....	1
2.6.1	Role of the Executive .....	1
2.6.2	Form and Composition of the Executive.....	1
2.6.3	Strong Executive Leader .....	1
2.6.4	Other Executive Members.....	1
2.6.5	Executive Portfolios.....	2
2.6.6	Proceedings of the Executive.....	2
2.6.7	Access to Information.....	2
2.6.8	Responsibility for Functions .....	2
2.7	Article 7 – Overview and Scrutiny	<b>Error! Bookmark not defined.</b>
2.7.1	Form and Composition.....	<b>Error! Bookmark not defined.</b>
2.7.2	Terms of Reference.....	<b>Error! Bookmark not defined.</b>
2.7.3	Overview and Scrutiny Sub-Committee(s)	<b>Error! Bookmark not defined.</b>
2.7.4	Co-optees.....	<b>Error! Bookmark not defined.</b>
2.7.5	Task Groups.....	<b>Error! Bookmark not defined.</b>
2.7.6	Call-in .....	<b>Error! Bookmark not defined.</b>
2.7.7	Councillor Call for Action .....	<b>Error! Bookmark not defined.</b>
2.7.8	Finance .....	<b>Error! Bookmark not defined.</b>
2.7.9	Proceedings of the Overview and Scrutiny Management Commission and its Sub-Committee(s)	<b>Error! Bookmark not defined.</b>
2.7.10	Access to Information.....	<b>Error! Bookmark not defined.</b>
2.7.11	Reports.....	<b>Error! Bookmark not defined.</b>
2.7.12	Proceedings of Overview and Scrutiny Commissions, Scrutiny Panels and Task Groups..	<b>Error! Bookmark not defined.</b>
2.8	Article 8 – Regulatory and Other Committees	<b>Error! Bookmark not defined.</b>
2.8.1	Area and District Planning Committees	<b>Error! Bookmark not defined.</b>
2.8.2	Licensing Committee.....	<b>Error! Bookmark not defined.</b>
2.8.3	Licensing Sub-Committee .....	<b>Error! Bookmark not defined.</b>
2.8.4	Governance and Audit Committee .	<b>Error! Bookmark not defined.</b>
2.8.5	Personnel Committee.....	<b>Error! Bookmark not defined.</b>

- 2.8.6 Allocation of Non-Executive Functions **Error! Bookmark not defined.**
- 2.8.7 West Berkshire Council's Regulatory Committees and Sub-Committees ..... **Error! Bookmark not defined.**
- 2.9 Article 9 - The Standards Committee **Error! Bookmark not defined.**
  - 2.9.1 Composition..... **Error! Bookmark not defined.**
  - 2.9.2 Advisory Panel..... **Error! Bookmark not defined.**
  - 2.9.3 Independent Person(s) ..... **Error! Bookmark not defined.**
  - 2.9.4 Role and Function..... **Error! Bookmark not defined.**
- 2.10 Article 10 - Joint Arrangements ... **Error! Bookmark not defined.**
  - 2.10.1 Arrangements to Promote Wellbeing **Error! Bookmark not defined.**
  - 2.10.2 Joint Arrangements..... **Error! Bookmark not defined.**
  - 2.10.3 Access to Information ..... **Error! Bookmark not defined.**
  - 2.10.4 Delegation to and from Other Local Authorities **Error! Bookmark not defined.**
  - 2.10.5 Contracting Out..... **Error! Bookmark not defined.**
- 2.11 Article 11 – Officers..... **Error! Bookmark not defined.**
  - 2.11.1 Management Structure ..... **Error! Bookmark not defined.**
  - 2.11.2 Functions of the Head of Paid Service **Error! Bookmark not defined.**
  - 2.11.3 Functions of the Monitoring Officer **Error! Bookmark not defined.**
  - 2.11.4 Functions of the Chief Finance Officer **Error! Bookmark not defined.**
  - 2.11.5 Conduct ..... **Error! Bookmark not defined.**
  - 2.11.6 Employment..... **Error! Bookmark not defined.**
  - 2.11.7 Access to Information - Proper Officer for Access to Information..... **Error! Bookmark not defined.**
- 2.12 Article 12 - Finance, Contracts and Legal Matters **Error! Bookmark not defined.**
  - 2.12.1 Financial Management..... **Error! Bookmark not defined.**
  - 2.12.2 Contracts ..... **Error! Bookmark not defined.**
  - 2.12.3 Legal Proceedings ..... **Error! Bookmark not defined.**
  - 2.12.4 Authentication of Documents ..... **Error! Bookmark not defined.**
  - 2.12.5 Common Seal of the Council ..... **Error! Bookmark not defined.**
- 2.13 Article 13 - Review and Revision of the Constitution **Error! Bookmark not defined.**
  - 2.13.1 Duty to Monitor and Review the Constitution **Error! Bookmark not defined.**
  - 2.13.2 Protocol for Monitoring and Review of Constitution by Monitoring Officer ..... **Error! Bookmark not defined.**
  - 2.13.3 Changes to the Constitution..... **Error! Bookmark not defined.**

- 2.14 Article 14 - Suspension, Interpretation and Publication of the Constitution.....**Error! Bookmark not defined.**
  - 2.14.1 Suspension of the Constitution.....**Error! Bookmark not defined.**
  - 2.14.2 Interpretation of the Constitution during Council Meetings**Error! Bookmark not defined.**
  - 2.14.3 Publication of the Constitution.....**Error! Bookmark not defined.**
  - 2.14.4 Schedule 1 - Description of Executive Arrangements**Error! Bookmark not defined.**

## **2.1 Article 6 – The Executive**

(Part 5 also refers)

### **2.1.1 Role of the Executive**

The Executive will carry out all of the Council's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

### **2.1.2 Form and Composition of the Executive**

The Executive will consist of the Strong Executive Leader together with at least two but no more than nine Members appointed to the Executive by the Leader of the Council.

The Executive cannot include the Chairman or Vice Chairman of the Council and there will be no substitutes or co-optees for Executive Members.

Members of the Executive cannot be Members of the Overview and Scrutiny Management Commission or its Sub-Committee(s).

### **2.1.3 Strong Executive Leader**

The Strong Executive Leader will be a Member elected at the Annual Meeting of the Council for a four year period immediately after an ordinary election. The Strong Executive Leader will hold office until:

- they resign from the office; or
- they are suspended from being a Member under Part III of the Local Government Act 2000 (as amended by the Local Government and Public Involvement in Health Act 2007) or the Standards Committee (England) Regulations 2008 (although he/she may resume office at the end of the period of suspension); or
- they are no longer a Member; or
- they are removed from office by resolution of the Council.

### **2.1.4 Other Executive Members**

Other Executive Members shall hold office until the next Annual Meeting of the Council, or until:

- they resign from office; or
- they are suspended from being a Member under Part III of the Local Government Act 2000 (as amended by the Local Government and Public Involvement in Health Act 2007) or the Standards Committee (England) Regulations 2008 (although he/she may resume office at the end of the period of suspension); or
- they are no longer Members; or
- they are removed from office by the Strong Executive Leader who must give written notice of any removal to the Chief Executive. The removal will take effect immediately after receipt of the notice by the Chief Executive.

### 2.1.5 Executive Portfolios

The Executive Portfolios are as follows:

- Leader of Council
- Highways, Transport (Operations), Emergency Planning, Newbury Vision;
- Planning, Transport (Policy), Culture, Customer Services, Countryside;
- Children & Young People, Youth Service, Education;
- Community Care, Insurance;
- Cleaner & Greener, Waste, Environmental Health, Trading Standards, Thatcham Vision;
- Finance, Economic Development, Health & Safety, HR, Pensions, Property;
- Strategy & Performance, Housing, ICT & Corporate Support, Legal and Strategic Support;
- Partnerships, Equality, Communities, Hungerford and Eastern Area Visions;
- Health and Well Being, Community Safety.

### 2.1.6 Proceedings of the Executive

Proceedings of the Executive shall take place in accordance with the Executive Rules of Procedure set out in Part 5 of this Constitution.

### 2.1.7 Access to Information

The Head of Strategic Support will ensure that Executive decisions, together with the reasons for those decisions and relevant Officer reports and background papers, are made publicly available as soon as possible.

### 2.1.8 Responsibility for Functions

The Executive Leader will maintain a list within Part 3 of this Constitution setting out which individual Members of the Executive, Committees of the Executive, Officers or joint arrangements are responsible for the exercise of particular Executive functions.

### 2.1.9 Health and Wellbeing Board

To discharge those functions required to be discharged by a Health and Wellbeing Board under the Health and Social Care Act 2012 (or any amending or replacing legislation) including:

1. Overseeing the preparation of a Joint Strategic Needs Assessment with relevant Clinical Commissioning Groups.
2. Developing a Strategy, by the exercise of Council functions, for meeting the needs identified in the Joint Strategic Needs Assessment.

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