

Constitution – Status Update

Part	Summary of main amendment made	Status
Part 1 - Introduction	<p>Para 4 – amended to reflect new election cycle and ward boundaries.</p> <p>Para 5 – amended to confirm MO is responsible for training members, as opposed to A&CG Committee.</p> <p>Para – amended to reflect single O&S Committee.</p> <p>Para 10 – removed reference to CAB as there are other sources of legal support and advice.</p> <p>Para 11 – removed examples as local authority is not service providers for many school matters.</p>	Housekeeping changes made. To be approved at Council in May 2023.
Part 2 - Articles		
Article 1 – The Constitution	<p>No change required.</p> <p>Confirms this document is the definitive set of rules on how council decisions are made.</p>	Up to date.
Article 2 – Members of the Council	<p>Para 2 – updated to reflect change to election cycle.</p> <p>Para 3 – members’ attendance – removed reference to maternity, parental leave, as this should be dealt with as a dispensation if the intention is to remove requirement for attendance in 6 months.</p>	Housekeeping changes made. To be approved at Council in May 2023.
Article 3 – Citizens and the Council	No change required.	No changes required.
Article 4 – The Full Council	<p>Sets out the policy framework (ie. Decisions that must be made by full council). This generally comes from statute (SI 2000/2853). Amended to reflect legislative changes.</p> <p>Policy Framework:</p> <ul style="list-style-type: none"> • Children and Young People’s Plan • Crime and Disorder Reduction Strategy, known as the Community Safety Plan • Plans and strategies which together form the Local Plan • Local Transport Plan • Youth Justice Plan 	Housekeeping changes made to reflect current legislation.

	<ul style="list-style-type: none"> • Gabling Act 2005: Statement of Principles <p>Further plans which legislation requires are approved at full council, including:</p> <ul style="list-style-type: none"> • Licensing statement of policy under Licensing Act 2003 (this is non-executive function, but it does require full council approval). • Council Tax Support Scheme. <p>Further plans which the Council deems should be determined by full Council, including</p> <ul style="list-style-type: none"> • Corporate plan <p>Removed reference to Joint Wellbeing Strategy, as this is a matter for the Health and Wellbeing Board, which is a statutory joint committee.</p> <p>Budgetary framework:</p> <ul style="list-style-type: none"> • Treasury management plan/strategy • Capital strategy • Any strategy setting out control of the authority’s borrowing, including determining the authority’s minimum revenue provision • MTFS 	
Article 5 – Chairing the Council	Amended heading to The Mayor as wider than just chairing the council.	Housekeeping changes. To be approved at Council in May 2023.
Article 6 – Overview and Scrutiny	Amendments to reflect new structure.	Amendments to structure of scrutiny to reflect review and ensure work links to corporate improvement. To be approved at Council in May 2023.
Article 7 – The Executive	Minor amendment to remove reference to election at annual council, as council can resolve to elect a new leader at any council meeting.	Minor housekeeping change. To be approved at Council in May 2023.

Article 8 – Regulatory and other committees	Removed reference to paragraphs in O&S applying to all other committees and cabinet, due to O&S rules having been amended.	Housekeeping changes. To be approved at Council in May 2023.
Article 9 – Audit and Corporate Governance Committee	No changes required.	Amended in 2021 – no further changes required.
Article 9A – Standards Committee	Minor amendments.	Added in 2021. Minor housekeeping changes. To be approved at Council in May 2023.
Article 10 - Champions	No changes required.	No changes at this time.
Article 11 – Joint Arrangements	Remove reference to wellbeing powers as general power of competence is wider than this and there are other powers to support joint arrangements.	Housekeeping changes to reflect law. To be approved at Council in May 2023.
Article 12 – Officer roles and statutory chief officer functions	Re-drafted to reflect current chief officer structure. Tracked changes not showing, but changes are to the chief officer table.	Changes approved by May 2021 Council. The new changes are just housekeeping to reflect the current structure. To be approved at Council in May 2023.
Article 13 – Decision-making		Amended in 2021 and 2022 – no further changes required.
Article 14 – Finance, Contracts and Legal Matters	Minor changes to add in Monitoring Officer for institution of legal proceedings, authentication of documents and affixing common seal.	Changes made in November 2021. Minor housekeeping changes. To be approved at Council in May 2023.
Article 15 – Review and Revision of the Constitution	Minor change to permit housekeeping changes to be made by MO and reported to Council and to require annual review of Constitution.	Housekeeping changes. To be approved at Council in May 2023.
Article 16 – Suspension Interpretation and Publication of the Constitution	No changes required.	No changes required.
Article 17 – Petitions Scheme	Removed data protection act requirements as not compliance with law. Replace with reference to published privacy notices. Remove reference to publishing material in pre-election period, as this should be considered having regard to relevant Code.	Housekeeping changes to reflect law. To be approved at Council in May 2023.

Sch 1 – Description of executive arrangements	To review whether required.	Bring to July council is changes or removal recommended.
Part 3 – Responsibility for Functions		
3.1 Responsibility for Functions and Scheme of Delegation	To review whether changes required.	To be brought to July council.
3.2 Committee Structure	To be amended by Democratic Services once structure and sub-committees confirmed.	
3.3 Responsibility for Local Choice Functions	Reviewed and amended in 2021/22.	No changes required.
3.4 Responsibility for Council Functions	<p>Council functions - Re-drafting of council functions to reflect current legislation, the articles of the constitution and new approved financial procedure rules.</p> <p>Planning Committee – minor changes to reflect executive/non-executive split in functions.</p> <p>A further review of terms of reference for planning committee is being undertaken to ensure the reserved functions are clear and at appropriate level – this will be brought back to a future council meeting following consideration by member working group on the constitution.</p> <p>Licensing Committee – redrafted to refer to broad functions and power to determine functions that do not sit with another committee. instead of seeking to list all types of decision.</p> <p>Employment and Appeals Committee associated committees – removed appeal functions from Employment and Appeals Committee as no longer compliant with law or Council policy – the Appeals sub-committee has no functions and therefore should be removed from committee structure. Clarified</p>	<p>Housekeeping changes to comply with law and other parts of the constitution and ensure a committee has responsibility for general functions not covered elsewhere. To be approved at Council in May 2023.</p> <p>A review of terms of reference for planning committee is to be undertaken and brought back to a future council meeting.</p>

	<p>functions of each of the “staffing” committees to comply with statutory governance officer and chief officer employment rules. Appointments Committee is a full committee and not a sub-committee of Employment Committee.</p>	
3.5 Responsibility for Executive Functions	Amended in 2021 and 2022.	No change required.
3.6 Scheme of Delegation to Officers	<p>Housekeeping changes to reflect change of structure and linking to other parts of the constitution.</p> <p>Moved significant officer decision-making rules from Access to Information Rules and amended the requirements and list to reflect the Openness of Local Government Bodies Regulations 2014.</p> <p>Updated proper officer and statutory officer list.</p>	Housekeeping changes to reflect law on significant officer decisions. To be approved at Council in May 2023.
3.7 Cabinet Portfolios	To be amended once new structure of cabinet confirmed.	May – remove names of cabinet members. July – new cabinet portfolios.
3.8 Appeals Panels and Other Bodies	<p>Significant re-drafting to comply with legislative requirements and Government guidance. Removal of panels that are no longer required or permissible by law.</p> <p>SACRE – amended to comply with legislative requirements on membership and voting and to reference correct legislation.</p> <p>Corporate parenting panel – redrafted to reflect corporate parenting principles in Children and Social Work Act 2017 and to pick up on learning from the corporate parenting panel review. This includes ensuring the panel is more open and transparent even when meetings are not held in public.</p> <p>Local Access Forum – further consideration to be given to whether this can be a joint committee across Berkshire. This will be reported back to a future Council meeting if a change is to be proposed.</p>	<p>Housekeeping changes to reflect law, guidance and review of corporate parenting panel. To be approved at Council in May 2023.</p> <p>To report to July progress in relation to options for cross Berkshire committee.</p>
Part 4 – Procedure Rules		
4.1 Council Procedure Rules	To be reviewed for July 2023.	Any housekeeping changes to be

		recommended to July council.
4.2 Access to Information Procedure Rules	Housekeeping changes to reflect changes in law and principal office and to reflect that certain rules apply to officer and single member decisions. Distinguished between key decisions made by officers and significant officer decisions. Significant officer decision rules moved to Officer Scheme of Delegation.	Housekeeping changes to reflect law and other parts of the constitution. To be approved at Council in May 2023.
4.3 Budget and Policy Framework Procedure Rules	Not reviewed – to be subject to review in 2023 to ensure consistency with Financial Procedure Rules, following consultation with new s.151 Officer.	Any changes to be recommended to July council.
4.4 Executive Procedure Rules	Amended in 2022.	No changes required.
4.5 Overview and Scrutiny Procedure Rules	Amendments made to reflect new scrutiny structure	Changes made following review by legal, scrutiny officer and member working group. To be approved at Council in May 2023.
4.6 Financial Procedure Rules	Amended in 2022	No changes required
4.6a Contract Procedure Rules	Amended in 2021 and 2022	No changes required
4.7 Officer Employment Procedure Rules	Significant re-drafting to reflect legislative requirements.	Housekeeping to reflect change in law and clarifying role of each committee for different types of chief officer. To be approved at Council in May 2023.
Part 5 – Ethical Framework		
5.1 Code of Conduct for Members	Model Code adopted in 2021	No changes required.
5.2 Code of Conduct for Clls Officers to Planning Licensing	To be reviewed with Planning Committee ToR once new planning committee chair appointed.	To be reviewed in 2023
5.3 Local code of conduct for employees	To be reviewed in 2023 – no particular issues, but would be good to review and consider best practice elsewhere.	To be reviewed in 2023
5.4 Member officer relations code	To be reviewed in 2023 – no particular issues, but would be good to review and consider best practice elsewhere.	To be reviewed in 2023

5.5 Whistleblowing code	Reviewed and amended in 2022	No changes required.
5.6 Monitoring Officer Protocol	To be reviewed in 2023	To be reviewed in 2023
5.7 Anti Fraud Corruption Strategy and Policy	To be reviewed in 2023 due to new head of service being in post.	To be reviewed in 2023
5.7.1 Anti Fraud Response Plan	To be reviewed in 2023 but likely to be removed from constitution as this should be an operational plan.	To be reviewed in 2023
5.7.3 Donation and sponsorship acceptance policy	To be reviewed in 2023 due to new s.151 officer and new head of internal audit being in post.	To be reviewed in 2023
5.8 Joint protocol of external auditors views.	To be reviewed in 2023 due to new s.151 officer and new head of internal audit being in post.	To be reviewed in 2023
5.9 Policy Statement on Corporate Governance	Reviewed and amended in 2021 to reflect CIPFA/SOLACE guidance. To be further reviewed as part of annual governance statement process.	To be reviewed in 2023
5.10 Guidance on housing and council tax benefits work	To be reviewed in 2023 to consider whether this needs to remain in constitution.	To be reviewed in 2023