

Agenda Item 43.

TITLE	Changes to the Constitution
FOR CONSIDERATION BY	Council on 22 September 2016
WARD	None Specific
LEAD OFFICER	Andrew Moulton, Head of Governance and Improvement Services

OUTCOME / BENEFITS TO THE COMMUNITY

Reviewing the Council's Constitution on a regular basis ensures that it is relevant and fit for purpose.

RECOMMENDATION

That Council agree the following changes to the Constitution as recommended by the Constitution Review Working Group:

- 1) a revised Chapter 3.6 – Filming and Recording Protocol as set out in Appendix A to the report;
- 2) designation of the Head of Governance and Improvement Services as the Officer responsible for the discharge of functions of Counting Officer at a Neighbourhood Plan Referendum.

SUMMARY OF REPORT

Chapter 1.1.4 of the Council's Constitution states that the Monitoring Officer will monitor and review the operation of the Constitution to ensure that its aims and principles are given full effect.

The report contains a revised Filming and Recording Protocol and a change to the Scheme of Delegation to Officers as agreed by members of the Constitution Review Working Group.

Background

Chapter 3.6 – Filming and Recording Protocol

1. A recent Ombudsman decision states that the Council's Filming and Recording Protocol relating to informal Council meetings i.e. neighbourhood forums, budget engagement sessions etc fails to accurately reflect relevant regulations and statutory guidance. As a result there is a need to widen the Constitutional version of the Filming and Recording Protocol to include all public meetings arranged by the Council. The opportunity has also been taken to ensure that the Protocol conforms to all relevant regulations and statutory guidance.

A copy of the revised Filming and Recording Protocol is set out in Appendix A.

Chapter 11.3 – Scheme of Delegation to Officers

2. Rule 11.3.3.2 Other Legislation

The Executive is due to consider an item relating to the Shinfield Neighbourhood Plan at its meeting on 29 September 2016. If the Plan is approved the next stage would be to hold a referendum of the electorate in Shinfield North and South wards. The referendum is due to be held later this year.

Under the Representation of the People Act 1983 Andrew Moulton, Head of Governance and Improvement Services, is designated as the Council's Returning Officer for all Borough, Town/Parish Council elections and any other relevant elections or referendums under that Act.

A neighbourhood plan referendum falls under a different set of regulations (Neighbourhood Planning (Referendums) Regulations 2012 and as this will be the first neighbourhood plan referendum that has been held in the Wokingham Borough there is a need to formally designate the Head of Governance and Improvement Services as the Counting Officer for Neighbourhood Plan Referenda.

It is therefore proposed to add the following designation to Rule 11.3.3.2:

Neighbourhood Planning (Referendums) Regulations 2012

The Officer responsible for the discharge of functions
of Counting Officer at a Neighbourhood Plan
Referendum

**Head of Governance
and Improvement
Services**

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	£0		
Next Financial Year (Year 2)	£0		
Following Financial Year (Year 3)	£0		

Other financial information relevant to the Recommendation/Decision
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There are no financial implications arising from this report.

Cross-Council Implications

None

List of Background Papers

The Council's Constitution Representation of the People Act 1983 Neighbourhood Planning (Referendums) Regulations 2012
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