

TITLE	Changes to the Constitution
FOR CONSIDERATION BY	Council on 17 November 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 the following changes to the Constitution, as recommended by the Constitution Review Working Group, be approved:

- 1) revisions to the Planning Committee Procedure Rules as set out in paragraph 1 of the report;
- 2) revisions to the Commons Registration Committee Procedure Rules as set out in paragraph 2 of the report;
- 3) appointment of the Borough Solicitor as the Commons Registration Officer and subsequent amendment of the Officer Scheme of Delegation as set out in paragraph 3 of the report.

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 revisions to the Planning Committee and Commons Registration Committee Procedure Rules and the Scheme of Delegation to Officers as agreed by members of the Constitution Review Working Group.

Background

SECTION 8 – REGULATORY AND OTHER COMMITTEES

Chapter 8.2 – Planning Committee Procedure Rules

1. A request has been received from the Chairman of the Planning Committee to review the speaking rights of objectors and Councillors at Planning Committee meetings. Councillor Holton, as Chairman of the Planning Committee, felt that speaking rights should be limited to people living in the relevant ward(s) or those being directly affected by an application. The following amendment, which has the agreement of Councillor Holton, is proposed:

8.2.5 Public Speaking Rights

The following to be added to the end of the second paragraph:

“Objectors and supporters, other than the applicant or their agent, must live within the ward(s) of the relevant application under consideration or be directly affected by the proposed development (or have been asked to speak by someone who meets either of these criteria). When registering to speak you must provide evidence of which of these criteria you are speaking under.”

8.2.7 Speaking by Members other than Committee Members

The following to be added to the end of the paragraph:

“If the Member who wishes to speak is not the relevant Ward Member they will need to provide evidence that he/she (or their residents) are directly affected by the proposed development.”

Chapter 8.8 – Commons Registration Committee and Chapter 11.3 – Scheme of Delegation to Officers

2. On 21 November 2013 Council adopted a procedure for dealing with applications for registration and de-registration of town or village greens under the Commons Act 2006. As part of this adoption the Head of Governance and Improvement Services was named as the lead Officer for dealing with such applications. The procedure that has to be followed, and the requirements of the Commons Act 2006, are very legalistic and many authorities therefore have a designated legally qualified Commons Registration Officer. Given the legalistic nature of the process the Head of Governance and Improvement Services therefore feels that it would be more appropriate if Mary Severin, Borough Solicitor, was designated as the Commons Registration Officer and thereby have authority to deal with all matters relating to the registration or de-registration of town or village greens under the Commons Act 2006.

It is therefore proposed to amend all references in Chapter 8.8 from “*Head of Governance and Improvement Services*” to “*Commons Registration Officer*”.

3. In addition it is proposed to amend 11.3.10.1 Further Delegation to the Borough Solicitor as follows:

“To carry out the role of Commons Registration Officer as set out in Chapter 8.8.”

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	Yes	
Next Financial Year (Year 2)	£0	Yes	
Following Financial Year (Year 3)	£0	Yes	

Other financial information relevant to the Recommendation/Decision

There are no financial implications arising from this report.

Cross-Council Implications

None

List of Background Papers

The Council's Constitution
 Report consider by Council on 21 November 2013 on "Adoption of Procedure for Dealing with Applications for Registration and De-registration of Town or Village Greens under the Commons Act 2006"
 Commons Act 2006

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