

# Agenda Item 79.

<b>TITLE</b>	<b>Changes to the Constitution</b>
<b>FOR CONSIDERATION BY</b>	Council on 23 February 2017
<b>WARD</b>	None Specific
<b>LEAD OFFICER</b>	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:

- 1) agree the following changes to the Constitution as recommended by the Constitution Review Working Group:
  - a) that Appendix A – Process for Appointing Independent Remuneration Panel Members be amended as follows:

*"1. Advert placed on the website etc and in the local newspaper if appropriate."*
  - b) that Rule 4.4.3.2d)iii) be amended as follows:

*"To review, revise as necessary and recommend adoption of the Risk Management Policy and Strategy to Executive when changes occur."*
  - c) that Rule 8.2.1 be amended as follows:

***"8.2.1 Meetings of the Planning Committee"***  
*The Planning Committee shall meet as scheduled in the Timetable of Meetings agreed by Council."*
- 2) note the Terms of Reference of the Constitution Review Working Group.

## 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 minor revisions to a number of areas in the Constitution which were agreed by the CRWG at their meeting on 11 January 2017. The report also includes an agreed Terms of Reference for the Working Group.

## **Background**

## **SECTION 2 – COUNCILLORS**

### **Appendix A – Process for Appointing Independent Remuneration Panel Members**

1. The Appendix currently states that an advert must be placed in the local newspaper. It is not always cost effective to place an advert in the local newspaper as we have found that people tend to become aware of a vacancy by looking on the Council's website or finding out via the Council's Twitter or Facebook feeds. There are occasions, as now when we need to recruit a new Panel, when it would be cost effective to place an advert. It is therefore proposed to provide the flexibility required by amending Appendix A as follows:

*"1. Advert placed **on the website etc and in the local newspaper if appropriate.**"*

## **SECTION 4 – THE COUNCIL MEETING**

2. A member of the public, who was under the impression that they could make a point of order at a recent Council meeting, felt that the Constitution was unclear on this matter. Rule 4.2.13.13 states that "a Member may raise a point of order at any time." The member of the public had asked for consideration to be given to including wording in the Constitution that states that either points of order from the public can be made or whether they are expressively prohibited.

3. The CRWG considered this request and also whether it would be appropriate to include a paragraph in the Constitution setting out public speaking rights. Following discussion of the matter the CRWG felt that it was quite clear in the Constitution that only Members could raise a point of order and decided it was not necessary to include any wording around public speaking rights as there was a likelihood that this would cause further ambiguity.

### **Chapter 4.4 – Committees of the Council – Audit Committee**

4. The Audit Committee considered the Risk Management Policy and Guidance, at its meeting held on 5 December 2016. At the meeting the Committee agreed that the CRWG be asked to consider amending its Terms of Reference so that the Committee and the Executive only have to review the Risk Management Policy and Strategy when changes occur.

5. The rationale for this change is that it will reduce the workload for both the Audit Committee and the Executive where there are no changes to review. The Audit Committee will still continue to have the opportunity to review and comment on the Corporate Risk Register at each meeting.

The following change is therefore proposed to Rule 4.4.3.2 d)iii):

*"To review, revise as necessary and recommend adoption of the Risk Management Policy and Strategy to Executive **when changes occur.**"*

## **SECTION 8 – REGULATORY AND OTHER COMMITTEES**

### **Chapter 8.2 – Planning Committee Procedure Rules**

6. The Planning Committee Procedure Rules currently state that “the Planning Committee shall meet every four weeks, as scheduled in the Timetable of Meetings, agreed by Council”. The Chairman of the Planning Committee and Planning Officers feel that it would be more efficient if Planning Committee meetings were held monthly. It is proposed that Planning Committee meetings will be held on the second Wednesday of each month which would also provide some consistency as interested parties, including Ward Members, Town and Parish Councils and developers would know exactly when forthcoming meetings were due to be held.

7. In order to provide flexibility if any further changes were made to the timings of Planning Committee meetings it is therefore proposed to amend the first sentence of Rule 8.2.1 as follows:

#### **8.2.1 Meetings of the Planning Committee**

*“The Planning Committee shall meet as scheduled in the Timetable of Meetings agreed by Council.”*

### **Terms of Reference of the CRWG**

8. During a recent audit, relating to the Council’s Compliance to the Constitution, it was found that the CRWG’s roles and responsibilities were not clearly defined. The CRWG therefore considered and agreed the Terms of Reference which are attached at Appendix A.

### **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**

There are no financial implications arising from this report.

### **Cross-Council Implications**

None

**List of Background Papers**

The Council's Constitution

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