

**SECTION 4
THE COUNCIL MEETING**

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CHAPTER 4.1 - POLICY FRAMEWORK AND FUNCTIONS OF THE COUNCIL

4.1.1 Policy Framework

The Council will approve the policy framework which comprises the following plans, policies and strategies:

- a) the Community Strategy;
- b) the Corporate Plan;
- c) the Children and Young People's Plan;
- d) the Youth Justice Plan;
- e) the Local Transport Plan 3;
- f) plans which together comprise the Local Development Framework e.g. Core Strategy Development Plan Document;
- g) the Housing Strategy;
- h) the Licensing Policy;
- i) the Gambling Act Statement of Principles;
- j) Community Care Strategic Overview;
- k) the Homelessness Strategy;
- l) the Sustainable Environment Strategy;
- m) the Economic Development Strategy.
- n) the Joint Health and Wellbeing Strategy

The Council shall also consider adopting any proposed modifications to these plans, policies and strategies.

The Council shall also consider for adoption any other plans or strategies which it considers should form part of the Policy Framework or which the Executive or a Committee or Sub-Committee at its discretion may refer to it for adoption.

4.1.2 Budget

The budget includes the balances, the budget timetable, the allocation of financial resources to different services and projects, proposed contingency funds, the Council Tax base, setting the Council Tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits. As part of this process, Council will be required to approve the following plans and strategies:

- a) Medium Term Financial Plan including the Annual Revenue Budget and Housing Revenue Account;
- b) Capital Strategy;
- c) Treasury Management Strategy including receiving reports on treasury management policies; practices and activities, including as a minimum, an annual strategy and plan in advance of the year, a mid-year review and an annual report after its close, in the form prescribed in Treasury Management Practices.

4.1.3 Functions of the Council

Only the Council will exercise the following functions:

- a) adopting and changing the Constitution, subject to amendments being made to Chapter 1.3 by the Democratic Services Manager as a result of changes being made to the Council's Management Structure;
- b) adopting the policy framework, the budget and any application to the Secretary of State in respect of any Housing Land Transfer;
- c) subject to the urgency procedure contained in the Access to Information Procedure Rules in Chapter 3.2 of this Constitution, making decisions about any matter in the discharge of an Executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;
- d) appointing and removing the Leader;
- e) agreeing and/or amending the terms of reference for the Executive or Committees, deciding on their composition and making appointments to them subject to in-year changes to Committee Membership, a substitution of one member of a political group by another member of the same group as agreed at the previous Annual Council meeting, being notified to the Democratic Services Manager in writing by either the Leader of the appropriate Political Group or the relevant Political Assistant. Any such change will become effective at the next Committee meeting or within 14 days whichever is the later;
- f) appointing representatives to outside bodies unless the appointment is an Executive function or has been delegated by the Council;
- g) adopting a Members' allowances scheme and any changes to it;
- h) changing the name of the Borough;

- i) confirming the appointment of the Head of Paid Service;
- j) entering into, ceasing or amending, joint arrangements with other local authorities for the discharge of functions;
- k) making standing orders (referred to in this document as Council Rules of Procedure);
- l) making standing orders as to the regulation of the Council's finances and contracts;
- m) appointing Officers for particular purposes ("Proper Officers" – see Chapter 11.3);
- n) designating an Officer as the Head of the authority's Paid Service and providing staff;
- o) adopting the Members' Code of Conduct and any subsequent amendments to it;
- p) agreeing the Council's Annual Timetable of Meetings. The following process will be adopted for any in-year changes to the timetable;

The Chairman of the relevant committee, sub committee, board, panel or working group may make any adjustment to the date or time of a meeting provided he/she has notified the appropriate Democratic Services' Officer who will consult with the Vice Chairman and an Opposition Member of the Committee. The change of date will then be communicated to the other members of the Committee and published on the Council's website;

- q) to appoint members of the Health Overview and Scrutiny Committee to a statutory joint health select committee to consider and respond to proposals from a responsible person (as detailed in the regulations below) for the development or variation in health services that affect more than one local authority area including Wokingham Borough, as required under The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013;
- r) the sale or purchase of any shares.

4.1.4 Council Meetings

There are four types of Council meeting:

- a) the annual meeting;
- b) ordinary meetings;
- c) extraordinary meetings;
- d) the Budget meeting.

and they will be conducted in accordance with the Council Procedure Rules in [Chapter 4.2](#) of this Constitution.

4.1.5 Responsibility for Functions

The Council will maintain tables in Chapter 11.2 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Executive.

CHAPTER 4.2 – COUNCIL RULES OF PROCEDURE

Application of Rules of Procedure to Committees and Sub-Committees

All of the Council Rules of Procedure apply to meetings of the Council and its Committees and Sub-Committees.

None of the Rules apply to meetings of the Executive, which is governed by separate Procedure Rules set out in Chapter 5.4.

The following rules apply to meetings of the Council **ONLY**:

4.2.1 - 4.2.2	Business at Ordinary and Annual meeting;
4.2.10.9	Ward Matters
4.2.19	Petitions
4.2.20.1	Standing to speak
4.2.23	Statements by the Leader of the Council and Executive Members.

References to the terms of Mayor and Deputy Mayor within the Council Rules of Procedure apply to meetings of the Council only. The terms Chairman and Vice Chairman apply to meetings of Committees, Sub-Committees and Boards.

General Rules Governing Council, Committees and Sub-Committees (subject to the provisions set out above.)

4.2.1. Annual Meeting of The Council

4.2.1.1 Timing and Order of Business

In a year when there is an ordinary election of Councillors, the Annual meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the Annual Meeting will take place in May. No Motions can be dealt with at the Annual Meeting of the Council except for Motions of No Confidence in the Leader as set out in [rule 4.2.11.2](#)

Except as provided by [Rule 4.2.2.1](#), the order of business at the Annual Meeting will be:

- a) to elect a person to preside if neither the Mayor nor Deputy Mayor are present. In that event, the Chief Executive, or duly authorised officer, will invite nominations for a Member to take the Chair;
- b) to elect the Mayor;
- c) to deal with any business required by statute to be dealt with before any other business
- d) to elect the Deputy Mayor;
- e) to approve the minutes of the last meeting;
- f) to receive any apologies for absence;

- g) to receive any declarations of interest;
- h) to receive the Returning Officer's Return of Councillors elected;
- i) to receive any urgent announcements from the Mayor or Head of the Paid Service;
- j) to elect the Leader of the Council (if applicable) and receive notification from the Leader of his/her Deputy and the remainder of the Members appointed to the Executive, the scope of their respective portfolios and the terms of delegation to them and Officers if applicable. The Leader of Council / Executive Members will be allowed to speak for up to 10 minutes in total. The Leader of the Opposition will be allowed to speak for up to 5 minutes;
- k) to deal with any questions from the public in accordance with [Rule 4.2.9](#);
- l) to receive petitions presented under [Rule 4.2.19](#)
- m) to receive and deal with any urgent recommendations from the Executive;
- n) to consider any items that by statute have to be taken at this meeting;
- o) to agree the scheme of delegation to Committees, Boards and Officers and any other proposed changes to the Constitution;
- p) to deal with any questions submitted by Members in accordance with [Rule 4.2.10](#);
- q) to allocate seats to political groups in accordance with the political balance regulations;
- r) to appoint at least one Scrutiny Committee, a Standards Committee and such other Committees and Boards as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Executive functions. [The Chairman and Vice Chairmen of these Committees and Boards will be appointed for the following Municipal Year at extraordinary meetings of each Committee/Board which will be held immediately after Annual Council];
- s) to decide the size and terms of reference of those Committees and Boards;
- t) to appoint Members to those Committees and Boards;
- u) to appoint Members to serve on Panels and working groups;
- v) to appoint Members to outside bodies, except where appointment to those bodies has been delegated by the Council;

4.2.2 Ordinary Meetings

4.2.2.1 Timing and Order of Business

Ordinary meetings of the Council will take place in accordance with a programme decided by the Council. In determining that programme, the Council will set aside the February meeting to deal with the Budget. Other than statutory business, recommendations from the Executive, Public Questions, receipt of petitions and motion of No Confidence in the Leader, no other business will be conducted at this meeting. The four budget reports (Housing Revenue Account, Capital Programme and Strategy, Treasury Management Strategy and Medium Term Financial Plan and Revenue Budget Submission) will be taken as one agenda item and a period of 1½ hours will be allowed for debating this item

Except as provided by [Rule 4.2.2.1](#), the order of business at Ordinary meetings will be:

- a) to elect a person to preside if neither the Mayor nor the Deputy Mayor are present. In that event, the Chief Executive, or duly authorised officer, will invite nominations for a Member to take the Chair;
- b) to deal with any business required by statute to be dealt with before any other business;
- c) to approve the minutes of the last meeting;
- d) to receive any apologies for absence;
- e) to receive any declarations of interest;
- f) to receive any announcements from the Mayor or the Head of Paid Service;
- g) to deal with any questions from the public in accordance with [Rule 4.2.9](#);
- h) to receive petitions presented under [Rule 4.2.19](#);
- i) debating a petition
- j) to deal with any business remaining from the last Council meeting excluding Motions which will be dealt with under item (s) below;
- k) to receive and deal with reports by Officers;
- l) to receive and deal with recommendations from the Executive;
- m) to consider any recommendations to the Council from Committees and Boards;
- n) to deal with any questions submitted by Members in accordance with [Rule 4.2.10](#);
- o) to receive Minutes of Committees and Sub-Committees and to deal with Ward matters, subject to the provisions of [Rule 4.2.10.9](#);
- p) to consider any statements by the Leader of the Council, Executive Members and Deputy Executive Members;

- q) to receive statements from the Council Owned Companies;
- r) to receive any reports about and deal with questions and answers on the business of joint arrangements and external organisations;
- s) to consider motions.

4.2.2.2 Change to Order of Business

The business listed in Rule of Procedure [Rule 4.2.1.1](#) (a) to (g) and [Rule 4.2.2.1](#) (a) to (e) must be dealt with first but subject to that the order of business may be varied:-

- a) by the Mayor at his/her discretion
- b) by a resolution passed on motion (which need not be in writing), duly moved and seconded, which shall be moved and put without discussion.

4.2.3 Extraordinary Meetings

4.2.3.1 Calling Extraordinary Meetings

Those listed below may request the Chief Executive to call an Extraordinary meeting of the Council:-

- a) the Council by resolution;
- b) the Mayor;
- c) the Monitoring Officer; and
- d) any five Members of the Council if they have signed a request presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the request. This request must state the reason the meeting is being called. Such a meeting shall take place on a date and time no later than 12 working days after the date on which the meeting was requested.

4.2.3.2 Business

The business to be conducted at an extraordinary meeting of the Council shall be a single item only, unless exceptionally agreed by the Mayor and there shall be no consideration of previous minutes of either the Council, its Committees or Boards, nor reports.

Public questions will only be accepted at an extraordinary meeting of the Council if they relate to the item due to be discussed at that meeting.

No Petitions or Motions will be accepted at an extraordinary meeting.

4.2.4 Time and Place of Meetings

The time and place of meetings will be in accordance with a programme decided by the Council and will be notified in the summons for each meeting.

4.2.5 Notice of and Summons to Meetings

The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear working days before a meeting, not including the day of the meeting or the day of dispatch, the Chief Executive will dispatch a summons signed by him/her to every Member of the Council in hard copy or electronically. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by the Minutes of the previous Ordinary, Extraordinary or Annual meeting and reports relating to Agenda items.

4.2.6 Chairman of Meeting

The person presiding at the meeting may exercise any power or duty of the Mayor. Where these Rules apply to Committee and Board meetings, references to the Chairman also include the Chairman of Committees and Boards.

4.2.7 Quorum

Except where more than one third of the whole number of Members of the Council have become disqualified at the same time (where special provisions apply), the quorum of a meeting will be one quarter of the whole number of Members or three, whichever is the greater. During any meeting if the Mayor/Chairman counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor/Chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

If there is no Quorum at the published start time for the meeting, a period of no more than 10 minutes will be allowed. If there remains no quorum at the expiry of this period, the meeting will be declared null and void. In this situation the provisions of the above paragraph shall apply regarding business to be considered.

4.2.8 Duration of Meeting

Unless the majority of Members present vote for the meeting to continue, any meeting that has not concluded by 10.30pm will adjourn immediately. In respect of the Annual Council Meeting the conclusion time at which the meeting will adjourn is 9.00pm. If, once a Motion to continue the meeting under [Rule 4.2.12\(m\)](#) has been proposed and seconded, (which can only be done up to 30 minutes before the conclusion time of the meeting) the majority of Members present vote to continue, the meeting will continue for a further period not exceeding 30 minutes from the specified conclusion time of the meeting ie until 11.00pm or 9.30pm for Annual Council. Remaining business will be considered at a time and date fixed by the Mayor/Chairman. This does not include motions, which will be deemed to have fallen if time does not permit consideration of them, see [Rule 4.2.8.1](#). If the Mayor/Chairman does not fix a date, the remaining business will be considered at the next ordinary meeting, unless there is agreement between the Group Leaders that there are no matters for decision outstanding.

4.2.8.1 Consideration of motions

If at the time the meeting is due to conclude, be it 10.30pm or 11.00pm, a Motion is under discussion, the debate on that Motion will cease immediately and the Mayor will put the Motion to the vote without further discussion.

If a Motion listed on the Agenda has not been moved it will be deemed to have fallen and will not be further considered unless it is re-submitted at the next meeting.

4.2.9 Questions by the Public

4.2.9.1 General

At ordinary meetings of the Council a resident or person who works in the Wokingham Borough may ask one question of a Member of the Executive, a Deputy Executive Member, the Chairman of a Council Committee or Board or the Council's appointed representative on an outside organisation. Where the Council has appointed more than one Member to a particular organisation, the questioner will nominate the Member he/she wishes to provide the answer, and state this in the question.

Public questions will only be accepted at an extraordinary meeting of the Council if they relate to the item due to be discussed at that meeting.

No questions may be asked at meetings of the Planning Committee.

The total time allotted to questions from the public will be limited to 30 minutes.

4.2.9.2 Order of Questions

Questions will be asked in the order they were received, except that the Mayor/Chairman may group together similar questions at his/her discretion.

4.2.9.3 Notice of Question

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Chief Executive by no later than 10.00 am on the seventh working day prior to the meeting in question (excluding the day of the meeting). Each question must give the name and contact details of the questioner and, in relation to questions to be put at the Council meeting, must name the Member of the Council to whom it is to be put.

Questions relating to urgent matters may be submitted in writing to the Democratic and Electoral Services Lead Specialist by no later than 10.00am on the working day before the meeting, and must receive the consent of the Mayor or Chairman of the relevant Committee and Member to whom the question is to be put. Questions of this nature may only relate to urgent issues which have arisen after the publication of the Agenda.

Questions put at Committee and Board meetings will usually be answered by the Chairman of the Committee or Board, or, in the Chairman's absence, by another Member designated by the Chairman.

A question may be submitted on a matter included in the Public Session of a particular meeting's Agenda, (except in relation to 'business' matters such as approval of the minutes) provided that notice to this effect is received by the Chief Executive by no later than 10.00am on the working day prior to the day of the meeting.

4.2.9.4 Number of Questions

At any one meeting no person may submit more than one question.

4.2.9.5 Scope of Questions

The Chief Executive and/or Mayor/Chairman may reject a question if it:

- a) is not about a matter for which the local authority has a responsibility or which affects the Borough;

- b) is defamatory, frivolous or offensive;
- c) is substantially the same as a question which has already been put at the meeting or at a meeting of the Council in the past six months; or
- d) requires the disclosure of confidential or exempt information.

Questions will not be accepted if they relate to a planning or licensing application before it has been determined by the Planning or Licensing and Appeals Committee or by Officers under delegated powers, and no questions of any description may be asked at the Planning Committee.

If a question is rejected a response will be given to the questioner setting out the reasons for the rejection.

4.2.9.6 Record of Questions

The Chief Executive will compile a list of questions submitted which will be open to public inspection and will immediately send a copy of the question to the Member to whom it is to be put. Copies of all questions will be circulated to all Members, will be made available to the public attending the meeting and set out in the Agenda. Details of all questions and answers will also be recorded in the Minutes of the meeting.

4.2.9.7 Asking the Question at the Meeting

At the appropriate time, the Mayor/Chairman will invite the questioner to put the question to the Member named in the notice. If a questioner who has submitted a written question is unable to be present, he/she may nominate a person who is not already asking a question to put the question on his/her behalf. Alternatively the Mayor/Chairman may put the question on their behalf, or may indicate that a written reply will be given.

4.2.9.8 Supplementary Question

A questioner who has put a question in person may also put one supplementary question without notice to the Member who has replied to his/her original question but must not include any substantial new subject matter. A supplementary question must arise directly out of the original question or the reply. The Mayor/Chairman may reject a supplementary question on any of the grounds in [Rule 4.2.9.5](#) or if he/she feels that new subject matter is being introduced.

No person asking a supplementary question shall speak for longer than one minute. If the Mayor/Chairman considers that the questioner is making a statement he/she may rule that the questioner be not heard further.

4.2.9.9 Written Answers

Any question which cannot be dealt with during public question time, either because of lack of time, because of the non-attendance of the Member to whom it was to be put or because the Member answering the Question requires further information not available at the time, will be deemed to have been put, and shall be the subject of a written reply within seven working days to the person asking the question. The answer shall also be recorded in the Minutes of the meeting.

If the Mayor deems it appropriate, in the absence of the Member to whom a question was to be put, the question can be put to the Leader of the Council.

4.2.9.10 Reference of Question to the Executive or a Council Committee or Board

Unless the Mayor/Chairman decides otherwise, no discussion will take place on any question, but any Member may move that a matter raised by a question be referred to the

Executive or the appropriate Committee or Board. Once seconded, such a motion will be voted on without discussion.

4.2.9.11 Response

An answer may take the form of:

- a) a direct oral answer;
- b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- c) where the reply cannot conveniently be given orally, (including where such an answer would require the disclosure of exempt information) a written answer circulated later to the questioner within seven working days, and included in the Minutes of the relevant meeting.

No person answering a question shall speak for longer than two minutes.

4.2.9.12 Exempt Information

The provisions of this Rule shall not require the disclosure of any exempt information as defined in paragraphs 1 to 7 of Part I of Schedule 12A of the Local Government Act 1972 as amended.

4.2.10 Questions by Members

4.2.10.1 On reports of the Executive, Committees or Boards to Council

A Member of the Council may ask a Member of the Executive, a Deputy Executive Member, the Chairman of a Council Committee or Board or the Council's representative on an outside organisation any question without notice upon an item of the report or recommendation of the Council or a Council Committee or Board when that item is being received or under consideration by the Council. Where the Council has appointed more than one Member to a particular organisation, the questioner will nominate the Member he/she wishes to provide the answer, and state this in the question.

4.2.10.2 Questions on Notice at Council

Subject to [Rule 4.2.10.4](#), a Member of the Council may ask a Member of the Executive, a Deputy Executive Member, the Chairman of any Committee or Board, the Council's representative on an outside organisation one question on any matter in relation to which the Council has powers or duties or which affects the Borough. Where the Council has appointed more than one Member to a particular organisation, the questioner will nominate the Member he/she wishes to provide the answer, and state this in the question.

4.2.10.3 Questions on Notice at Committees and Sub- Committees

Subject to [Rule 4.2.10.4](#), a Member of the Council may ask the Chairman of a Committee or Board one question on any matter in relation to which the Council has powers or duties or which affects the Wokingham Borough and which falls within the terms of reference of that Committee or Board.

No questions may be submitted at meetings of the Planning Committee.

4.2.10.4 Notice of Questions

A Member may only ask a question under [Rule 4.2.10.2](#) or [4.2.10.3](#) if either

- a) they have sent a copy of the question to the Chief Executive by 10.00am on the seventh working day prior to the meeting (excluding the day of the meeting); or
- b) if, in the Mayor/Chairman's opinion, the question relates to an urgent matter, they have the consent of the Mayor/Chairman of the meeting and Member to whom the question is to be put, and the content of the question is given to the Chief Executive by 10.00am on the working day prior to the meeting. Questions of this nature may only relate to an urgent issue which has arisen since the publication of the Agenda.

In addition, Members of the Council may submit one question on a matter included in a particular meeting's Agenda (except in relation to the approval of the Minutes and other business matters) provided that notice to this effect is received by the Chief Executive by no later than 10.00am on the working day prior to the meeting.

Where a Member is unable through absence to put a question, the question shall be deemed to have been put and an answer given which will be recorded in the Minutes of the meeting.

All questions processed in (a) above shall be listed in full on the agenda for the meeting of the Council in the order in which they are to be put. Questions shall be dealt with in the order they are received.

4.2.10.5 Scope of Questions

The Chief Executive and/or Mayor/Chairman may reject a question if it:

- a) is not about a matter for which the local authority has a responsibility or which affects the Borough;
- b) is defamatory, frivolous or offensive;
- c) is substantially the same as a question which has been put at the meeting or at a meeting of the Council in the past six months; or
- d) requires the disclosure of confidential information.

Questions will not be accepted if they relate to a planning application before it has been determined by the Planning Committee or by Officers under delegated powers, and no questions of any description may be asked at the Planning Committee.

Rejected questions will include reasons for rejection.

Member questions relating to Part 2 (containing exempt information) reports will be taken immediately after the meeting has resolved to exclude the press and public. A full written answer will be circulated to the questioner, with a summary in the Minutes. Other than these special provisions, the normal rules relating to the submission of, and answer to, the question, will apply.

4.2.10.6 Response

An answer may take the form of:

- a) a direct oral answer;
- b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- c) where the reply cannot conveniently be given orally, (including where such an answer would require the disclosure of exempt information) a written answer circulated later to the questioner within seven working days of the meeting, and included in the Minutes of the meeting.

No person answering a question shall speak for longer than two minutes.

4.2.10.7 Supplementary Question

A Member asking a question under [Rule 4.2.10.2](#) or [4.2.10.3](#) may ask one supplementary question without notice of the Member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply and must not introduce any new subject matter. The Mayor/Chairman may reject a supplementary question on any of the grounds in [Rule 4.2.10.5](#).

No person asking a supplementary question shall speak for longer than one minute. If the Mayor/Chairman considers that the questioner is making a statement he/she may rule that the questioner be not further heard.

4.2.10.8 Length of Question Time

The time allotted to questions submitted under Notice, including those relating to urgent issues, shall not exceed thirty minutes for Full Council Meetings and twenty minutes for all other Committees. Any questions not answered within the allotted time shall be the subject of a written reply within seven working days to the questioner and the reply shall be recorded in the Minutes of the Meeting.

4.2.10.9 Questions in Relation to the Minutes of Committee and Board meetings and Ward Matters

Immediately following the questions dealt with in accordance with [Rule 4.2.10.2](#), a Member may indicate to the Mayor/Chairman that he/she wishes to ask an Executive Member, a Deputy Executive Member or the Chairman of a Committee or Board a question in relation to minutes of any of the Council's Committee and Board meetings which have taken place since the last Council Meeting or a Ward matter.

Prior to a Council Meeting Members will be provided with a volume of minutes of the Council's Committee and Board Meetings which have been held six weeks prior to the Council Meeting. This will not prohibit Members from asking questions of Minutes of Meetings held since the last Council Meeting.

The time allotted to questions about Minutes and Ward matters shall not exceed twenty minutes.

Questions relating to Ward Matters must relate to a single issue affecting that Ward and should not relate to those that may have been raised within a Member's Ward but relate to a Borough-wide issue. In all cases the Mayor's ruling as to which questions to accept will be final.

Questions shall be taken by the Mayor in the order in which he/she has noted an indication and no supplementary question shall be permitted. However, a Member may indicate to ask more than one question. All first questions will be answered before Members' second and further questions are dealt with.

When an answer cannot be provided at the meeting (including where such an answer would require the disclosure of exempt information) a written response will be sent to the questioner with seven working days of the meeting and included in the Minutes of the meeting.

4.2.11 Motions on Notice

4.2.11.1 Notice

Except for motions which can be moved without notice under [Rule 4.2.12](#), written notice of every Motion, signed by the Member of the Council giving the notice must be delivered to the Chief Executive no later than 10.00am on the seventh working day before the meeting (excluding the day of the meeting). These will be dated and numbered in the order which they are received and will be open to public inspection.

Only one Motion which should contain no more than 350 words may be submitted per Member per meeting. For the purposes of this Rule, e-signatures will be acceptable.

4.2.11.2 Motion of No Confidence

Motions of no confidence in the Leader must be signed by ten Members and must be delivered to the Chief Executive no later than 10.00am on the seventh working day before the meeting (excluding the day of the meeting).

The wording of the Motion shall be "That this Council has no confidence in the Leader" No amendments will be allowed to the Motion at the meeting where the matter is discussed.

Motions of no confidence can be accepted at any Council meeting, including Annual and Budget Council meetings.

If following a Motion of no confidence the majority of Members of the Council vote to remove the Leader a Motion, under [Rule 4.2.12u](#), to nominate a new Leader may be moved without notice. If a Motion to nominate a new Leader is not moved then the election of the Leader of Council will take place at the next Council meeting.

4.2.11.3 Motion set out in Agenda

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the Member giving notice states, in writing, that they propose to move it at a later meeting or withdraw it.

Motions shall be dealt with in order they are received.

A maximum period of 30 minutes will be allowed for each Motion to be moved, seconded and debated, including dealing with any amendments. At the expiry of the 30-minute period debate will cease immediately, the mover of the Motion or amendment will have the right of reply before the Motion or amendment is put to the vote.

4.2.11.4 Scope

Motions must be about matters for which the Council has a responsibility or which affect the Wokingham Borough.

Motions will be rejected if:

- a) they are not matters the Council has responsibility for or affect the Borough;
- b) they are defamatory, frivolous or offensive;
- c) they are substantially the same as a Motion considered at the meeting or at a meeting of Council in the last 6 months.

4.2.12 Motions Without Notice

The following Motions may be moved without notice:

- a) to appoint a Mayor/Chairman of the meeting at which the Motion is moved;
- b) in relation to the accuracy of the Minutes;
- c) to change the order of business in the agenda;
- d) to refer something to an appropriate body or individual;
- e) to appoint a Committee or Member body arising from an item on the summons for the meeting;
- f) to receive reports or adopt recommendations of Committees or Officers and any resolutions following from them;
- g) to withdraw a Motion;
- h) to amend a Motion;
- i) to proceed to the next business in accordance with [Rule 4.2.13.12](#);
- j) that the question be now put in accordance with [Rule 4.2.13.12](#);
- k) to adjourn a debate in accordance with [Rule 4.2.13.12](#);
- l) to adjourn a meeting in accordance with [Rule 4.2.13.12](#);
- m) to continue the meeting beyond 10.30pm in accordance with Procedure [Rule 4.2.8](#);
- n) to suspend a particular Rule of Procedure, subject to the provisions of Procedure [Rule 4.2.25](#);
- o) to exclude the public and press in accordance with the Access to Information Rules in Chapter 3.2;

- p) that a Member named under [Rule 4.2.20.3](#) be excluded from the meeting under [Rule 4.2.20.4](#);
- q) to extend the time limit for speeches;
- r) to carry out a statutory duty which in the opinion of the Mayor/Chairman is urgent;
- s) that a Motion, amendment or business of an objectionable nature be not entertained or permitted. The proposer of a Motion on these grounds must state the reasons he/she considers the Motion, amendment or business to be objectionable. The Mayor/Chairman will make a ruling on whether to allow the Motion to be put, having regard to any advice given by the Chief Executive and Monitoring Officer;
- t) to request a ballot in accordance with Procedure [Rule 4.2.15.4](#);
- u) to nominate a new Leader (following a vote by the majority of the Members of the Council to remove the Leader).

4.2.13 Rules Of Debate

4.2.13.1 No Speeches Until Motion Seconded

No speeches, including the proposer's actual speech may be made until the Motion has been proposed and seconded.

After a Motion has been proposed, seconded and the proposer has made his/her speech the Mayor will ask if any Member wishes to speak against the Motion. If no one wishes to speak against the Motion then the Mayor will put the matter to the vote.

4.2.13.2 Right to Require Motion in Writing

Unless notice of the Motion has already been given, the Mayor/Chairman may require it to be written down and circulated before it is proposed.

4.2.13.3 Secunder's Speech

When seconding a Motion or amendment, a Member may reserve their speech until later in the debate.

4.2.13.4 Content and Length of Speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech, except with the consent of the Council under [Rule 4.2.12g](#), may exceed 3 minutes except in the case of

- a) a Member proposing a Motion who shall speak for no more than 5 minutes;
- b) the Leader of the Council or an Executive Member making a statement at Council who shall speak for no more than 5 minutes.
- c) at the Budget Council meeting the Leader of the Council and the Leader of the Opposition shall speak for no more than 12 minutes each on the budget agenda item. The Leader of the Council will also have the opportunity to exercise his / her right of reply as set out in [Rule 4.2.13.5](#)

4.2.13.5 When a Member May Speak

A Member who has spoken on a Motion may not speak again whilst it is the subject of debate, except:

- a) to speak once on an amendment moved by another Member;
- b) to move a further amendment if the Motion has been amended since he/she last spoke;
- c) if his/her first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- d) in exercise of a right of reply;
- e) on a point of order;
- f) by way of personal explanation;
- g) to move a Motion under [Rule 4.2.13.11](#) (Motions which can be moved during debate.)

4.2.13.6 Right of Reply

- a) The mover of a Motion has a right to reply at the end of the debate on the Motion, immediately before it is put to the vote.
- b) If an amendment is moved, the mover of the original Motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- c) The mover of the amendment has no right of reply to the debate on his/her amendment.

4.2.13.7 Amendments to Motions

- a) An amendment to a Motion must:
 - i) be relevant to the Motion;
 - ii) not negate the meaning of the Motion;
- b) An amendment to a Motion can:
 - i) omit words;
 - ii) add words; or
 - iii) refer the matter to an appropriate body or individual for consideration or reconsideration.
- c) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- d) If an amendment is not carried, other amendments to the original motion may be moved.
- e) If an amendment is carried, the Motion as amended takes the place of the original Motion. This becomes the substantive Motion to which any further amendments are moved.
- f) After an amendment has been carried, the Mayor/Chairman will read out the amended Motion before accepting any further amendments, or if there are none or following the expiry of the 30-minute time limit, put it to the vote as the substantive Motion.

4.2.13.8 Alteration of Motion

- a) A Member may alter a Motion of which he/she has given notice with the consent of the meeting. The Mayor/Chairman may require the alteration to be written down and circulated before the consent of the meeting is sought. The consent will be signified by simple majority.
- b) A Member may alter a Motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified by simple majority.

- c) Only alterations which could be made as an amendment may be made.

4.2.13.9 Withdrawal of Motion

A Member may withdraw a Motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified by simple majority. No Member may speak on the Motion after the mover has asked permission to withdraw it unless permission is refused by the Mayor/Chairman.

4.2.13.10 Proposal by Another Member

Where a Member is unable through absence to propose a Motion of which he/she has given notice, that Motion may be proposed by another Member, provided that the Member who gave notice of the Motion has confirmed in writing to the Mayor/Chairman the name of the Member to whom the Motion has been delegated.

4.2.13.11 Motions Which May be Moved During Debate

When a Motion is under debate, no other Motion may be moved except the following procedural motions:

- a) to withdraw a Motion;
- b) to amend a Motion;
- c) Closure Motions in accordance with [Rule 4.2.13.12](#)
- d) that the meeting continue beyond 10.30pm;
- e) to exclude the public and press in accordance with the Access to Information Rules;
- f) to not hear further a Member named under Rule [4.2.20.3](#) or to exclude them from the meeting under Rule [4.2.20.4](#);
- g) to extend the time limit for speeches;
- h) To suspend a particular Rule of Procedure in accordance with Rule [4.2.25.1](#)

4.2.13.12 Closure Motions

- a) A Member may move, without comment, the following motions at the end of a speech of another Member:
 - i) to proceed to the next business;
 - ii) that the question be now put;
 - iii) to adjourn a debate; or
 - iv) to adjourn a meeting.
- b) If a motion to proceed to next business is seconded and the Mayor/Chairman thinks the item has been sufficiently discussed, he/she will put the closure Motion to the vote. If it is passed he/she will give the mover of the original Motion a right of reply before putting his/her Motion to the vote.

- c) If a Motion that the question be now put is seconded and the Mayor/Chairman thinks the item has been sufficiently discussed, he/she will put the closure Motion to the vote. If it is passed he/she will give the mover of the original Motion a right of reply before putting his/her Motion to the vote.
- d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor/Chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the closure motion to the vote without giving the mover of the original motion the right of reply. Subject to [Rule 4.2.8.1](#), unless the Mayor/Chairman specifies a date on which the Council will reconvene, any outstanding business will automatically stand referred to the next ordinary meeting of the Council.

4.2.13.13 Point of Order

A Member may raise a point of order at any time. The Mayor/Chairman will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The Member must indicate the Rule or law and the way in which he/she considers it has been broken. The ruling of the Mayor/Chairman on the matter will be final.

4.2.13.14 Personal Explanation

A Member may make a personal explanation at any time or may stand to declare an interest. A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood in the present debate. The ruling of the Mayor/Chairman on the admissibility of a personal explanation will be final.

4.2.13.15 Responses by Officers

During the course of a debate, an Officer may be asked, through the Mayor/Chairman, to give a simple factual point of explanation, upon which there shall be no debate.

4.2.14 Previous Decisions and Motions

4.2.14.1 Motion to Rescind a Previous Decision

A Motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of Motion is signed by at least a quarter of the Members of the Council.

4.2.14.2 Motion Similar to One Previously Rejected

A Motion or amendment in similar terms to one that has been rejected at a meeting of the Council in the past six months cannot be moved unless the notice of Motion or amendment is signed by at least a quarter of the Members of the Council. Once the Motion or amendment is dealt with, no one can propose a similar Motion or amendment for six months. Motions in these terms may only be proposed in relation to items of business on the published Agenda.

A Motion relating to the removal of the Leader if having been brought and rejected within the previous two months, would require to be signed by twice as many Members as the previous occasion.

4.2.14.3 Ruling of the Mayor/Chairman

The ruling of the Mayor/Chairman as to whether any Motion or amendment comes within the terms of [Rule 4.2.14.1](#) and [Rule 4.2.14.2](#) above shall be final and accepted without discussion.

4.2.14.4 Exemptions

[Rule 4.2.14.1](#) and [Rule 4.2.14.2](#) shall not apply to:

- a) decisions of the Regulatory Committees
- b) a Motion to carry out any statutory duty of the Council which, in the opinion of the Mayor/Chairman, is of an urgent nature.

4.2.15 Voting

4.2.15.1 Majority

Unless the Constitution or any statutory provision provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put.

The Mayor/Chairman shall ascertain the numbers voting for or against any question and his/her decision as to the result shall be conclusive.

4.2.15.2 Mayor/Chairman Casting Vote

If there are an equal numbers of votes for and against any matter, the Mayor/Chairman will have a second or casting vote. There will be no restriction on how the Mayor/Chairman chooses to exercise a casting vote.

4.2.15.3 Show of Hands

Unless a ballot or recorded vote is demanded under [Rules 4.2.16.4](#) and [4.2.16.5](#), the Mayor/Chairman will take the vote by a show of hands, or if there is no dissent, by the affirmation of the meeting.

4.2.15.4 Ballots

The vote will take place by ballot if the majority of Members present at the meeting pass a Resolution under Procedure [Rule 4.2.12t](#). The Mayor/Chairman will announce the numerical result of the ballot immediately the result is known.

4.2.15.5 Recorded Vote

If six Members present at the meeting request it before the vote is taken, the names for and against the Motion or amendment or abstaining from voting will be recorded in the Minutes. A request for a recorded vote will override a request for a ballot.

A recorded vote will be required on any business relating to approving the budget, setting the council tax or issuing precepts.

4.2.15.6 Right to Require Individual Vote to be Recorded

Where any Member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

4.2.15.7 Voting on Appointments

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

4.2.16 Minutes

4.2.16.1 Signing the Minutes

The Mayor/Chairman will sign the minutes of the proceedings at the next suitable meeting. The Mayor/Chairman will move that the minutes of the previous meeting be signed as a correct record. Only the accuracy of the Minutes may be raised and this may only be done by a Motion which shall propose a change in wording which must be provided in writing to the Mayor/Chairman.

4.2.16.2 No Requirement to Sign Minutes of Previous Meeting at Extraordinary Meeting

Where in relation to any meeting, the next meeting is an extraordinary meeting, then the next following ordinary meeting will be treated as a suitable meeting for the purpose of signing of minutes.

4.2.17 Record of Attendance

The Chief Executive or his/her representative will keep a record of Members' attendance at meetings.

4.2.18 Exclusion of Public

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Chapter 3.2 of this Constitution or [Rule 4.2.21](#) (Disturbance by Public).

4.2.19 Petitions

4.2.19.1 General

Every petition shall be relevant to some matter in relation to which the Council has powers or duties or which affects the Borough.

4.2.19.2 Petitions Presented to Council

A Member of the Council may formally present a petition at any meeting of the Council, and prior to the start of the meeting must advise the Chief Executive of the subject matter of the petition.

Members will be entitled to speak for no more than three minutes in support of a petition. A member of the public may present a petition at any meeting of the Council and will be entitled to speak for no more than three minutes in support of the petition.

At the appropriate time in the meeting, the Mayor will call upon the Member or member of the public to present the petition to the Council, which shall automatically be referred without discussion or comment by any Member, to the appropriate Executive Member or a Committee or Board of the Council, as the Mayor shall determine, for consideration.

4.2.19.3 Petitions Presented to a Director

A Member of the Council may deliver a petition directly to a Director where it appears to that Member that the matter is more urgent than the ordinary Council meeting cycle could accommodate.

A Member of the public may deliver a petition directly to a Director.

In all cases, petitions will be dealt with in accordance with the Council's protocol relating to petitions as set out in Chapter 3.5.

4.2.20 Members' Conduct

4.2.20.1 Standing to Speak

When a Member speaks at Council they should stand and address the meeting through the Mayor, unless there are special circumstances which dictate otherwise. If more than one Member stands, the Mayor will ask one to speak and the others must sit. Other Members must remain seated whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation.

4.2.20.2 Mayor/Chairman Standing

When the Mayor/Chairman stands during a debate, any Member speaking at the time must stop and sit down. The meeting must be silent.

4.2.20.3 Member Not to be Heard Further

If in the opinion of the Mayor/Chairman, a Member is behaving improperly or offensively or deliberately obstructs business, he/she may move that the Member be not heard further. If seconded, the Motion will be voted on without discussion.

4.2.20.4 Member to Leave the Meeting

If the Member continues to behave improperly after such a Motion is carried, the Mayor/Chairman may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the Motion will be voted on without discussion.

4.2.20.5 General Disturbance

If there is a general disturbance making orderly business impossible, the Mayor/Chairman may adjourn the meeting for as long as he/she thinks necessary.

4.2.21 Disturbance By Public

4.2.21.1 Removal of Member of the Public

If a member of the public interrupts proceedings, the Mayor/Chairman will warn the person concerned. If they continue to interrupt, the Mayor/Chairman will order their removal from the meeting room.

4.2.21.2 Clearance of Part of Meeting Room

If there is a general disturbance in any part of the meeting room open to the public, the Mayor/Chairman may call for that part to be cleared.

4.2.22 Business Of Objectionable Nature

4.2.22.1 Motions Put Forward by the Mayor/Chairman

If at any meeting the Mayor/Chairman is of the opinion that any Motion, amendment or business proposed to be moved or transacted is of an objectionable or undesirable character, with due regard to the interests and duties of the Council, it shall be competent for the Mayor/Chairman, either before or after the same is brought forward, to put to the vote a Motion (upon which no discussion shall be allowed) that the Motion, amendment or business in question be not entertained or further permitted. If such Motion is carried, the matter shall be considered as disposed of for that meeting

4.2.22.2 Motions Put Forward by Members

A Member may propose that a Motion, amendment or business of an objectionable nature be not entertained or permitted. The proposer of a Motion on these grounds must state the reasons he/she considers the Motion, amendment or business to be objectionable. The Mayor/Chairman will make a ruling on whether to allow the Motion to be put, having regard to any advice given by the Chief Executive and Monitoring Officer.

4.2.23 Statements by The Leader of The Council, Executive Members and Deputy Executive Members

At each Ordinary meeting of the Council, provision shall be made for the Leader of the Council, Executive Members and Deputy Executive Members to make statements to the Council.

These statements shall primarily be to advise the Council of items of interest which have been dealt with by the Executive recently or are due to be dealt with in the near future. Speeches of a party political nature will not be allowed.

When making such a statement, no Member, except with the consent of the Council, shall speak for more than 5 minutes.

The time allowed for statements under this rule shall not exceed 20 minutes.

4.2.24 Statements from the Council Owned Companies

At each Ordinary meeting of the Council, provision shall be made for the Directors of the Council Owned Companies to make statements to the Council.

These statements shall primarily be to advise the Council of items of interest which have been dealt with the Companies recently or are due to be dealt with in the near future. Speeches of party political nature will not be allowed.

When making such a statement, no Director, except with the consent of the Council, shall speak for more than 3 minutes.

The time allowed for statements under this rule shall not exceed 10 minutes.

4.2.25 Suspension and Amendment of Council Procedure Rules

4.2.25.1 Suspension

All of these Council Rules of Procedure except [Rule 4.2.15.5](#) (Right to a Recorded Vote) and [4.2.16.2](#) (No requirement to sign Minutes at an Extraordinary Meeting) may be suspended by Motion on notice or without notice if at least one half of the whole number of Members of the Council are present. Suspension can only be for the duration of the meeting.

4.2.25.2 Amendment

Any Motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

4.2.26 Committees and Boards– Appointment of Chairman

Each of the Council's Committees and Boards shall, at its first meeting, prior to proceeding to any other business, elect a Chairman and a Vice-Chairman for the Municipal Year. In the absence of the Chairman and Vice-Chairman, a Chairman for any meeting may be appointed from the Members present.

4.2.27 Extraordinary Meetings of Council Committees and Boards

The Chief Executive shall summon an Extraordinary meeting of a Committee or Board of the Council at any time at the request of

- a) the Chairman of the Committee or Board, or
- b) the Mayor, or
- c) one-quarter of the number of members of the Committee or Board, delivered in writing to the Chief Executive, and in no case shall less than three Members requisition a Extraordinary meeting

4.2.28 Attendance of Non-Members of Committees and Boards

A Member of the Council who is not a Member of a particular Committee or Board shall be entitled to attend and speak (but not vote) at any meeting. Members attending under this provision shall tell the Mayor/Chairman of the meeting in advance that they will be attending. Only Local Ward Members may address the Planning Committee in respect of applications within their Ward.

CHAPTER 4.3 – ROLES AND FUNCTION OF THE MAYOR

4.3.1 Role and Function of the Mayor

The Mayor and in his/her absence, the Deputy Mayor, will have a number of roles and functions which are described below.

4.3.2 Ceremonial Role

The Mayor is a symbol of the authority, a symbol of an open society and an expression of social cohesion.

The Mayor will attend such civic and ceremonial functions as the Council or he/she determines appropriate.

4.3.3 Chairing the Council Meeting

The Mayor will be elected by the Council at the Annual Meeting. The Mayor will have the following responsibilities:

- a) to uphold and promote the purposes of the Constitution by acting impartially and to interpret the Constitution when necessary;
- b) to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
- c) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Members who are not on the Executive are able to hold the Executive to account;
- d) to promote public involvement in the Council's activities and
- e) to call an extraordinary meeting of the Council to resolve any dispute between the Executive and the Council in connection with setting the budget and policy framework.

4.3.4 First Citizen

The Mayor shall take precedence (ie shall be the first citizen of Wokingham Borough).

4.3.5 Promotion of the Council

The Mayor will promote the Council as a whole and act as a focal point for the community.

4.3.6 The Scrutiny Process

The Mayor and Deputy Mayor are entitled to take part in the scrutiny process.

CHAPTER 4.4 - COMMITTEES OF THE COUNCIL – AUDIT COMMITTEE, HEALTH AND WELLBEING BOARD AND SPECIAL COUNCIL EXECUTIVE COMMITTEE

AUDIT COMMITTEE

4.4.1 Composition and Meetings

The Audit Committee shall comprise 6 Members of the Council, allocated in accordance with political balance rules. The Committee shall meet four times per year in accordance with a schedule agreed by Council. Additional meetings may be arranged with the agreement of the Chairman. The Audit Committee may appoint specialist advisors to support it in its work if required. Funding will be secured in advance of any appointment and financial commitment on a case by case basis.

4.4.2 Restrictions on Membership

Members of the Executive and Overview and Scrutiny Committees shall not be Members of the Audit Committee.

4.4.3 Functions

4.4.3.1 Audit Activity – Monitoring the Council’s Operations

- a) To approve the Head of Governance and Improvement Services’ annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council’s corporate governance arrangements. In addition to approve any significant additional consulting services engaged upon during the year, since the submission of the annual internal audit plan
- b) To consider summaries of specific internal audit reports as requested and make recommendations as appropriate.
- c) To consider reports dealing with the management and performance of the providers of internal audit services and make recommendations as appropriate.
- d) To consider a report on agreed internal audit recommendations not implemented within a reasonable timescale and agree actions as appropriate. The Committee may require Directors to attend for the consideration of specific reports.
- e) To consider the external auditor’s annual letter, relevant reports, and the report to those charged with governance.
- f) To consider specific reports as agreed with the external auditor.
- g) To comment on the scope and depth of external audit work, to ensure it gives value for money and to make recommendations as appropriate.
- h) To commission work from internal and external audit.
- i) To approve the External Audit Plan.
- j) To agree the Treasury Management Strategy and Policies prior to recommendations being made to the Executive and Council.

- k) To monitor treasury management decisions to ensure compliance with the approved Treasury Management Strategy.

4.4.3.2 Regulatory Framework

- a) To maintain an overview of the Constitution in respect of contract procedure rules and financial regulations and to make recommendations to Council as appropriate.
- b) To compliment the work of the Standards Committee in relation to its role in promoting good governance and ensuring adherence to the Codes of Conduct for Members and Officers, making recommendations to and receiving recommendations from it as appropriate.
- c) To review any issue referred to it by the Council, Chief Executive or Directors.
- d) To provide an independent assurance of the adequacy of the Risk Management Strategy and the associated control environment. In particular
 - i) To receive the annual review of internal controls and be satisfied that the Annual Governance Statement properly reflects the risk environment and any actions required to improve it;
 - ii) To receive quarterly reports reviewing implementation of the Council's Risk Management Policy and Strategy to determine whether strategic risks are being actively managed;
 - iii) To review, revise as necessary and recommend adoption of the Risk Management Policy and Strategy to Executive when changes occur;
 - iv) To have the knowledge and skills requisite to their role with regard to risk management and to undertake awareness training in respect of Enterprise Risk Management (ERM) as and when specific training needs are identified.
- e) To agree the following policies prior to their adoption being recommended to Council for inclusion in the Constitution:
 - i) Anti-Fraud and Anti-Corruption Policy;
 - ii) Whistleblowing Policy;
 - iii) Anti-Money Laundering Policy;
 - iv) Prosecution and Sanction Policy; and
 - v) Anti-Bribery Policy.
- f) To monitor Council policies on whistleblowing and the anti-fraud and anti-corruption strategy and the Council's complaints process.
- g) To oversee the production of the Authority's Annual Governance Statement and to recommend its adoption.
- h) To consider the Council's arrangements for corporate governance and agree necessary actions to ensure compliance with best practice.
- i) To consider the Council's compliance with its own and other published standards and controls and to make recommendations as appropriate.

4.4.3.3 Accounts

- a) To agree the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
- b) To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

4.4.3.4 Training

To identify training opportunities for Audit Committee Members and all Members of the Council in corporate governance issues and to make recommendations as appropriate.

4.4.4 Reporting Lines

The Audit Committee shall make formal recommendations to Council as appropriate, in accordance with its functions described in [Rule 4.4.3](#). The Minutes of the Committee shall be formally recorded and received by Council. The Chairman of the Committee shall draw to the attention of Council any issues that require action.

4.4.4.1

The Audit Committee shall have clear reporting lines and rights of access to other committees and functions, and make recommendations to these bodies as appropriate.

4.4.5 Review of Terms of Reference

These Terms of Reference shall be reviewed on an annual basis. Any changes proposed by the Head of Governance and Improvement Services, in consultation with the Chairman, shall be submitted to the Council for approval.

4.4.6 Public and Member Questions

Public and Member questions can be asked in accordance with the requirements set out in [Chapter 4.2](#) of this Constitution.

4.4.7 Petitions

Petitions can be submitted to the Audit Committee subject to the requirements of the Council's Petition Protocol described in Chapter 3.5 of this Constitution.

4.4.8 Quorum

The quorum of a meeting of the Audit Committee shall be three.

4.4.9 Speaking Rights

A Member of the Council who is not a Member of the Committee shall be entitled to attend and speak (but not vote) at any full meeting of the Audit Committee. Members attending under the provision shall notify the Chairman of the Committee in advance that they will be attending.

Members of the public or other organisations shall only be entitled to speak at a full meeting of the Committee by invitation from the Chairman.

4.4.10 Disturbance by Public

If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room.

If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared.

4.4.11 Rules of Debate

Debates at the Audit Committee shall take place in accordance with the rules laid down in [Chapter 4.2](#).

4.4.12 Duration of Meeting

As set out in [Chapter 4.2](#), unless the majority of Members present vote for the meeting to continue, any meeting of the Audit Committee that has not concluded by 10.30pm will adjourn immediately. If, once a motion to continue has been proposed and seconded, the majority of Members present vote to continue, the meeting will continue for a further period not exceeding 30 minutes.

Remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date the remaining business will be considered at the next ordinary meeting.

SPECIAL COUNCIL EXECUTIVE COMMITTEE

4.4.13 Composition and Functions

Where, as a matter of urgency any decision or direction of Council is required and cannot be reasonably delayed until an ordinary meeting of the Council, such decision shall be made by the Special Council Executive Committee. The Special Council Executive Committee shall have the delegated authority to exercise all of the powers and duties of the Council. The Minutes will be reported to the next ordinary Council meeting for information.

4.4.13.1

The Special Council Executive Committee shall consist of the Mayor and Deputy Mayor, together with such Members of the Council concerned as to satisfy the political balance requirements or, in their absence or unavailability, their authorised Substitutes ([Rule 4.4.14](#)). The allocation of seats on the Special Council Executive Committee will be agreed at Annual Council.

4.4.13.2

The Special Council Executive Committee is a Committee of the Council for the purposes of Section 101(a) of the Local Government Act 1972 with power to take urgency decisions within the delegated powers of the Council.

4.4.14 Appointment of Substitutes

The Council shall appoint Members to serve as Substitutes, so as to ensure that each Political Group represented on the Committee has one substitute each. A substitute shall deputise for a member of the Committee unable to attend, and shall inherit the voting rights of that member of the Committee for whom they are deputising.

4.4.14.1

Substitutes shall ordinarily be appointed at the same time as the Special Council Executive Committee and thereafter as necessary but in no case for a period beyond the next Annual Meeting of the Council.

4.4.15 Public and Member Questions

Public and Member questions will only be accepted at meetings of the Special Council Executive Committee if they relate to the item(s) due to be discussed at that meeting.

Public questions must be submitted in accordance with [Rule 4.2.9](#) and Member questions must be submitted in accordance with [Rule 4.2.10](#). The process set out in [Rules 4.2.9](#) and [4.2.10](#) will also apply to public and Member questions.

4.4.16 Petitions

Petitions may not be submitted at meetings of the Special Council Executive Committee.

4.4.17 Quorum

The quorum of a meeting of the Special Council Executive Committee shall be three.

4.4.18 Disturbance by Public

If a member of the public interrupts proceedings, the Mayor will warn the person concerned. If they continue to interrupt, the Mayor will order their removal from the meeting room.

If there is a general disturbance in any part of the meeting room open to the public, the Mayor may call for that part to be cleared.

4.4.19 Rules of Debate

Debates at the Special Council Executive Committee shall take place in accordance with the rules laid down in [Chapter 4.2](#).

4.4.20 Duration of Meeting

As set out in [Chapter 4.2](#) unless the majority of Members present vote for the meeting to continue, any meeting of the Special Council Executive Committee that has not concluded by 10.30pm will adjourn immediately. If, once a motion to continue has been proposed and seconded, the majority of Members present vote to continue, the meeting will continue for a further period not exceeding 30 minutes.

Remaining business will be considered at a time and date fixed by the Mayor. If he/she does not fix a date the remaining business will be considered at the next ordinary meeting.

4.4.21 Other Committees, Sub-Committees and Working Groups

The Council may establish any other Committees, Sub-Committees and Working Groups as it considers appropriate from time to time.

WOKINGHAM BOROUGH WELLBEING BOARD

4.4.22 Introduction

Under the Health and Social Care Act 2012 the Council is required to establish a Health and Wellbeing Board. The Health and Wellbeing Board is responsible for identifying the current and future social care and health needs of the local area through a Joint Strategic Needs Assessment.

The Health and Wellbeing Board is also responsible for developing a Health and Wellbeing Strategy to set local social care and health priorities and provide a framework for the commissioning of local health and social care services.

4.4.23 Membership

The membership of the Wokingham Borough Wellbeing Board will be as follows:

- a) Leader of the Council
- b) Executive Member with responsibility for Children's Services
- c) Executive Member with responsibility for Health and Wellbeing
- d) Deputy Chief Executive
- e) Director with statutory responsibility for Children's Services
- f) Director with statutory responsibility for Adult Social Services
- g) Director with responsibility for Planning and Localities
- h) Director of Public Health
- i) Three representatives from the Berkshire West Clinical Commissioning Group
- j) Representative from local Healthwatch
- k) Representative of National Health Service England (for the purpose of participating in the Board's preparation of the Wokingham Needs Assessment and/or Joint Health and Wellbeing Strategy or if the Board is considering a matter which relates to the exercise or proposed exercise of the commissioning functions of the NHS England in relation to the local authority area covered by the Board).
- l) An elected Member from the Opposition
- m) Three representatives from the Strategic Partnerships, representing the Place and Community Partnership, the Community Safety Partnership and the Business, Skills and Enterprise Partnership
- n) Representative from the Voluntary Sector
- o) Representative from Thames Valley Police

p) Representative from Royal Berkshire Fire and Rescue Service

The Wokingham Borough Wellbeing Board may appoint such additional persons to be members of the Board as it thinks appropriate. The appointment of any additional members to The Wokingham Borough Wellbeing Board will take place at Board meetings.

4.4.24 Co-optees

With the agreement of the Board, individuals may be co-opted to the Board for an agreed period.

Representatives from other key partners may be invited to attend the Board where there is a specific agenda item which includes their engagement. Representatives attending in this capacity will be non-voting attendees.

4.4.25 Appointment of Wokingham Borough Wellbeing Board

Elected Members of the Council will be appointed to the Board at the Council's Annual Council Meeting.

Nominations for the elected Member representative(s) and their substitutes on the Wokingham Borough Wellbeing Board will be made by the Leader of the Council.

No member of the Wokingham Borough Wellbeing Board may be a member of the Health Overview and Scrutiny Committee.

The Director of Public Health, Director with statutory responsibility for Adult Social Services and the Director with statutory responsibility for Children's Services will be members of the Board by virtue of their office.

The NHS Berkshire West Clinical Commissioning Group will appoint three people to represent it on the Wokingham Borough Wellbeing Board.

The Local Healthwatch organisation for the local authority will appoint a person to represent it on the Wokingham Borough Wellbeing Board.

Each constituent organisation will notify Democratic Services of its nominated representative(s) and any changes made. .

Should Board members cease to be an elected Member of the Council, or no longer hold the relevant Executive Member position or represent any of the bodies set out in Rule 4.4.23 above or cease to hold the relevant Director post, they will cease to be a member of the Wokingham Borough Wellbeing Board.

4.4.26 Voting

The Wokingham Borough Wellbeing Board will generally reach decisions by consensus, but in the event of a vote being required there will be one vote per Board Member.

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4.4.27 Substitutes

Named substitutes are permitted to cover for representatives if they are unable to attend a meeting.

If representatives are unable to attend a Board meeting they may ask a substitute to act in their place (including vote on their behalf) at the meeting. The appointment shall only take effect if the representative unable to attend notifies the Democratic and Electoral Services Lead Specialist, or their representative, no later than midday of the day of the meeting that they will be unable to attend the meeting and the name of the substitute member.

The substitute for the Executive Member representatives will be the Deputy Executive Member for that post and the substitute for the Leader of the Council will be the Deputy Leader of the Council. The substitute for the Opposition Member will be another member of the Opposition and will be nominated by the Leader.

4.4.28 Chairman and Vice Chairman

The Chairman will be an elected Member of Wokingham Borough Council. The Chairman of the Wokingham Borough Wellbeing Board will be appointed at the first meeting of the Wokingham Borough Wellbeing Board of the municipal year.

The Vice Chairman of the Board will be appointed at the first meeting of the Wokingham Borough Wellbeing Board of the municipal year and can be any other member of the Board.

4.4.29 Purpose of Wokingham Borough Wellbeing Board

The Wokingham Borough Wellbeing Board is responsible for:

- a) improving the health and wellbeing of the population;
- b) formulating and overseeing the delivery of a Wellbeing Strategy;
- c) reducing inequalities in health across the Borough such as the difference in life expectancy of 13 years between the more affluent and less affluent parts of the Borough;
- d) making sure that there is joined up care for example for people with long term illness and high levels of dependency and that they can be looked after in their own homes for as long as is practical;
- e) listening to and learning from people and communities about their experience of health and care services and involving them in planning services which meet their needs in the most appropriate way.

4.4.30 Roles and Responsibilities

The Wokingham Borough Wellbeing Board will:

- a) be responsible for bringing together public services in order to improve health and wellbeing. The Wokingham Borough Wellbeing Board will work through exercising strategic leadership of public, private and community services in the

promotion of healthy communities. It does not have executive budget control but will exercise influence by holding local authority and NHS organisations to account for how they apply their resources;

- b) ensure that wider influences on health and wellbeing such as housing, environment, a safe community and opportunities for employment are included in the plans to improve health, as well more obvious influences such as local GP provision, community health and social care services;
- c) lead the production of a Joint Strategic Needs Assessment which will identify the range of current and future health and wellbeing needs in the community. The Assessment will set out which issues and programmes will be prioritised by the Wokingham Borough Wellbeing Board and incorporated into the Health and Wellbeing Strategy;
- d) lead the production of the Joint Health and Wellbeing Strategy which details how the health and social care needs identified in the Joint Strategic Needs Assessment will be met and sets targets for health improvement and for the promotion of health and wellbeing;
- e) prepare and publish a local pharmaceutical needs assessment (an overview of local pharmaceutical needs, services and gaps in provision);
- f) support Healthwatch in its work, and ensure that public and consumer experiences are taken into account in the work of the Partnerships which will support the Wokingham Borough Wellbeing Board;
- g) promote integration of health and wellbeing services.

The Board will monitor the targets set out in the Health and Wellbeing Strategy and be accountable to the public for delivery of programmes within the Health and Wellbeing Strategy and to Government for the reduction of health inequalities within Wokingham Borough.

When producing the Health and Wellbeing Strategy the Wokingham Borough Wellbeing Board must:

- a) consider how the needs identified in the Joint Strategic Needs Assessment may be addressed through partnership arrangements between the Council and NHS bodies, such as pooled budgets;
- b) have regard to the mandate the NHS England has received from the Secretary of State;
- c) involve the Local Healthwatch and those who live or work in the local authority area
- d) have regard to any guidance issued by the Secretary of State;
- e) encourage joint working between the Council and NHS bodies regarding improvements in health and wellbeing and promote the integration of NHS and Council services where this will lead to better care for residents;

- f) review the NHS Berkshire West Clinical Commissioning Plan each year against the priorities in the Health and Wellbeing Strategy, assess whether the Plan has adequately taken the Strategy into account and question whether its programmes have led to improvements in those needs and priorities identified within the Borough;
- g) take account of and comment on the appropriateness of the NHS England plan for services within the Borough.
- h) review the contribution of local authority services and programmes to addressing the identified health and wellbeing needs and priorities;
- i) hold to account its constituent member organisations in meeting their responsibilities to promote the health and wellbeing of the community, to address the issues identified in the Joint Strategic Needs Assessment and for implementation of the Health and Wellbeing Strategy.

4.4.31 Accountability

The Wokingham Borough Wellbeing Board will be accountable to each of the Board's constituent member organisations for the quality and relevance of the process of identification of local health and social care needs and priorities and for the effectiveness of programmes to address these issues.

It will be accountable for its performance to the Local Authority through reporting to Council at least once a year.

4.4.32 Supply of Information to the Wokingham Borough Wellbeing Board

The Wokingham Borough Wellbeing Board may, for the purpose of enabling or assisting it to perform its functions, request specific information from the following:

- a) the local authority;
- b) any person who represents the Local Healthwatch on the Wokingham Borough Wellbeing Board;
- c) any person who represents the NHS Berkshire West Clinical Commissioning Group on the Wokingham Borough Wellbeing Board;
- d) any person appointed to the Wokingham Borough Wellbeing Board as an additional member.

Information must relate to:

- a) a function of the person (organisation) to whom the request is made; or
- b) a person in respect of whom a function is exercisable by that person (organisation).

4.4.33 Scrutiny

The priorities and programmes of the Wokingham Borough Wellbeing Board will be subject to scrutiny primarily by the Health Overview and Scrutiny Committee.

The Wokingham Borough Wellbeing Board will provide an update to the Health Overview and Scrutiny Committee on a quarterly basis to enable it to fulfil its responsibilities of scrutiny.

4.4.34 Quorum

The quorum of a meeting of the Wokingham Borough Wellbeing Board shall be four. Representatives from Wokingham Borough Council and the Clinical Commissioning Group must be in attendance at each meeting. If neither the Chairman nor Vice Chairman is present a Chairman will be elected for that meeting. Substitute voting members for the Chairman and Vice Chairman, for that meeting will be identified prior to the meeting.

If there is no quorum at the published start time for the meeting, a period of no more than 10 minutes will be allowed, and if there remains no quorum at the expiry of this period, the meeting will be declared null and void.

4.4.35 Frequency of Meetings

The Wokingham Borough Wellbeing Board shall schedule a minimum of 6 meetings a year. Additional (extraordinary) meetings may take place with the agreement of the Chairman. Dates, times and locations of meetings will be agreed by the Board and published.

The business to be conducted at an extraordinary meeting of the Wokingham Borough Wellbeing Board shall usually be a single item only and there shall be no consideration of previous minutes.

4.4.36 Attendance of Public and Press

The Wokingham Borough Wellbeing Board will meet in public, unless confidential or exempt information is to be discussed, and the Access to Information Rules contained in Chapter 3.2 of this Constitution set out the requirements covering public meetings. The principles of decision making set out in Chapter 1.4 will apply to meetings of the Board.

4.4.37 Public and Member Questions

Public and Member questions can be asked in accordance with the requirements set out in [Chapter 4.2](#) of this Constitution.

In addition questions may also be asked about matters for which the other member organisations have a responsibility.

The total time allotted questions from the public will be limited to 30 minutes and Member questions will be limited to 20 minutes. The total time allotted to public and Member Questions may be extended at the discretion of the Chairman.

4.4.38 Petitions

Petitions will not be accepted at meetings of the Wokingham Borough Wellbeing Board. Petitions relating to the Wokingham Borough Wellbeing Board's responsibilities may, however, be submitted at meetings of full Council. Details of the Council's Petition Protocol can be found at Chapter 3.5

Petitions which relate to the responsibilities of the Wokingham Borough Wellbeing Board member organisations other than the Council will be forwarded to the appropriate organisation.

4.4.39 Speaking Rights

A Member of the Council who is not a member of the Board shall be entitled to attend and speak (but not vote) at any full public at the discretion of the Chairman. Members attending under this provision shall advise the Chairman of the Board in advance that they will be attending. Members of the public or other organisations shall only be entitled to speak regarding presentation items by invitation from the Chairman.

4.4.40 Disturbance by Public

If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room.

If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared.

4.4.41 Signing the Minutes

The Chairman shall sign off the minutes as a true and accurate record of the meeting at the next suitable meeting. Where in relation to any meeting, the next meeting is an extraordinary meeting, then the next following ordinary meeting will be treated as a suitable meeting for the purpose of signing of minutes.

Minutes of meetings will be available on the Council's website.

4.4.42 Joint Health and Wellbeing Boards discharge of functions of Health and Wellbeing Boards

Two or more Health and Wellbeing Boards may make arrangements for

- a) any of their functions to be exercisable jointly;
- b) any of their functions to be exercisable by a joint sub-committee of the Boards;
- c) a joint sub-committee of the Boards to advise them on any matter related to the exercise of their functions.

4.4.43 Wokingham Borough Wellbeing Board Partnership Groups

The work programme of the Wokingham Borough Wellbeing Board will be implemented through the following five Partnership Groups:

- a) Children and Young People Strategic Partnership
- b) Community Safety Partnership
- c) Place and Community Strategic Partnership

- d) Wokingham Integrated Partnership
- e) Business, Skills and Enterprise Partnership

The Partnership Groups will have responsibility for the implementation of designated programmes within the Health and Wellbeing Strategy. The Partnership Groups will report periodically to the Wokingham Borough Wellbeing Board on the aspects of their work programme which are within the Health and Wellbeing Strategy, no less than twice a year. The Partnership Groups will agree their programmes of work, monitor progress and review performance in their respective areas.

4.4.44 Wokingham Borough Wellbeing Board Sub-Committees

The Wokingham Borough Wellbeing Board has the ability to set up sub-committees to undertake any of its functions. The Wokingham Borough Wellbeing Board will agree the terms of reference and membership of any such sub-committee and any such terms of reference will subsequently be included in the Council's Constitution.

4.4.45 Code of Conduct

All voting members of the Wokingham Borough Wellbeing Board will be subject to the Local Code of Conduct for Members set out in Chapter 9.2 of this Constitution.

4.4.46 Review of Terms of Reference

The terms of reference will be reviewed a year from the date of adoption and thereafter at least biennially. Any changes proposed shall be submitted to Council for approval.