

TITLE	Changes to the Constitution
FOR CONSIDERATION BY	Council on 22 July 2021
WARD	None Specific
LEAD OFFICER	Andrew Moulton, Assistant Director, Governance

OUTCOME / BENEFITS TO THE COMMUNITY

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

RECOMMENDATION

That Council agree the following changes to the Constitution, as recommended by the Monitoring Officer via the Constitution Review Working Group:

- 1) that Sections 4.2.9.5 Scope of questions [Council – Public Questions], 4.2.10.5 Scope of questions [Council – Member Questions], 5.4.29 Scope of questions [Executive – Public Questions] and 5.4.37 Scope of questions [Executive – Member Questions] be amended as set out in Paragraph 1 of the report;
- 2) that Section 8.2.8 Rules of Debate, be amended as set out in Paragraph 2 of the report;
- 3) that amendments be made to Section 4.2.1.1 r and Section 9.1.1 Composition and Membership [Standards Committee], as set out in Paragraph 3 to the report;
- 4) that Appendix 11 Channel Panel be added to Section 10 Partnership Working, as set out in Paragraph 4 to the report.

SUMMARY OF REPORT

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

The report contains revisions to a number of areas in the Constitution which were discussed by the Constitution Review Working Group (CRWG) at their meeting on 21 June 2021.

Background

Scope of Questions

1. Previously a member of the public had missed the question deadline for a Council meeting and had asked that it be submitted to the following Council meeting. In the interim another member of the public had submitted a very similar question to a meeting of the Executive which had been due to take place prior to the second Council meeting. The Working Group considered and agreed a proposal from Officers, that it should be clarified that questions could not be asked if they had already been submitted or asked at another Committee, to Council or to the Executive, in the past 6 months. The following amendments are therefore proposed (bold italics).

4.2.9.5 Scope of questions [Council – Public Questions]

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

c) *is substantially the same as a question which has already been put at **or submitted to** the meeting or at a meeting of the Council **or Executive or any other Committee**, in the past six months;*

4.2.10.5 Scope of questions [Council – Member Questions]

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

c) *is substantially the same as a question which has been put at **or submitted to** the meeting or at a meeting of the Council **or Executive or any other Committee** in the past six months; or*

5.4.29 Scope of questions [Executive – Public Questions]

The Chief Executive and/or the Leader may reject a question if it:

c) *is substantially the same as a question which has already been put at **or submitted to** the meeting or at a previous meeting of the Council or Executive **or any other Committee** in the past six months;*

5.4.37 Scope of questions [Executive – Member Questions]

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

c) *is substantially the same as a question which has been put at **or submitted to** a meeting of the Council **or Executive or any other Committee** in the past six months;*

SECTION 8 REGULATORY COMMITTEES

8.2.8 Rules of Debate [Planning Committee]

2. The Working Group considered a proposal to clarify the voting process during Planning Committee meetings. The following amendment is proposed (bold italics or struck through).

8.2.8 Rules of Debate

Debates at the Planning Committee shall take place as follows:

- a) *The Officer will put forward his/her recommendation prior to the application being debated. Following debate any proposal (Motion) **which is different to or negates the officer recommendation** must be moved and seconded before ~~it~~ **the recommendation** is voted upon. **Should no alternative proposal be proposed and seconded, the Committee will proceed straight to the vote on the officer recommendation. Any amendments to the decision, for example to remove a refusal reason, to remove or vary conditions, or to add an additional informative, should be voted upon prior to the close of the debate;***
- b) *If a Member wishes to put forward a different recommendation to that contained in the report, then this may be formally proposed and seconded as a Motion ~~at that point. If the Officer's Recommendation has already been proposed, extra conditions or refusal reasons may be proposed as an amendment.~~ If the amendment is carried, it becomes the substantive Motion; if lost, a vote is taken on the original recommendation;*
- c) *If a Member wishes to make a proposal to negate the Officer's recommendation, they may formally propose a Motion if nothing has yet been moved. If proposing the refusal or approval of an application against **the officer** recommendation, clear planning reasons for the proposal must be given in order for it to be acceptable. This applies equally to proposals to defer the application for a site visit. If such a Motion is passed it becomes the Committee decision. If defeated, then another Member may propose the Officer's recommendation;*

SECTION 9 ETHICS AND CORPORATE GOVERNANCE

3. The Working Group considered the following proposal to correct an anomaly between the Standards Committee terms of reference and Section 4.2.1.1 r). Annual Meeting of the Council [Timing and Order of Business]

Section 4.2.1.1 r) states:

- 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];*

The following amendment had therefore been proposed.

9.1.1 Composition and Membership [Standards Committee]

- a) *six elected Members of Wokingham Borough Council. The composition of which will be subject to the rules of Political Balance and only one of those elected can be a Member of the Executive. The Leader of the Council is not entitled to be a Member of the Standards Committee. ~~One of these Members will be elected as Chairman at Annual Council.~~*

The Working Group proposed the following alternative amendments.

4.2.1.1

- 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];~~*

9.1.1 *Composition and Membership [Standards Committee]*

- a) *six elected Members of Wokingham Borough Council. The composition of which will be subject to the rules of Political Balance. ~~and only one of those elected can be a Member of the Executive. The Leader of the Council is not entitled to be a Member of the Standards Committee.~~ One of these Members will be elected as Chairman at Annual Council.*

SECTION 10 PARTNERSHIP WORKING

Prevent Duty and Channel Programme

4. The Counter Terrorism and Security Act in 2015 contains powers to help the UK to respond to the threat of terrorism. Local authorities, alongside other public bodies, are subject to a duty under section 26 of the Counter-Terrorism and Security Act 2015, in the exercise of their functions, to have “due regard to the need to prevent people from being drawn into terrorism”. This duty is known as the Prevent Duty.

The key aim of Prevent is to reduce the threat to the UK from terrorism by stopping people becoming terrorists or supporting terrorism. Local authorities and their partners have a role to play in countering terrorism at a local level and helping to safeguard individuals at risk of radicalisation. Sections 36 to 41 of the Counter-Terrorism and Security Act 2015 (CTSA 2015) sets out a specific duty on local authorities and partners to provide support for people vulnerable to being drawn into terrorism via a programme called Channel. The programme requires the local authority to set up and chair a multi-agency Channel Panel which should draw on existing collaboration across police and partners.

The aim of the panel is to protect vulnerable people, from radicalisation and extremism and to provide support at an early stage to people who are identified as being vulnerable to being drawn into terrorism. This support could include ideological mentoring funded by the Home Office alongside other mainstream support such as social care or mental health services.

Statutory Guidance for Channel Panels is issued by the government to support delivery of the Channel process. The most recent update to this guidance as published in November 2020¹. This included a new requirement for Channel to be reflected in local policy, guidance, and the local authority’s constitution.

¹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/964567/6.6271_HO_HMG_Channel_Duty_Guidance_v14_Web.pdf

With due regard for the requirements of the statutory guidance, the Council's constitution is proposed to be updated to reflect the local authority duty to deliver Channel. The proposed addition to the Constitution is detailed below:

Appendix 11 Section 10:

Channel Panel

Channel forms part of the Prevent Duty 2015 for local authorities to protect people vulnerable to being drawn into terrorism. Channel offers support to individuals identified as vulnerable via a multi-agency panel which comes together to agree a support package for each case depending on need. Channel, as a local authority statutory function (Section 36 of the Counter Terrorism and Security Act (CTSA) 2015), is required to be referred to within the local authority's constitution.

In compliance with the statutory requirements set out under sections 36-41 of the Counter Terrorism and Security Act 2015, Wokingham Borough Council has a Channel Panel in place for the area, has regard to the Channel Duty Guidance 2020 and is committed to complying with the requirements within it'

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe funding pressures, particularly in the face of the COVID-19 crisis. It is therefore imperative that Council resources are focused on the vulnerable and on its highest priorities.

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

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

Cross-Council Implications
None

Public Sector Equality Duty
This report has had due regard to the public sector equality duty and where applicable and available has included information relating to impacts upon people with protected characteristics and inequality.

List of Background Papers
Council's Constitution

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