



# BOROUGH OF RUSHMOOR

To the Mayor and Members of the Council,

**YOU ARE HEREBY SUMMONED** to attend an Extraordinary Meeting of the Council to be held as a Virtual Meeting on **Thursday, 14th May, 2020 at 6.30 pm** for the transaction of the business set out on the Agenda given below.

## A G E N D A

1. **MINUTES** – (Pages 1 - 10)

To confirm the Minutes of the Ordinary Meeting of the Council held on 20th February, 2020 (copy Minutes attached).

2. **NEW REGULATIONS - REMOTE MEETINGS** –

The Government has recently introduced the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 which enable local authorities to hold meetings virtually by using video or telephone conferencing technology. The

Regulations apply until 6th May, 2021. In order to facilitate meetings of relevant bodies set out in the Constitution, including the Council and Committees, it is recommended that:

“Having regard to the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police Crime Meetings) (England and Wales) Regulations 2020, the application of the appropriate provisions contained in the Constitution relating to the organisation and operation of meetings, including Standing Orders, be suspended so that they can be adapted and amended to facilitate the effective running of meetings remotely and the transaction of the business of the Council.”

3. **CONSTITUTION REVIEW – (Pages 11 - 32)**

To receive a report from the Licensing, Audit and General Purposes Committee (copy attached – Annex 1), which recommends the approval of a revised and updated Constitution for the Council. The Chairman of the Licensing, Audit and General Purposes Committee (Cllr S.J. Masterson) will introduce this item.

4. **APPOINTMENT OF THE LEADER OF THE COUNCIL –**

To consider nominations and appoint the Leader of the Council to hold office until the Annual Meeting in 2021. Cllr D.E. Clifford has been nominated by the Conservative Group.

5. **APPOINTMENTS 2020/21 –**

(1) To note the appointment of the Deputy Leader and the following councillors as Cabinet Portfolio Holders for the Municipal Year 2020/21, as made by the Leader of the Council:

Cllr K.H. Muschamp	Deputy Leader and Customer Experience and Improvement
Cllr Marina Munro	Planning and Economy
Cllr M.J. Tennant	Major Projects and Property
Cllr M.J. Sheehan	Operational Services
Cllr P.G. Taylor	Corporate Services
Cllr A.R. Newell	Democracy, Strategy and Partnerships

(2) To consider and approve the Appointments to Committees for the Municipal Year 2020/21 as follows in accordance with the allocations to achieve political balance indicated:

## **DEVELOPMENT MANAGEMENT COMMITTEE**

### **Voting Members**

Conservative: 8

Labour: 3

Cllr J.B. Canty  
Cllr R.M. Cooper  
Cllr P.I.C. Crerar  
Cllr P.J. Cullum  
Cllr J.H. Marsh  
Cllr C.J. Stewart  
Cllr B.A. Thomas  
Cllr Jacqui Vosper

Cllr K. Dibble  
Cllr C.P. Grattan  
Cllr Nadia Martin

### **Standing Deputies:**

Conservative:  
Cllr M.D. Smith

Labour:  
Cllr Sophie Porter

**NOTE:** The Cabinet Member with responsibility for planning matters is to be an ex officio non-voting member of the Development Management Committee.

## **LICENSING, AUDIT AND GENERAL PURPOSES COMMITTEE**

### **Voting Members**

Conservative: 7

Labour: 3

Liberal Democrat: 1

Cllr Mrs D.B. Bedford  
Cllr Sophia Choudhary  
Cllr Veronica Graham  
Green  
Cllr Prabesh KC  
Cllr L. Jeffers  
Cllr Mara Makunura  
Cllr S.J. Masterson

Cllr A.H. Crawford  
Cllr Christine Guinness  
Cllr A.J. Halstead

Cllr A.K. Chowdhury

### **Standing Deputies:**

Conservative:  
Cllr Sue Carter

Labour:  
Cllr C.P. Grattan

Liberal Democrat:  
Cllr T.W. Mitchell

## **OVERVIEW AND SCRUTINY COMMITTEE**

### **Voting Members**

Conservative: 8

Labour: 3

Cllr Mrs D.B. Bedford  
Cllr Sue Carter  
Cllr R.M. Cooper  
Cllr L. Jeffers  
Cllr Mara Makunura  
Cllr S.J. Masterson  
Cllr M.D. Smith  
Cllr Jacqui Vosper

Cllr Gaynor Austin  
Cllr T.D. Bridgeman  
Cllr Christine Guinness

### **Standing Deputies:**

Conservative:  
Cllr J.H. Marsh

Labour:  
Cllr K. Dibble

## **POLICY AND PROJECT ADVISORY BOARD**

### **Voting Members**

Conservative: 7

Labour: 3

Liberal Democrat: 1

Cllr J.B. Canty  
Cllr Sophia Choudhary  
Cllr P.I.C. Crerar  
Cllr P.J. Cullum  
Cllr Prabesh KC  
Cllr C.J. Stewart  
Cllr B.A. Thomas

Cllr Nadia Martin  
Cllr Sophie Porter  
Cllr M.J. Roberts

Cllr T.W. Mitchell

### **Standing Deputies:**

Conservative:  
Cllr Veronica Graham  
Green

Labour:  
Cllr A.H. Crawford

Liberal Democrat  
Cllr A.K. Chowdhury

- (3) To consider the nominations and appoint the Chairman and Vice-Chairmen of the Committees (the Conservative Group nominations are set out below):

### **Development Management**

Nominated Chairman - Cllr J.H. Marsh  
Nominated Vice-Chairman - Cllr C.J. Stewart

### **Licensing, Audit and General Purposes**

Nominated Chairman - Cllr S.J. Masterson  
Nominated Vice-Chairman - Cllr Mara Makunura

- (4) To consider the nominations and appoint the Chairman of the Overview and Scrutiny Committee and the Policy and Project Advisory Board (the Conservative Group nominations are set out below):

**Overview and Scrutiny Committee**

Nominated Chairman - To be confirmed

**Policy & Project Advisory Board**

Nominated Chairman - Cllr J.B. Canty

- (5) To consider and approve the appointments to the Management Boards for the Municipal Year 2020/21:

**The Aldershot Recreation Ground Trust**

Cllr Mrs D.B. Bedford    Cllr K. Dibble                      Cllr M.S. Choudhary

Standing Deputy:            Cllr Nadia Martin

**King George's Field, Farnborough Trust**

Cllr C.J. Stewart            Cllr C.P. Grattan                      Cllr P.J. Taylor

Standing Deputies:            Cllr Mara Makunura                      Cllr Christine Guinness

**The Alfred Henry Goode Will Trust**

Cllr D.E. Clifford            Cllr A.H. Crawford                      Cllr K.H. Muschamp

Standing Deputy:            Cllr Nadia Martin

A.E. COLVER  
Head of Democracy, Strategy and Partnerships

Council Offices  
Farnborough  
Hampshire GU14 7JU

Wednesday 6 May 2020

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# BOROUGH OF RUSHMOOR

**MEETING OF THE BOROUGH COUNCIL** held at the Council Chamber, Council Offices, Farnborough on Thursday, 20th February, 2020 at 7.00 pm.

The Worshipful The Mayor (Cllr Sue Carter (Chairman))  
The Deputy Mayor (Cllr P.F. Rust (Vice-Chairman))

Cllr Gaynor Austin  
Cllr T.D. Bridgeman  
Cllr M.S. Choudhary  
Cllr A.K. Chowdhury  
Cllr R.M. Cooper  
Cllr P.I.C. Crerar  
Cllr K. Dibble  
Cllr C.P. Grattan  
Cllr A.J. Halstead  
Cllr Prabesh KC  
Cllr J.H. Marsh  
Cllr T.W. Mitchell  
Cllr K.H. Muschamp  
Cllr Sophie Porter  
Cllr M.L. Sheehan  
Cllr C.J. Stewart  
Cllr B.A. Thomas

Cllr Mrs. D.B. Bedford  
Cllr J.B. Canty  
Cllr Sophia Choudhary  
Cllr D.E. Clifford  
Cllr A.H. Crawford  
Cllr P.J. Cullum  
Cllr Veronica Graham-Green  
Cllr Christine Guinness  
Cllr L. Jeffers  
Cllr Mara Makunura  
Cllr S.J. Masterson  
Cllr Marina Munro  
Cllr A.R. Newell  
Cllr M.J. Roberts  
Cllr M.D. Smith  
Cllr P.G. Taylor  
Cllr Jacqui Vosper

Honorary Alderman R.J. Kimber

Apologies for absence were submitted on behalf of Cllr Nadia Martin and Cllr M.J. Tennant.

Before the meeting was opened, the Mayor's Chaplain, Revd. Steve Stewart, led the meeting in prayers.

## 42. MINUTES

It was MOVED by Cllr A.R. Newell; SECONDED by Cllr P.G. Taylor and

**RESOLVED:** That the Minutes of the Extraordinary Meeting of the Council on 3rd December, 2019 and the Ordinary Meeting of the Council held on 5th December, 2019 (copies having been circulated previously) be taken as read, approved and signed as a correct record.

## 43. MAYOR'S ANNOUNCEMENTS

(1) The Mayor referred to the honour that it had been to host a civic delegation from the Municipality of Gorkha in Nepal to mark the signing of the Memorandum of Understanding between Gorkha and Rushmoor. The official

signing ceremony had been held at the Council Offices on 30th January 2020 and had been attended by the Mayor of Gorkha Municipality together with a small delegation from Gorkha, the Ambassador of Nepal, representatives of the Nepalese community in Rushmoor and Great Britain and also community representatives in Rushmoor. The Mayor looked forward to closer working relations between the two municipalities, especially in the areas of education, culture and infrastructure.

The Mayor also referred to the honour it had been to be invited to the Embassy of Nepal on 31st January to celebrate the international link between the two sister cities. The Mayor expressed her gratitude to the Deputy Mayor, Cllr Frank Rust, for deputising for her on this occasion.

- (2) The Mayor reported that the Deputy Mayor had attended a Holocaust Memorial Day Service at the Garrison Church of St. Andrew on 26th January, 2020. This was also attended by the Garrison Commander and the Leader of the Council.
- (3) The Mayor advised that a quiz night had been held on 24th January, 2020 which had raised £510 for the Mayor's charities. The Mayor thanked her Chaplain who had been the quizmaster and all those who had supported the event.
- (4) The Mayor reminded Members that her Charity Ball would take place on 6th March, 2020 at Princes Hall.
- (5) The Mayor advised Members that her re-scheduled Charity Golf Day would be held on 3rd April, 2020 at the Army Golf Club in Aldershot and invited all golfers to support this event.

#### 44. **STANDING ORDER 8 - QUESTIONS**

The Mayor reported that no questions had been submitted under Standing Order 8.

#### 45. **MAYOR-ELECT AND DEPUTY MAYOR-ELECT 2020/21**

The Chairman of the Licensing, Audit and General Purposes Committee (Cllr S.J. Masterson) reported that the Committee had considered the nominations for the Mayor-Elect and the Deputy Mayor-Elect for 2020/21 at its meeting on 27th January, 2020. Having regard to the criteria adopted by the Council, the Committee had agreed to recommend that:

- (i) Cllr P.F. Rust be selected as Mayor-Elect for the Municipal Year 2020/21; and
- (ii) Cllr M.S. Choudhary be selected as Deputy Mayor-Elect for the Municipal Year 2020/21.

It was MOVED by Cllr S.J. Masterson; SECONDED by Cllr L. Jeffers – That the Recommendations of the Licensing, Audit and General Purposes Committee be approved in respect of the Mayor-Elect and Deputy Mayor-Elect.



There voted FOR: 33; AGAINST: 0 and the Motion was **DECLARED CARRIED**.

#### 46. **RECOMMENDATIONS OF THE CABINET AND COMMITTEES**

##### **(1) Revenue Budget, Capital Programme, Council Tax Level and Council Tax Support Scheme 2020/21**

Cllr P.G. Taylor introduced the Report of the Cabinet meeting held on 4th February, 2020 which recommended the approval of the Revenue Budget, Capital Programme, Council Tax Level and Council Tax Support Scheme for 2020/21.

- (i) It was **MOVED** by Cllr P.G. Taylor; **SECONDED** by Cllr D.E. Clifford – That, subject to the amendments set out in Para 1.2 of the Report , approval be given to the following recommendations set out in the Budget Booklet and the Council Tax Level resolution, as circulated separately:
- (a) the General Fund Revenue Budget Summary, set out in Appendix 1 of the Budget Booklet;
  - (b) the detailed General Fund Revenue Budget, set out in Appendix 2 of the Budget Booklet;
  - (c) the additional items for inclusion in the budget, set out in Appendix 3 of the Budget Booklet;
  - (d) the Council Tax Requirement of £6,704,629 for this Council;
  - (e) the Council Tax Level for Rushmoor Borough Council's purposes of £209.42 for a Band D property in 2020/21 (an increase of £5), and in particular:
    - 1. That it be noted that the Council calculated the amount of 32,015.23 as its Council Tax Base for the year 2020/21 in accordance with Section 31B(3) of the Local Government Finance Act 1992 as amended by the Localism Act 2011 (the 'Act').
    - 2. That the following amounts be calculated by the Council for the year 2020/21 in accordance with Sections 31 and Sections 34 to 36 of the Act:
      - (a) £84,628,917 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act
      - (b) £77,924,288 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
      - (c) £6,704,629 being the amount by which the aggregate at (a) above exceeds the aggregate at (b)

above, calculated by the Council in accordance with Section 31A(4) of the Act, as its Council Tax requirement for the year.

- (d) £209.42 being the amount at (c) above, all divided by the amount at 1. above, calculated by the Council, in accordance with Section 31B(1) of the Act, as the basic amount of its Council Tax for the year.

(e)	Valuation Bands	
	A	£139.61
	B	£162.88
	C	£186.15
	D	£209.42
	E	£255.96
	F	£302.50
	G	£349.03
	H	£418.84

being the amounts given by multiplying the amount at (d) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands;

3. That it be noted that for the year 2020/21 Hampshire County Council, the Police and Crime Commissioner for Hampshire and Hampshire Fire and Rescue Authority have stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of the dwellings shown below:

Precepting Authority	Valuation Bands	
Hampshire County Council (including Adult Social Care precept)	A	£857.52
	B	£1,000.44
	C	£1,143.36
	D	£1,286.28

E	£1,572.12
F	£1,857.96
G	£2,143.80
H	£2,572.56

<b>Precepting Authority</b>	<b>Valuation Bands</b>	
Police and Crime Commissioner for Hampshire	A	£140.97
	B	£164.47
	C	£187.96
	D	£211.46
	E	£258.45
	F	£305.44
	G	£352.43
	H	£422.92

<b>Precepting Authority</b>	<b>Valuation Bands</b>	
Hampshire Fire and Rescue Authority	A	£46.04
	B	£53.71
	C	£61.39
	D	£69.06
	E	£84.41
	F	£99.75
	G	£115.10
	H	£138.12

4. That, having calculated the aggregate in each case of the amounts at (e) and 3. above, the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the following amounts as the amounts of Council Tax for the year 2020/21 for each of the categories of dwellings shown below:

#### **Valuation Bands**

A	£1,184.14
B	£1,381.50
C	£1,578.86
D	£1,776.22
E	£2,170.94
F	£2,565.65
G	£2,960.36
H	£3,552.44

- (e) the Capital Programme, set out in Appendix 4 of the Budget Booklet;
- (f) the Strategy for the Flexible Use of Capital Receipts, set out in Appendix 5 of the Budget Booklet;
- (g) the Executive Head of Finance's report under Section 25 of the Local Government Act 2003, as set out in section 10 of Appendix A to this Report;
- (h) the additional transfers to earmarked reserved in 2020/21 and the holding of reserves, as set out in this Report;
- (i) the insurance arrangements, made through the Hampshire Insurance Forum and Aon and effective from April 2020, resulting in an annual saving on premiums of £81,000, as set out in Table 5 of this Report; and

Following debate, the Recommendations were put to the meeting. On a Recorded Vote, there voted FOR: Cllrs Gaynor Austin; Mrs. D.B. Bedford, T.D. Bridgeman, J.B. Canty, M.S. Choudhary, Sophia Choudhary, A.K. Chowdhury, D.E. Clifford, R.M. Cooper, A.H. Crawford, P.I.C. Crerar, P.J. Cullum, Keith Dibble, Veronica Graham-Green, C.P. Grattan, Christine Guinness, A.J. Halstead, L. Jeffers, Prabesh KC, Mara Makunura, J.H. Marsh, S.J. Masterson, T.W. Mitchell, Marina Munro, K.H. Muschamp, A.R. Newell, Sophie Porter, M.J. Roberts, M.L. Sheehan, M.D. Smith, C.J. Stewart, P.G. Taylor, B.A. Thomas and Jacqui Vosper (34); AGAINST: (0); and ABSTAINED: the Deputy Mayor (Cllr Frank Rust) and the Mayor (Cllr Sue Carter) (2) and the Recommendations were **DECLARED CARRIED**; and

- (ii) It was MOVED by Cllr P.G. Taylor; SECONDED by Cllr D.E. Clifford - That approval be given to the retention of the current 12% minimum contribution for those of working age for 2020/21 in respect of the Council Tax Support Scheme, as set out in Report No. FIN1934.

There voted FOR: 22; AGAINST: 0 and the Recommendation was **DECLARED CARRIED**.

**(2) Annual Capital Strategy 2020/21**

Cllr P.G. Taylor introduced the Report of the Cabinet meeting held on 4th February, 2020 which recommended the approval of the Capital Strategy 2020/21 and Prudential Indicators. It was MOVED by Cllr P.G. Taylor; SECONDED by Cllr D.E. Clifford – That approval be given to the Capital Strategy 2020/21 and Prudential Indicators.

There voted FOR: 33; AGAINST: 0 and the Recommendations were **DECLARED CARRIED**.

**(3) Annual Treasury Management Strategy and Annual Non-Treasury Investment Strategy 2020/21**

Cllr P.G. Taylor introduced the Report of the Cabinet meeting held on 4<sup>th</sup> February, 2020 which recommended the approval of: the Treasury Management Strategy 2020/21 and Annual Investment Strategy; the Non-Treasury Strategy; and, the Minimum Revenue Provision (MRP) Statement. It was MOVED by Cllr P.G. Taylor; SECONDED by Cllr D.E. Clifford – That approval be given to the Treasury Management Strategy 2020/21 and Annual Investment Strategy, the Non-Treasury Strategy and the Minimum Revenue Provision.

There voted FOR: 33; AGAINST: 0 and the Recommendations were **DECLARED CARRIED**.

**(4) Establishing a Local Housing Company – The Housing Company Business Plan**

Cllr D.E. Clifford introduced the Report from the Cabinet meeting held on 4th February, 2020, which recommended the approval of a five-year business plan of the Council's local housing company. It was MOVED by Cllr D.E. Clifford; SECONDED by Cllr K.H. Muschamp – That

- (a) approval be given to the draft five-year Business Plan to be submitted to the Chief Executive of the Council as shareholder representative in substantially the same form, once the Company has been incorporated, when it would become the Approved Business Plan for the Company;
- (b) agreement be given to the sale of No. 12 Arthur Street and No. 154 Ship Lane to the Housing Company at market value, subject to the relevant valuation;
- (c) approval be given to the delegation of authority to the Chief Executive as shareholder representative to approve any variations in the delivery programme contained in the Business Plan, provided these variations can deliver the outcomes of the Business Plan and be achieved within the approved budget;
- (d) approval be given to the appointment of Cllr P.G. Taylor as the third member of the Shadow Board and to become a Council appointee to the Company Board of Directors on incorporation of the company;

- (e) the procedures set out in paragraph 4.17 of the Report be agreed for the approval of subsequent business plans or project business plans; and
- (f) the arrangements for performance and governance reporting be agreed, as set out in paragraph 4.18 of the Report.

There voted FOR: 33; AGAINST: 0 and the Recommendations were **DECLARED CARRIED**.

#### 47. **QUESTIONS FOR THE CABINET**

The Mayor reported that no questions had been submitted for the Cabinet.

#### 48. **REPORTS OF CABINET AND COMMITTEES**

##### (1) **Cabinet**

It was MOVED by Cllr D.E. Clifford; SECONDED by Cllr K.H. Muschamp and

**RESOLVED:** That the Reports of the meetings of the Cabinet held on 16th December 2019, 7th January and 4th February 2020 be received.

##### **NOTES:**

- (i) Cllrs M.S. Choudhary and Sophia Choudhary declared their prejudicial interests in Report Para. No. 62 in respect of Cllr M.S. Choudhary's profession and, in accordance with the Members' Code of Conduct, left the meeting during the discussion on this item.
- (ii) Cllr Prabesh KC declared a prejudicial interest in Report Para. No. 86 in respect of his ownership of a property currently the subject of a Compulsory Purchase Order and, in accordance with the Members' Code of Conduct, left the meeting during the discussion thereon.

##### (2) **Licensing, Audit and General Purposes Committee**

It was MOVED by Cllr S.J. Masterson; SECONDED by Cllr L. Jeffers and

**RESOLVED:** That the Report of the Licensing, Audit and General Purposes Committee held on 25th November 2019 be received.

##### (3) **Development Management Committee**

It was MOVED by Cllr B.A. Thomas; SECONDED by Cllr Mrs. D.B. Bedford and

**RESOLVED:** That the Report of the Development Management Committee held on 4th December 2019 and 15th January 2020 be received.

##### (4) **Licensing, Audit and General Purposes Committee**

It was MOVED by Cllr S.J. Masterson; SECONDED by Cllr L. Jeffers and

**RESOLVED:** That the Report of the Licensing, Audit and General Purposes Committee held on 27th January, 2020 be received.

49. **REPORT OF POLICY AND PROJECT ADVISORY BOARD**

**RESOLVED:** That the Report of the Policy and Project Advisory Board held on 22nd January, 2020 be received.

The meeting closed at 8.45 pm.

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**COUNCIL MEETING – 14TH MAY 2020**

**AGENDA ITEM NO. 3**

**CONSTITUTION REVIEW**

Report from the meeting of the Licensing, Audit and General Purposes Committee on 23rd March, 2020.

**1. INTRODUCTION**

- 1.1 The Council's Constitution sets out how the Council operates, how decisions are made, and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people.
- 1.2 During 2019/20 a full review of the Constitution has been carried out to ensure that the provisions and underlying principles in the document continue to meet the Council's needs in the context of organisational change and that it aligns with the type of organisation that the Council is aiming to be in future.
- 1.3 This Report recommends the approval of a revised and updated Constitution for the Council following consideration by the Licensing, Audit and General Purposes Committee, and work carried out by the Constitution Member Review Group. It also summarises the approach to the review, and the process that has been followed. A hard copy of the draft Constitution has been circulated to Members and is available on-line with the electronic papers for the meeting.

**2 BACKGROUND**

- 2.1 The Council has a responsibility to monitor its Constitution, and to ensure that it is kept up to date. To this effect, updates are made on a regular basis. For example, in 2018 updates were made to reflect changes to the governance structure. The last full review of the document was carried out in 2013 to reflect provisions contained in the Localism Act 2011, the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, and other general updates.
- 2.2 However, since the Constitution was first prepared in 2001, the fundamental structure of the document has remained the same, and it is now timely to carry out a more comprehensive review to ensure that the Constitution reflects current working arrangements and supports the type of organisation that the Council is aiming to be in future through its transformation and modernisation programme.

### 3. **PURPOSE OF THE REVIEW**

- 3.1 The review of the Constitution was carried out to ensure that the provisions and underlying principles in the document continue to meet the Council's needs in the context of organisational change. This includes the Council becoming a more agile and flexible organisation - to enable things to be done quickly and to act on opportunities. Also, for an increased emphasis on taking a business-like approach to service delivery, making the most efficient use of resources, and putting customers first.
- 3.3 Building on these principles, the review sought to ensure the provisions are up to date, and to improve the overall accessibility of the document, reduce duplication, ensure provisions are consistent across the document, and improve indexing and navigability. As part of this, it is proposed to remove the Articles Section, and to integrate the Article rules within each relevant part of the Constitution. In this way, related information is presented together in the document where possible, rather than in separate parts.

### 4. **SUMMARY OF PROPOSED UPDATES**

- 4.1 A summary of the proposed updates to the document is set out in **Appendix 1**.
- 4.2 With reference to Part 2 (The Constitution and how the Council operates), while this Part has been revised and updated, the review preserves the Council's Governance Structure (decision making structures) agreed by the Council in 2018 which provides all Members with opportunities to develop and specialise in areas of interest, to influence and participate in policy development on key priorities in the Council Business Plan (through groups appointed by the new Policy and Project Advisory Board) and to carry out scrutiny through improved arrangements. The updated Constitution also incorporates reference to the role of shadow portfolio holders as well as cabinet champion roles.
- 4.3 In Part 3, the Scheme of Delegation for Executive Matters has been revised to improve clarity around responsibilities for executive decision-making and enable increased opportunities for some quicker decision-making through a revised scheme which is sustainable for the future. The revised 'Responsibility for Functions' includes the governance arrangements for new bodies such as the Rushmoor Development Partnership and Rushmoor Homes Ltd and clarifies the general powers of officers in the Corporate Leadership Team.
- 4.4 Each document within the 'Part 4 – Procedure Rules' and 'Part 5 – Codes and Protocols' has been reviewed to ensure consistency with the rest of the Constitution, with the addition of a new Mayoral Protocol, new Guidance for Members using social media linked to the Code of Conduct for Councillors and the inclusion of the ICT Acceptable Use Policy.

## **5. PROCESS FOR REVIEW**

- 5.1 A cross-party Constitution Member Review Group met on a number of occasions during Autumn/Winter 2019/20 to consider key documents that form part of the Constitution, including the Standing Orders, the Code of Conduct for Councillors, Mayoral Protocol, Protocol for Member/Officer Relations and terms of reference for the Overview and Scrutiny Committee and Policy and Project Advisory Board. The Group's comments have informed the updates to the document from Members' perspective, and copies of the action notes of the meetings were reported to the Licensing, Audit and General Purposes Committee for information.
- 5.2 Wider consultation has also been carried out with the Corporate Leadership Team, and matters relating to executive decision making have been informed through discussion with the Leader of the Council.
- 5.3 Assistance was also sought from a representative from the Local Government Association (LGA) with expertise on the topic of Council Constitutions to provide an external view on the key elements of the draft updated document.

### **New provisions for remote decision-making**

- 5.4 Very recently, the Government has introduced new temporary powers for councils to hold remote or 'virtual' meetings for the purposes of council decision making. The Council is currently using these powers for remote meetings, and the Head of Democracy, Strategy and Partnerships shall make the related administrative changes to the Constitution as the arrangements are developed.

## **6. CONCLUSIONS**

- 6.1 Changes are proposed to the overall structure and content of the Constitution to ensure that the provisions remain up-to-date and the Council continues to work effectively in the context of ongoing modernisation and transformation and to help ensure the delegation arrangements are sustainable for future.

## **7. RECOMMENDATION**

- 7.1 The Council is recommended to agree the draft revised Constitution, attached separately, incorporating the revisions summarised in Appendix 1.

Note: In accordance with Standing Order 29, the 'Standing Orders for the Regulation of Business' will stand adjourned without discussion to the Council Meeting in June.

S.J. MASTERSON  
CHAIRMAN OF LICENSING, AUDIT AND  
GENERAL PURPOSES COMMITTEE

**Summary of Proposed Updates to the Constitution 2020**

**PART 1 – Summary and Explanation**

Current Document	Summary of Proposed New Changes
<p>Summary and Explanation Paras. 1.1 – 1.9</p>	<p>Delete Document (content is integrated in new Part 2)</p> <p>Insert new Table of Contents</p> <p>Insert new Summary paragraph:</p> <p>“This Constitution is intended to facilitate council business. It explains how the Council operates, how decisions are made and who has the power to take which decisions. It sets out the procedures, codes and protocols to be followed to ensure that decisions are made efficiently, transparently and with accountability to local people.</p> <p>The Council has agreed this Constitution, which combines all the governance provisions it is required by law to adopt, together with its Standing Orders which set out how it conducts its meetings. These documents together provide the framework within which the Council operates”.</p> <p>and explanation of each new Part 1 - 6.</p>

Current Document	Summary of Proposed New Changes
List of Definitions	Insert additional new definitions e.g. Call-in, Decision-making body, key decisions, Policy Framework, Programme, Task and Finish Group
Decision Making Structure Diagram	Delete from this Part and move to Part 2

## PART 2

Current Part 2 – Articles of the Constitution	Summary of Proposed New Changes
Articles 1 – 16 and Schedule 1 Description of Executive Arrangements	To delete the Articles. The provisions are proposed to be integrated within relevant parts of the Constitution, so that related information is presented together, rather than in separate parts

### Summary of where old Article provisions have been relocated in the updated Constitution:

Old Articles	Key provisions relocated to
1: The Constitution	Part 2 - 'About the Constitution'
2: Councillors and Role Descriptions	Part 2 – How the Council Operates – Role of Councillors Part 3 (Section 3) – Role of Leader & Deputy, Cabinet Members Part 3 (Section 10) – Councillor Role Descriptions – Special Responsibility Roles

Old Articles	Key provisions relocated to
3: Residents and the Council	Part 2 – The Public’s Rights
4: The Council	Part 3 – (Section 4) Para 4.1 (Section 5) Role of the Council Part 4 – Budget and Policy Framework
5: Chairing the Council	Part 2 – How the Council Operates Para 3.14 – ‘the key responsibilities of the Mayor’
6: The Overview and Scrutiny Committee	Part 3 (Section 7) – Terms of Reference of the O&S Committee
7: The Cabinet	Part 3 (Section 2) – Executive Functions – About the Leader and Cabinet
8: Committees of the Council	Part 3 (Section 6) – Role and Responsibilities of Council Decision-Making Committees
9: Policy and Project Advisory Board	Part 3 (Section 8) Terms of Reference of the Policy and Project Advisory Board
10: Area Committees	Part 2 – How the Council Operates
11: Joint Arrangements	Part 3 (Section 13) - Provisions for and Responsibility for Joint Arrangements
12: Officers	Part 3 (Section 11) – Roles of Officers
13: Decision Making	Part 2 – How the Council Operates (paras 3.10, 3.11 and 3.12)
14: Finance, Contract and Legal Matters	Part 2 – How the Council Operates (paras 3.16, 3.17 and 3.18)
15: Review and Revision of the Constitution	Part 2 – About the Constitution
16: Suspension and publication of the Constitution	Part 2 – About the Constitution

Old Articles	Key provisions relocated to
Schedule 1: Description of Executive Arrangements	Part 2 – How the Council Operates (para 3.3)

## **NEW Part 2 – The Constitution and how the Council operates**

### **Insert new Part 2:**

Section Title	Summary of Contents
About the Constitution	Description of aims and principles, arrangements for making changes to the Constitution, and provisions for suspending the Constitution
How the Council Operates	Description of: <ul style="list-style-type: none"> <li>(1) Councillors – Terms of Office, Roles and Function</li> <li>(2) Governance of the Council (including decision-making structure, Council, Leader and Cabinet and Mayoralty)</li> <li>(3) The Public’s Rights (voting and petitions, information and participation)</li> </ul>

## PART 3 – RESPONSIBILITY FOR FUNCTIONS

Current Part 3	Summary of Proposed New Changes
Responsibility for Functions	<p><b>Insert new Section 1</b> - 'Introduction to Responsibility for Functions' which is a re-working of the current Responsibility for Functions</p> <p>This summarises the Executive/Council split, how delegation works and a new summary of general powers for Executive Directors and Heads of Service.</p>
<p>Section A Powers and Duties of the Cabinet Cabinet Powers and Duties – Further Delegation</p>	<p>Delete Delete</p> <p><b>Insert new Section 2</b> – Executive Functions (Introduction to Executive functions)</p> <p><b>Insert new Section 3</b> – Scheme of Delegation for Executive Matters</p> <p>New Section 3 specifies:</p> <ul style="list-style-type: none"> <li>• Matters reserved to the Leader</li> <li>• Matters reserved to the Cabinet</li> <li>• Matters reserved to Cabinet Portfolio Holders</li> <li>• Matters reserved to specific Cabinet Portfolio Holders</li> <li>• New provisions for delegation of executive functions to Officers:</li> </ul>



Current Part 3	Summary of Proposed New Changes
	<p>Para 3.10:</p> <p>“All executive functions except the ones in paragraph 3.3 to 3.9 above are delegated to officers in the Corporate Leadership Team and Corporate Managers in relation to the Services for which they are responsible. A structure chart setting out service responsibilities is set out in Appendix 2 to this Section.</p> <p>Officers in the Corporate Leadership Team and Corporate Managers are ‘Authorised Officers’ and can authorise officers they line manage or other officers with the relevant skills and responsibilities to undertake delegated functions. Authorised officers will remain responsible and accountable for the exercise of the delegated functions”</p>
<p>Section B – Powers and Duties of the Committees</p> <p>Licensing, Audit and General Purposes Committee Powers and Duties</p> <p>Licensing, Audit and General Purposes Committee – Further Delegation</p> <p>Licensing Sub-Committee – Powers and Duties</p> <p>Licensing Sub-Committee (Alcohol and Ents) Powers and Duties</p> <p>Development Management Committee Powers and Duties</p>	<p>Delete – information included in new Section 6</p> <p>Delete document in current format – terms of reference are included in new Section 6</p> <p>Delete document in current format – arrangements for delegation are now set out in new Section 4</p> <p>Delete document in current format – arrangements for delegation are included in new Section 4 (para 4.6 refers)</p> <p>Delete document in current format – arrangements are included in new Section 4 – (para 4.3 and 4.4)</p> <p>Delete document in current format – arrangements are included in new Section 4 – para 4.2 and Section 6 para 6.5</p>

Current Part 3	Summary of Proposed New Changes
	<p><b>Insert new Section 4 – Scheme of Delegation – Non-Executive Matters (Council Responsibilities)</b></p> <p>Sets out those matters not to be the responsibility of the Leader and the Cabinet and the delegation arrangements for each:</p> <ul style="list-style-type: none"> <li>• Budget and Policy Framework</li> <li>• Planning Matters</li> <li>• Licensing of alcohol, entertainment and late-night refreshment</li> <li>• Licensing of gambling</li> <li>• Taxi and Private hire licensing and associated licensing arrangements</li> <li>• Other licensing and registration arrangements</li> <li>• Health and Safety at work</li> <li>• Smoke Free premises</li> <li>• Other Council responsibilities set out in the table in Para 4.9</li> </ul> <p>No changes are proposed to the powers of current committees and sub-committees related to the functions above</p> <p><b>Insert new Section 5 – Role of the Council (Council Functions)</b></p> <p>Specifies functions that only the Council will exercise</p> <p><b>Insert new Section 6 – Roles and Responsibilities of Council Decision Making Bodies</b></p> <p>Sets out the terms of reference for the Licensing, Audit and General Purposes Committee, Licensing Sub-Committee, Licensing Sub-Committee (Alcohol and Entertainments) and the Development Management Committee</p>

Current Part 3	Summary of Proposed New Changes
	<p>No changes are proposed to the terms of reference of the Development Management Committee.</p> <p>'Local choice' matters which were the responsibility of the Licensing, Audit and General Purposes Committee are now proposed to be 'executive matters', and deleted from the terms of reference of the Licensing, Audit and General Purposes Committee:</p> <p>Functions related to:</p> <ul style="list-style-type: none"> <li>• Contaminated land</li> <li>• Control of pollution and management of air quality</li> <li>• Nuisance under the Environmental Protection Act 1990</li> </ul> <p><b>Insert new Section 7 – Overview and Scrutiny Committee – Terms of Reference</b></p> <p>No major changes to existing provisions. Some amendments to:</p> <ul style="list-style-type: none"> <li>• Provide similar structure to mirror that of the Policy and Project Advisory Board</li> <li>• Reference to Annual Joint Meeting to be held between Chairmen and Vice-Chairmen of OSC and PPAB and its purpose</li> <li>• Reference to Task and Finish Groups to be reviewed annually, and time-limited, and as distinct from Standing Groups</li> <li>• Ensure cross reference to the OSC Procedure Rules</li> <li>• Reference to role of OSC in the scrutiny of business plan activities for Cabinet Champions</li> </ul>

Current Part 3	Summary of Proposed New Changes
	<p><b>Insert new Section 8</b> – Policy and Project Advisory Board – Terms of Reference</p> <p>No major changes to existing provisions. Some amendments to include reference to:</p> <ul style="list-style-type: none"><li>• Expectation for Cabinet Members to attend PPAB</li><li>• Reference to Annual Joint Meeting to be held between Chairmen and Vice-Chairmen of OSC and PPAB and its purpose</li><li>• Reference to Task and Finish Groups to be reviewed annually, and time-limited,</li></ul> <p><b>Insert new Section 9</b> – Rushmoor Development Partnership and Rushmoor Homes Ltd – Governance Arrangements.</p> <p>This is a new document for the Constitution and sets out previously agreed governance arrangements.</p> <p><b>Insert new Section 10</b> – Councillor Role Descriptions – Special Responsibility Roles</p> <p>Information updated from old Article 2.</p> <p><b>Insert new Section 11</b> – Roles of Officers.</p> <p>This is a new document for the Constitution and is a combination of new provisions to improve clarity of roles, and those that are drawn from the existing scheme of delegation. It details the statutory officer roles and makes the distinction from the head of service role.</p>

Current Part 3	Summary of Proposed New Changes
	<p><b>Insert new Section 12 – Proper Officers</b></p> <p>Updates to reflect the changes to the officer designations in the current staffing structure, and to include the proper officer functions for the Meetings and Access to Information Regulations 2012.</p> <p><b>Insert new Section 13 – Provisions and Responsibilities for Joint Arrangements</b></p> <p>Information carried over from old Article 11.</p>

## Part 4 – Council Procedure Rules

In all documents, changes have been made to ensure the correct titles of Heads of Services

Document	Summary of Proposed New Changes
<p>1. Standing Orders for the Regulation of Business</p>	<p>Para 4 (2) – Amend to state that the Council shall appoint standing deputies to the four relevant bodies DMC, LAGP, OSC and PPAB</p> <p>Para 4 (3) – Delete provision for the military authorities to nominate a representative to serve on the Development Management Committee as a co-opted Member</p> <p>Para 6 (1) – Add to order of business:                      (i) receive any petitions submitted under Standing Order 21                      (m) receive reports submitted by the Cabinet, LAGP and DMC.. ‘and answer questions asked under Standing Order 8(2)</p> <p>Para 9 (4) – Motions referred to a Relevant Body no longer resubmitted to the Council unless the Council is the appropriate decision maker</p> <p>New Para 9 (10) – Insert ‘Each motion shall be considered by the Chief Executive and the Head of Democracy, Strategy and Partnerships prior to inclusion on an agenda to ensure that the provisions of these Standing Orders and any other legislation and/or guidance, have been met’.</p> <p>Para 27 (5) – Delete ‘in the case of the Cabinet, the Quorum shall be five voting Members’</p> <p>Para 29 – Delete ‘Ordinary’ – Standing Orders to stand adjourned to the next Meeting.</p>

Document	Summary of Proposed New Changes
<p>Appendix 1 – Scheme for the Appointment of Standing Deputies to the Development Management Committee</p> <p>Appendix 2 – Scheme for Questions to Cabinet at Full Council</p> <p>Appendix 3 – Scheme for the Annual Report of the Overview and Scrutiny Committee</p>	<p>In the Scheme title, delete the words ‘to the Development Management Committee’</p> <p>Revise the Introduction:</p> <p>‘The Scheme for Standing Deputies applies to the Development Management Committee, Licensing, Audit and General Purposes Committee, Overview and Scrutiny Committee and the Policy and Project Advisory Board. It allows for the attendance of a standing deputy where a regularly appointed Member cannot be present’</p> <p>Para 2 – References to the DMC alone be updated to reflect the wider application of the Scheme.</p> <p>No Changes proposed</p> <p>No Changes proposed</p>
<p>2. Access to Information Procedure Rules</p>	<p>Para 3.2 – Insert reference to public’s right to webcast meetings.</p> <p>Para 3.3 – Insert ‘At meetings attending by the public, the Chairman may remind that filming and recording is permitted, however filming and photography should not be directed towards or focussed on the members of the public attending the meeting’</p>

Document	Summary of Proposed New Changes
Appendix - Arrangements for Urgency and Exceptions	<p>Para 3.4 – Insert ‘The person presiding at a meeting may order that filming, photography or recording must stop if it is being disruptive to the conduct of the meeting or is bring directed towards members of the public’.</p> <p>Para 4 – Notice of Meetings insert ‘principle meetings of the Council’ for clarity</p> <p>Para 20 – Records of Decisions made by Officers</p> <p>Insert “The requirement to publish records of decisions made by officers relates to both executive and non-executive matters. The Council will publish records of significant decisions made by officers under delegated powers’ (revised list inserted)</p> <p>Insert New Para 22 – ‘In line with principles of good governance, Heads of Service shall also keep records of other operational decisions taken by them to provide an appropriate audit trail and clear evidence of decisions taken’</p> <p>Insert Note to explain that Call-in can’t be used in cases of urgency (cross reference the Call-in arrangements):</p> <p>‘Call-in procedures shall not apply where an executive decision is urgent. A decision will be urgent if any delay caused by the call-in process would seriously prejudice the Council’s or the public’s interest. The provision is set out in full in the Overview and Scrutiny Procedure Rules Para 19’.</p> <p>Add additional note to signpost that there are arrangements for urgent decisions outside the budget or policy framework set out in the Para 4 of the Budget and Policy Framework document.</p>



Document	Summary of Proposed New Changes
3. Public Speaking Procedure Rules	<p>Para 3.1 – Requirement to give advance notice – insert two ‘working’ days for clarity.</p> <p>Para 5.1 – ‘A speaker will be allowed a maximum of 5 minutes to address the meeting, which may be extended to 10 minutes with the agreement of the Chairman....the Head of Democracy, Strategy and Partnerships in consultation with the Chairman will have the final say on the numbers of speakers at the meeting’</p>
4. Cabinet Procedure Rules	<p>Delete Para 1.3 – Duplication of information in Part 2 – About the Constitution</p> <p>Para 1.7 – Change to ‘the quorum for a meeting of the Cabinet shall be four (at least 50% of the Cabinet Membership)’.</p>
5. Overview and Scrutiny Procedure Rules	<p>Para 1 – Delete reference to Article 6</p> <p>Para 1(b) Insert that the ‘full terms of reference for the Overview and Scrutiny Committee are set out in Part 3 of the Constitution’. References to the Corporate Performance Plan are updated to the Council Business Plan.</p> <p>Delete Paras 2 – 9, 21, 22 as these provisions are now set out in the OSC Terms of Reference in Part 3 of the Constitution</p> <p>Para 10 - Calls for Action - para (c) insert excluded matters are to be determined ‘in the judgement of the Monitoring Officer in consultation with the Mayor’</p> <p>Para 15 – delete ‘their performance’ insert ‘performance monitoring information’</p>

Document	Summary of Proposed New Changes
6. Licensing Sub Committee (Alcohol and Entertainments) Hearing Protocol and Procedure	No changes proposed
7. Standards Hearing Procedure Rules	No changes proposed
8. Budget and Policy Framework	<p>Revised document - updated to incorporate the role of the Policy and Project Advisory Board and Overview and Scrutiny Committee.</p> <p>Para 3 is updated to improve clarity on the process by which the budget and policy framework is developed.</p>
9. Finance Procedure Rules	Draft new Procedure Rules inserted
10. Contract Standing Orders	<p>Revisions to the document:</p> <p>The changes made are around</p> <ul style="list-style-type: none"> <li>• procurement limits which has seen the lower value limit raised from £2,000 to £5,000</li> <li>• updated the EU thresholds to those currently in force</li> <li>• changed role titles</li> <li>• added in an additional sign-off for exemption to procurement so is decision of both Corporate Manager (Legal Services) and Executive Head of Finance</li> </ul>
11. Officer Employment Procedure Rules	Revisions to the document to reflect that the Head of Paid Service is the Appointer for Heads of Service (other than Chief Officers), the Corporate Manager – Legal, and the Corporate Manager – People.

Document	Summary of Proposed New Changes
12. Petitions Scheme	Public Speakers – ‘A maximum of ten minutes shall be permitted....if there are additional speakers, this will be managed in accordance with the public speaking procedure rules’

## Part 5 – Codes and Protocols

In all documents, changes have been made to ensure the correct titles of Heads of Services

Document	Summary of Proposed New Changes
1. Code of Conduct for Councillors	Insert new Annex to the Code of Conduct ‘Guidance for Using Social Media’
2. Members Planning Code of Good Practice	Insert new section ‘Separating professional and public roles’
3. Protocol for Member/Officer Relations	Revised to be more concise and with clearer focus on the key elements of the expectations for Member/Officer Relations. Removed duplication related to access to information provisions.
4. Protocol for Public Community Meetings	Insert reference to use of the Council Meeting rooms for community meetings

Document	Summary of Proposed New Changes
5. Selection of the Mayor and Deputy Mayor	<p>Update to paragraph 10:</p> <p>“Those considered for appointment:</p> <p>must demonstrate a broad base of support amongst Members of the Council and all Members will be contacted in writing by the Chief Executive for their views on the proposed candidates after they have been identified from the seniority list”.</p>
6. Mayoral Protocol	<p>This a new document for the Constitution, which is intended to codify the arrangements for the Mayoral role and support arrangements.</p>
7. Appointment of Honorary Aldermen	<p>No changes proposed</p>
8. Officer Code of Conduct	<p>Insert updated version of the Officer Code of Conduct</p>
9. Code of Corporate Governance	<p>Abridged version of the full Code included in the Constitution for information setting out the key principles of the Code.</p>
10. Anti-Fraud, Bribery and Corruption Policy	<p>Insert latest version of the Policy</p>
11. ICT Acceptable Use policy	<p>Insert latest version of the Policy</p>

Document	Summary of Proposed New Changes
12.Members Learning and Development Policy	<p>Updates</p> <p>Para 2.1 - key objectives to include 'ensure councillors have the skills and expertise to carry out the role of councillor in an ever-changing environment and gain satisfaction from their work'</p> <p>Para 3.1 insert 'Training and development will be delivered in a range of formats to ensure flexibility of access'</p>

## Part 6 – Members Allowances Scheme

In all documents, changes have been made to ensure the correct titles of Heads of Services

Document	Summary of Proposed New Changes
Members Allowances Scheme	No changes proposed – next update by the Independent Remuneration Panel due in 2022.

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