

CONSTITUTION AND COMMITTEE REVIEW UPDATE

1. INTRODUCTION

- 1.1 The Council's Constitution is intended to facilitate council business. It 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. The Council has a responsibility to monitor its Constitution, and to ensure that it is kept up to date.

2. SUMMARY OF THE PROPOSALS

- 2.1 This Report sets out recommendations for changes to be made to the Council's Constitution:
- (1) a proposed update to Standing Orders to enable public questions at full Council Meetings (as set out in Para 3); and
 - (2) a proposal to specify certain mandatory training topics for all Elected Members in the Code of Conduct for Councillors (as set out in Para 4)
- 2.2 The Report also summarises the Committee Review findings arising from a review led by the Centre for Governance & Scrutiny on behalf of the Council during Winter 2024/25, and the recommendations of the Constitution Working Group for actions to take forward. The headline proposals for the structural changes to decision-making arrangements arising from the Committee Review are as follows:
- A proposal for a single cross party 'work programme management group' with membership drawn from across the Council to align the work programmes of the non-executive committees (Policy & Project Advisory Board (PPAB), Overview and Scrutiny Committee (OSC) and the Committee with responsibility for audit and governance). The individual Progress Groups will no longer meet.
 - The PPAB work programme, with co-ordination and oversight from the proposed new work programme management group, to be more closely

aligned to deliver Council Plan Priorities and with Cabinet Member engagement.

- A proposal to split the current Corporate Governance Audit and Standards Committee (CGAS) into two committees – creating an ‘Audit and Governance Committee’, and ‘Licensing & Council Business Committee’, with training plans to support Members on each.

3. PUBLIC QUESTIONS AT FULL COUNCIL

3.1 At its meeting on 1st April, the Constitution Working Group considered the detailed procedures for a new pilot scheme for ‘Questions by the Public’ at Council Meetings. This requires an update to the Council’s Standing Orders for the Regulation of Business:

3.2 The Working Group proposed that the new Standing Order is as follows:

“Questions on Notice by the Public

A Member of the public may ask a question in writing of the Leader of the Council, a Member of the Cabinet, or the Chair of any Committee on any matter in relation to which the Council has powers or duties, or which affects the Borough.

A member of the public is limited to submitting one such question at any meeting of the Council. No more than one question can be asked on behalf of any organisation or body at any Council meeting.

The question must be sent, in writing, to the Corporate Manager – Democracy, via email to committeeservices@rushmoor.gov.uk, to be received no later than 5pm on the fourth working day prior to the day of the meeting. (For the avoidance of doubt, if a meeting were to be held on a Thursday evening, the deadline would be 5pm on the Friday of the preceding week). No questions from the public will be allowed where the requisite notice has not been given or at the Annual Council Meeting.

Questions submitted shall be dealt with in accordance with the procedure note contained in Appendix 4 to these Standing Orders.”

3.3 A copy of the proposed procedure note to accompany this provision is attached to this report as **Appendix 1**.

3.4 The [Public Speaking Procedure Rules](#) are already in place to enable public engagement at other public open committee and cabinet meetings and is published as part of the Constitution on the Council’s website.

4. **MANDATORY TRAINING IN CODE OF CONDUCT FOR COUNCILLORS**

- 4.1 The Constitution Working Group has also proposed that certain core training topics for Members, which are considered mandatory, should be incorporated and named within the [Councillor's Code of Conduct](#). This is with a view to strengthening the obligation for councillors to attend mandatory training on becoming an elected Member with an expectation for regular refresher training during a councillor's service on the Council.
- 4.2 It is therefore recommended that Section 2 of the Code which sets out the minimum standards of conduct required of councillors, identifies the following topics as mandatory training during a councillor's term of office. Delivery of training to be offered with flexible options/means to access training, for accessibility purposes.
- 4.3 Mandatory Training:
- Code of Conduct for Councillors including declaring interests
 - Information Governance (GDPR requirements for managing personal data for casework)
 - Information and Cyber Security for all councillors with a Rushmoor O365 account/using Rushmoor IT Kit
 - Safeguarding
 - Equalities

For Councillors who sit on Development Management Committee (DMC) – there is a requirement to attend an induction and training on the [Planning Code of Good Practice](#) before attending any DMC meeting as a voting member.

For Councillors who participate on Licensing Hearings, it is mandatory that licensing training has been attended.

- 4.4 The Council's Member Development Group leads on the implementation of the broader training offer and arrangements for Member Development generally through the year.

Additional Comments by the Constitution Working Group

- 4.5 The general point was also made that documents throughout the Constitution should be updated with gender neutral language.
- 4.6 It was suggested to consider reducing the threshold for petitions to be considered by OSC and Council to support the aims for greater public engagement at meetings.
- 4.7 A request to review the Scheme for Honorary Aldermen as a future item.

5. COMMITTEE REVIEW FINDINGS AND FOLLOW-UP

- 5.1 During Winter 2024/25, the Centre for Governance and Scrutiny (CfGS) was invited by Rushmoor Borough Council to undertake a review of three of its formal committees: Policy and Projects Advisory Board, Overview and Scrutiny Committee and Corporate Governance, Audit and Standards Committee, and a Members Workshop took place on 10th March 2025 to present the findings which was facilitated by Ed Hammond, Deputy Chief Executive, CfGS. A copy of the report has been circulated to Members under separate cover and is available from the Democracy Team.
- 5.2 At the workshop, it was noted that a new consideration since the initial commissioning of the review was Local Government Reorganisation (LGR). LGR adds an additional consideration to the way forward. It will be important to ensure that the Council's governance arrangements are in good shape to manage during the transition to new local government structures, to manage the transition for safe and compliant local services, and to manage endings.
- 5.3 Within the Review, the five key responsibilities for non-executive Members across PPAB, OSC and CGAS were given as (1) policy development, (2) keeping Members sighted and informed, (3) understanding and acting on risk, (4) reviewing performance, and (5) financial management and oversight. Actions arising from the Review are intended to help improve and enable non-executive Members to perform these functions.
- 5.4 A copy of the paper considered by the Constitution Working Group, with the matters which would require a change to decision-making structures/the Constitution is attached to the report at **Appendix 2**.
- 5.5 Following consideration of the committee structure elements of the review report, the key recommendations from the Working Group are:
- retain the Policy and Project Advisory Board and put in place provisions which would strengthen the terms of reference to align better with delivery of the Council Plan and Cabinet engagement. Potentially, a strengthened role for responding to consultations.
 - No reduction to scheduled OSC Meetings
 - split the current terms of reference for CGAS across two new Committees – (1) 'Audit and Governance Committee' (meeting six times a year) and a second committee covering the remaining Corporate Business and Licensing functions (meeting three times a year).
 - The creation of a new working group to replace existing 'Progress Groups' to align the work programmes of the non-exec bodies, OSC, PPAB and Corporate Governance and Audit, and to develop work programmes considering Cabinet business, the Financial Resilience working group, key financial and risk information and performance

data. Important for non-executive councillors to be able to get items onto agendas

- Co-ordinate a new Member Development Plan for Non-Executive Members framed around the five non-executive roles reflecting a new focus for engagement with Portfolio Holders. This to include training to support the Audit Committee.

Committee Review Proposed Next Steps and Timescales

5.6 Subject to any additional comments on the above, the Committee is asked to consider the proposed next steps for taking forward the Committee Review findings as set out below:

- (1) Delegate responsibility to the Constitution Working Group (which includes the Chairman of CGAS and the Portfolio Holder) to (1) implement the operation of a new Programme Management Working Group including arrangements for its membership and the presentation of work programme information linked to the Council Delivery Plan and (2) consider the terms of reference for the committees created from the separation of CGAS, and (3) consider modifications needed to the terms of reference for PPAB to strengthen alignment with Cabinet and Delivery Plan objectives.
- (2) An all-Member Briefing and update on the proposed changes to be held in late June 2025.
- (3) Report to the next ordinary Council Meeting on 10th July 2025 with proposals for adjustments to terms of reference for the committees, including those created from the separation of CGAS functions.
- (4) Implementation of separate 'Audit and Governance' and 'Licensing & Council Business' Committees from September 2025.

6. CONCLUSIONS AND RECOMMENDATION

6.1 Changes are proposed to the content of the Constitution to ensure that the provisions remain up-to-date, and the Council continues to work effectively to meet the needs of the wider Council Membership.

It is **Recommended to the Council** that:

the proposed updates to the Constitution in respect of public questions at the full Council Meeting as set out in Para 3 of the Report, and updates to the Councillors Code of Conduct, as set out in Para 4 of the Report be approved for adoption.

The Committee is recommended to

- (1) approve the delegation of work to the Constitution Working Group to progress the further detailed work to support the changes to the committee structure arising from the Committee Review as set out in Paras. 5.5 and 5.6 of the report, with a report to the next ordinary meeting of the Council on 10th July 2025.
- (2) Authorise the Corporate Manager – Democracy, in consultation with the Chairman of CGAS, and Leader of the Council to make any further minor updates to the Constitution documents to be recommended for update to the Council, in advance of the report to the Council.

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