

**23RD MARCH, 2020**

**REPORT NO. DSP2002**

## **CONSTITUTION REVIEW**

### **1. INTRODUCTION**

- 1.1 At its meeting on 27th January, the Committee received an update on progress on the review of the Council's Constitution and considered and endorsed the draft updated Standing Orders for the Regulation of Business as recommended by the Constitution Member Review Group (Report No. DSP2001).
- 1.2 Following a full review, and on the recommendation of the Constitution Member Review Group, the Committee is now asked to consider the draft updated Constitution in full for recommendation to the Council. A hard copy of the draft document has been circulated to Members of the Committee and is also available on-line with the electronic papers for this meeting.

### **2. BACKGROUND**

- 2.1 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.
- 2.2 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.
- 2.3 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 A full review of the Constitution is being 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.
- 3.2 The key aims for transformation and modernisation include 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 of the Constitution is seeking to improve the overall accessibility of the document, to make it clearer as a public 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 will be 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 re-presented 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, including the Chairman of the Licensing, Audit and General Purposes Committee, has 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 are attached at **Appendix 2** 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.

## 6. **CONCLUSIONS AND RECOMMENDATION**

- 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.
- 6.2 On the recommendation of the Constitution Member Working Group, the Committee is invited to note the review work carried out, and to raise any additional comments/issues to be taken into consideration before submission of the document to the Council on 23rd April, 2020.
- 6.3 The Committee is requested to recommend to the Council that:
- (1) The draft revised Constitution (attached electronically) incorporating the revisions summarised in Appendix 1, be approved for implementation from the Annual Council Meeting in May 2020.

The Committee is recommended to:

- (2) Authorise the Head of Democracy, Strategy and Partnerships in consultation with the Chairman of the Licensing, Audit and General Purposes Committee to make further minor changes to the draft revised Constitution in advance of the report to the Council following this meeting; and

- (3) Note that any further amendments to the Scheme of Delegation for Executive Matters required to finalise the document for Council be agreed by the Leader of the Council in consultation with the Head of Democracy, Strategy and Partnerships.

Note: In accordance with Standing Order 29, the 'Standing Orders for the Regulation of Business' will stand adjourned without discussion to the Annual Council Meeting. The Council will also be asked at the Annual Meeting to waive the Council Procedure Rules in order for the changes to take immediate effect.

**ANDREW COLVER**  
**HEAD OF DEMOCRACY, STRATEGY AND PARTNERSHIPS**

**Contact:** [Jill.shuttleworth@rushmoor.gov.uk](mailto:Jill.shuttleworth@rushmoor.gov.uk) Democracy & Partnerships Manager

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

**PART 1 – Summary and Explanation**

Current Document	Summary of Proposed New Changes
Summary and Explanation Paras. 1.1 – 1.9	<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>
Section A Powers and Duties of the Cabinet Cabinet Powers and Duties – Further Delegation	<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
<p>Appendix - Arrangements for Urgency and Exceptions</p>	<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.

**Constitution Group Meeting**

11th November at 6.30 p.m. in the Chief Executive's Office

Attendance: Cllr Stephen Masterson, Cllr John Woolley, Cllr Adrian Newell, Cllr Frank Rust, Jill Shuttleworth and Ian Harrison

**ACTION NOTES:**

The Group noted the timetable for the Constitution Review and considered the following documents for the Constitution.

Document	Summary of draft changes	Summary of Group's comments
Protocol for Member/Officer Relations	<p>Document updated to be more concise and with clearer focus on the key elements of the expectations for Member/Officer Relations.</p> <p>Some points have increased emphasis.</p> <p>Duplication related to access to information provisions removed.</p>	<p>Endorsed shorter document for usability.</p> <p>Para 2.9 - insert 'a decision of' the Council</p> <p>Para 3.2 - support point on power imbalance</p> <p>Para 4.3 – support wording on access to officers</p> <p>Para 6.2 – strengthen wording 'Members must not negotiate' with third parties</p>
Terms of Reference Overview and Scrutiny Committee	<p>Presentation and structure of the document to mirror the heads included in the Policy and Project Advisory Board Terms of Reference. To achieve this, some sections of the old Overview and Scrutiny Procedure Rules have been re-presented in this part.</p>	<p>Endorsed presentation of the Terms, subject to the following points:</p> <p>Include reference to</p> <ul style="list-style-type: none"> <li>• an Annual Joint Meeting to be held between Chairmen and V-Chairmen of OSC and PPAB</li> <li>• Task and Finish Groups to be reviewed annually, and time-limited</li> </ul> <p>Quorum – to specify the minimum number of councillors to attend as six out of eleven voting Members.</p>

		<p>To include reference to a role for the Overview and Scrutiny Committee in the scrutiny of the Cabinet Champion's activities. Reporting once a year.</p> <p>Ensure cross reference to the O&amp;S Procedure Rules document</p>
Terms of Reference Policy and Project Advisory Board	Presentation and structure of the document to mirror the heads included in the Overview and Scrutiny Committee Terms of Reference	<p>Endorsed presentation of the Terms, subject to the following points:</p> <ul style="list-style-type: none"> <li>Strengthen expectation for Cabinet Members to attend PPAB frequently as a matter of good practice. (Strengthening link between Cabinet and PPAB). Cabinet Members attendance to be recorded in minutes.</li> </ul> <p>Include reference to</p> <ul style="list-style-type: none"> <li>an Annual Joint Meeting to be held between Chairmen and V-Chairmen of OSC and PPAB</li> <li>Task and Finish Groups to be reviewed annually, and time-limited</li> </ul> <p>Quorum – to specify the minimum number of councillors to attend as six out of eleven voting Members.</p>
Overview and Scrutiny Procedure Rules	<p>Some information has been moved to the OSC Terms of Reference for ease of reference for meetings.</p> <p>The remaining information is focused on procedures to be followed for call-in, formal reports of the OSC and councillor right to call for action.</p>	<p>On Call for Action – para (c) excluded matters – to be determined 'in the judgement of the Head of DSP, MO or Mayor' i.e. a person outside of the political sphere.</p> <p>On Call-in – the Group identified a need for more training for councillors on the provisions around call-in</p>

<p>Public Involvement:</p> <ul style="list-style-type: none"> <li>• Protocol for Public Neighbourhood Meetings</li> <li>• Public Speaking Procedure Rules</li> <li>• Petitions Scheme</li> <li>• Access to Information Procedure Rules</li> </ul>	<p>No significant proposed to the documents - but to update taking account of the Group's feedback.</p>	<p>General points:</p> <ul style="list-style-type: none"> <li>• Prepare linked document to the Members Code of Conduct with provisions setting out expectations re: use of Social Media during meetings and particularly Members' seminars/meetings and events which are closed to the public.</li> <li>• Inclusion of Social Media guidance for Councillors 'dos and don'ts'</li> <li>• Standing Orders – reference to the recording/webcasting of Council Meetings</li> <li>• Council agenda – say what provision Standing Order 8 is – rather than simply referring to the para number (for public understanding)</li> </ul> <p>Access to Information Procedure Rules:</p> <ul style="list-style-type: none"> <li>• Para 3.2 – add reference to Chairman's reminder of the public's right to use social media to record meetings.</li> </ul> <p>Petitions Scheme:</p> <ul style="list-style-type: none"> <li>• Support 10 minutes for a petitioner to present to a meeting, however, need for provision to manage the overall numbers of public speakers in a session.</li> </ul> <p>Public Speaking Procedure Rules:</p> <ul style="list-style-type: none"> <li>• Suggested 5 minutes to address a meeting, with Chairman's discretion to extend to 10 minutes. Endorsed facilitation of joint presentations.</li> </ul> <p>Protocol for Public Neighbourhood Meetings</p> <ul style="list-style-type: none"> <li>• Council Offices can be used for public meetings</li> </ul>
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## Constitution Group Meeting

10th December at 6.30 p.m. in Ian Harrison's Office

Attendance: Cllr Stephen Masterson, Cllr Terry Bridgeman, Cllr Adrian Newell, Cllr Frank Rust, Cllr Paul Taylor, Jill Shuttleworth, Andrew Colver and Ian Harrison

### ACTION NOTES:

The Group noted the timetable for the Constitution Review and considered the following documents for the Constitution.

Document	Summary of draft changes	Summary of Group's comments
Action Notes of the Meeting held on 11th November		Terms of reference of the O&S Committee: <ul style="list-style-type: none"><li>• Reference to Annual Joint Meeting of chairs and v/chairs to describe the purpose of the meeting</li><li>• Distinction between Standing Groups, and Task and Finish Groups</li><li>• Scrutiny of Cabinet Champion – focus on performance on matters within the Council Business Plan</li></ul>
Standing Orders for the Regulation of Business	Quorum to be 50% at all principal meetings  Motions: <ul style="list-style-type: none"><li>• where referred to a relevant body, they should not come back to Council unless it is a 'Council' matter (many will be executive or committee decisions)</li><li>• Motions – to be considered by the CX and Head of DSP prior to inclusion on an agenda</li></ul>	The Group endorsed the proposed changes  The Group also considered provisions for substitute members/standing deputies for principal meetings and supported an arrangement for named standing deputies for LAGP, PPAB & OSC as for DMC. A separate, more flexible arrangement for substitutions on Member Working Groups.  Members would welcome training on Stranding Orders and rules for debate

Code of Conduct for Councillors	No changes to the main Code. Proposed to add an Annex with Guidance for using Social Media – circulated.	Agreed that Social Media Annex was a good start to written guidance for councillors. It was recognised that this may need to be refreshed regularly.
Members Planning Code of Good Practice	Additional section ‘Separating Professional and Public Roles’. Updates to reflect current role designations.	Endorsed Code.  The Group asked about the process/sanctions for dealing with complaints about a breach of the Code, and it was noted that a monitoring team may decide to arrange a hearing as set out in the Standards Hearing Procedure Rules.
Mayoral Protocol	New addition to the Constitution to codify the arrangements for the Mayoral role and support arrangements.	Endorsed Protocol subject to the following comments:  Para 3 – add reference to criteria for a suitable engagement to accept and ‘in the event of doubt, refer to the Head of Service’  Para 8 – add reference/guidance for pre-election period
Members Learning and Development Policy	Updates to reflect current Group names and role designations.	Endorsed the updated Policy

## Constitution Group Meeting

20th January at 5.30 p.m. in the Vulcan Room

Attendance: Cllr Stephen Masterson, Cllr Adrian Newell, Cllr Frank Rust, Cllr Paul Taylor, Jill Shuttleworth, Andrew Colver and Ian Harrison

### ACTION NOTES:

The Group noted the timetable for the Constitution Review and considered the following documents for the Constitution.

Document	Summary of draft changes	Summary of Group's comments
Action Notes of the Meeting held on 11th November		Approved
Draft Report for the Licensing, Audit and General Purposes Committee	The draft report with updates to Standing Orders was circulated for comments	<p>The Group endorsed the report and recommendations.</p> <p>The following points were made on the Standing Orders:</p> <p>Para 6 (1) – add 'to receive petitions submitted in accordance with SO 21'</p> <p>Para 6 (1) (m) – add 'and to answer questions in accordance with SO 8 (2)'</p> <p>Para 17 (2) - add his 'or her'</p> <p>Para 29 – delete 'Ordinary'</p> <p>The new scheme for Appointment of Standing Deputies was endorsed.</p>
Part 2 – The Constitution and how the Council Operates	New document (circulated) to amalgamate information previously presented in the Introduction and parts of the Articles	<p>The Group endorsed the revised Part 2.</p> <p>It was agreed to re-word Para 4.3 on public rights to attend meetings to clarify that the public are exempt from attending for the item; as distinct from the meeting.</p>
Approach to the Scheme of Delegation	An update was given outlining the approach to the Scheme of Delegation.	It was agreed that documents would be circulated to the Group shortly in advance of the next meeting on 9/3/20

## Constitution Member Working Group

9th March at 5.30 p.m. in the Montgomery Room

Attendance: Cllr Stephen Masterson, Cllr Adrian Newell, Cllr Frank Rust, Cllr Paul Taylor, Cllr Jonathan Canty, Jill Shuttleworth, Andrew Colver and Ian Harrison

### ACTION NOTES:

Document	Key Points	Actions
Draft Constitution Document for submission to the Licensing, Audit and General Purposes Committee	<p>Draft Constitution to be presented to the Licensing, Audit and General Purposes Committee at its meeting on 23/3 and to the Council on 23/4. To be effective from the Annual Council Meeting in May 2020.</p> <p>Key Documents reviewed:</p> <p><u>Part 2 – How the Council Operates</u></p> <ul style="list-style-type: none"><li>• Endorsed revised definition of a key decision (para 3.12)</li><li>• Mayoralty responsibilities – clerical update</li></ul> <p><u>Part 3 – Introduction to Responsibility for Functions</u></p> <ul style="list-style-type: none"><li>• General Powers (para 1.5) – clarified that provisions, such as authorities around contracts, were also subject to requirements in the Procedure Rules.</li></ul>	Subject to comments, the draft updated Constitution was approved for submission to the Licensing, Audit and General Purposes Committee

Part 3 – Executive Functions

- Clarification of statutory requirements that Members of the Cabinet cannot be a member of the Overview and Scrutiny Committee (OSC has a statutory status – separate from PPAB)
- Para 2.4 – describes the Cabinet Membership at Rushmoor, however the Leader’s powers in Section 3 make provision for a Cabinet of up to 10 Members including the Leader.
- Para 2.11 – Shadow Portfolios – insert ‘primary’ Opposition Group

Part 4 - Finance Procedure Rules

- Endorsed thresholds

Part 4 - Contract Standing Orders

- Endorsed updates

Part 5 – Selection of the Mayor and Deputy Mayor

- Discussion on criteria – agreed to follow up after the meeting to finalise any amendments to be included in the papers for LAGP

	<p><u>Part 5 – Protocol for Member/Officer Relations</u></p> <p>For the final version, recommended to insert provisions that cover:</p> <ul style="list-style-type: none"> <li>• Advice for the pre-election period</li> <li>• Dealing with complaints (MO/CX) and what happens when it goes wrong</li> </ul> <p><u>Part 5 – Officer Code of Conduct</u></p> <ul style="list-style-type: none"> <li>• The Group supported presence of an Officer Code of Conduct in the Constitution for the purposes of transparency.</li> <li>• Para 5 – Political neutrality – officers who are in politically restricted posts will be aware of this as it is set out in their contract of employment</li> </ul>	
Attendance of Members at Meetings	The Group noted comments raised at the meeting of the Licensing, Audit and General Purposes Committee on 27th January in respect of attendance of Members at meetings - which was raised during discussion on Quorum in the draft Standing Orders.	It was agreed that attendance information should be monitored at the Member Learning and Development Group