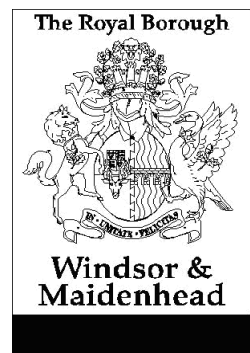


Report for: ACTION
Item Number: 4



<b>Contains Confidential or Exempt Information</b>	No – Part I
<b>Title</b>	<b>CONSTITUTION AMENDMENTS</b>
<b>Responsible Officer(s)</b>	Maria Lucas
<b>Contact officer, job title and phone number</b>	Maria Lucas, Head of Legal 01628796665
<b>Member reporting</b>	Councillor Burbage
<b>For Consideration By</b>	Constitutional Sub- Committee
<b>Date to be Considered</b>	20 February 2015
<b>Implementation Date if not Called In</b>	n/a
<b>Affected Wards</b>	All
<b>Keywords/Index</b>	Constitution

<p><b>Report Summary</b></p> <ol style="list-style-type: none"> <li>1. This report sets out proposed amendments to the Constitution.</li> <li>2. It recommends that the Constitutional Sub-Committee consider and approve the proposed revisions.</li> <li>3. These recommendations are being made as the Constitution needs to reflect the current best practice and other required amendments.</li> <li>4. If adopted, there are no key financial implications for the Council.</li> </ol>
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<b>If recommendations are adopted, how will residents benefit?</b>	
Benefits to residents and reasons why they will benefit	Dates by which residents can expect to notice a difference
An up to date Constitution reflecting best practice will ensure democratic processes run efficiently and effectively, and ensure residents are informed of the correct processes.	From date of decision

## 1. Details of Recommendations

**RECOMMENDATION: That the amendments to the Council's Constitution as set out in Appendix A to the report be approved.**

## 2. Reason for Recommendation(s) and Options Considered

**2.1** The Constitution of the Royal Borough of Windsor and Maidenhead is a single point of reference which contains the principal operating structures and procedures of the authority. 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. A full review of the Constitution was carried out in December 2012 and various changes have been made as required.

### **2.2 What amendments are requested to be made to the Constitution?**

Amendments are recommended to Part 2 C25, Part 7 Appendix 1 and B3.3 and Part 6 F17 (see Appendix A for full details).

Option	Comments
1. Approve the changes to the Constitution <b>Recommended Option</b>	This will ensure that the Constitution is legally compliant and up to date with best practice.
2. Do not approve changes	The Constitution will not be up to date.

## 3. Key Implications

Defined Outcomes	Unmet	Met	Exceed	Significantly Exceeded	Date they should be delivered by
Amend the Constitution by the date set out.	Do not amend the Constitution by the date set out.	Amend by the date set out.	n/a	n/a	

## 4. Financial Details

### **a) Financial impact on the budget (mandatory)**

There are no financial implications.

## 5. Legal Implications

The Constitution must be in compliance with the terms of the Local Government Act 2000, Local Government and Public Involvement in Health Act 2007 and Local Democracy, Economic Regeneration and Construction Act 2009, Localism Act 2010 and any other relevant statutory acts or guidance.

## 6. Value For Money

An updated Constitution will ensure the Council is less likely to be challenged on its procedures and processes.

## 7. Sustainability Impact Appraisal

There is no impact on sustainability objectives.

## 8. Risk Management

Risks	Uncontrolled Risk	Controls	Controlled Risk
There is a risk of challenge if the Constitution is not legally updated.	Constitution is not updated.	Constitution is regularly reviewed and updated.	Revised Constitution available on website.

## 9. Links to Strategic Objectives

The main links are to:

### Residents First

- Work for safer and stronger communities

### Value for Money

- Improve the use of technology

### Delivering Together

- Enhanced Customer Services
- Deliver Effective Services

### Equipping Ourselves for the Future

- Developing Our systems and Structures

## 10. Equalities, Human Rights and Community Cohesion

These amendments to the Constitution do not require a full EQIA. No negative impacts were identified.

## 11. Staffing/Workforce and Accommodation implications:

None.

## 12. Property and Assets

None.

## 13. Any other implications:

None.

## 14. Consultation

N/A

## 15. Timetable for Implementation

N/A

## 16. Appendices

Appendix A

## 17. Background Information

None

### 18. Consultation (Mandatory)

<b>Name of consultee</b>	<b>Post held and Department</b>	<b>Date sent</b>	<b>Date received</b>	<b>See comments in paragraph:</b>
<b>Internal</b>				
Cllr Burbage	Leader of the Council	12.2.15	12.2.15	
Christabel Shawcross	Interim Managing Director	12.2.15		
Maria Lucas	Head of Legal Services	n/a		5. Legal
Andrew Brooker	Head of Finance	12.2.15		4. Financial
<b>External</b>				
	Police, voluntary Organisation, etc	n/a		

### Report History

<b>Decision type:</b>	<b>Urgency item?</b>
Non-key decision	No

<b>Full name of report author</b>	<b>Job title</b>	<b>Full contact no:</b>
Maria Lucas	Head of Legal	01628 796665

**Recommended amendments to Part 2 C25**

It has been requested that the reference to Development Control and Licensing panels in C25.3 are excluded from this rule. C25 will therefore read:

**C25 DURATION OF MEETINGS**

C25.1 Unless the majority of members present vote for the meeting to continue, any meeting of the Council, its Committees, Forums, Panels and Sub-Committees, together with meetings of the Cabinet and its Sub-Committees, which commence at 7.30pm, and that has not concluded by 10.00pm will adjourn immediately at the conclusion of the agenda item then under discussion. Remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

C25.2 For all meetings of the Council, its Committees, Forums, Panels and Sub-Committees, together with meetings of the Cabinet and its Sub-Committees, that commence at 7.00pm or earlier, rule C25.1 above shall apply where the meeting has not concluded by 9.30pm.

~~C25.3 Rules C25.1 and A25.2 shall not apply to meetings of the Council's Development Control Panels or Licensing Panel.~~

**Recommended amendments to Part 7 Appendix 1 and B3.3**

The Anti Fraud and Corruption Guidance notes state that Members must declare all gifts over £25, however the Constitution states over £100. The Constitution Sub-Committee is asked to consider whether the Constitution should be amended.

**Part 7 B**

**Appendix 1**

**Declaration of pecuniary interests**

You must, within 28 days of receipt, notify the Monitoring Officer, in writing, of any gift, benefit or hospitality, with a value in excess of £100, which will then be entered on the public register of gifts and hospitality.

B3.3 A Statutory Register of Members' Interests is maintained by Democratic Services. It is the individual Member's responsibility to notify the Monitoring Officer any changes to their own Interests, whether by way of addition or deletion, as soon as they occur. Members are also required to register any gifts or hospitality received, over £100 in value.

## **Recommended amendments to Part 6 F17**

The following references to the Olympics working group are removed as they are no longer relevant.

F17 Olympics Working Group 183

### **F17 OLYMPICS WORKING GROUP**

#### **F17.1 Purpose:**

To facilitate local residents, business and other groups to maximise the local potential and benefits from the Games in the lead up to, during Games time and as a legacy from the Games.

Through delivery of its local authority functions (eg licensing, environmental health, highways, car parking enforcement, street cleaning etc), to support the ODA / LOCOG in their preparations for and delivery of the Games.

To support and facilitate Torch Relay activities should the Royal Borough be chosen as part of the Torch Relay route.

The Working Group will be a private Working Group; meetings will not be open to the press or public. However, the minutes of all meetings shall be made available on the Borough website.

To invite presentations as may from time to time be required from groups to include: local business groups, resident groups, ODA/LOCOG, major event holders, cultural groups, schools.

The Working Group will be supported by the Officer Programme Board.

#### **F17.2 Membership**

The Working Group shall consist of five Members as follows: Lead Member for Olympics, Lead Member for Highways & Streetcare, Lead Member for Community Partnerships & Consultation, Lead Member for Children's Services, Ward Councillor representing West Windsor residents

To co-opt representatives from such organisations as deemed appropriate

#### **F17.3 Quorum: 2**

#### **F17.4 Frequency**

To meet on a bi-monthly basis or at such times to meet the work programme and receive reports from the leads for each work stream.