

Notice of Meeting



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Governance and Ethics Committee

Monday 15 November 2021 at 6.30pm

in the Council Chamber, Council Offices,
Market Street, Newbury

This meeting can be streamed live here:

<https://westberks.gov.uk/governanceethicscommitteelive>

Date of despatch of Agenda: Friday 5 November 2021

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact Stephen Chard on 519462

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WestBerkshire
C O U N C I L

Agenda - Governance and Ethics Committee to be held on Monday, 15 November 2021
(continued)

To: Councillors Jeff Beck, Jeremy Cottam (Vice-Chairman), Bill Graham, Rick Jones, Tony Linden, Thomas Marino (Chairman), David Marsh, Geoff Mayes, Andy Moore, Claire Rowles and David Southgate

Substitutes: Councillors Adrian Abbs, Anne Budd, John Downe, Owen Jeffery, Steve Masters, Graham Pask and Garth Simpson

Agenda

Part I

		Page No.
1	Apologies To receive apologies for inability to attend the meeting (if any).	1 - 2
2	Minutes To approve as a correct record the Minutes of the meeting of this Committee held on 27 September 2021.	3 - 6
3	Declarations of Interest To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' Code of Conduct .	7 - 8
4	Forward Plan Purpose: To consider the Forward Plan for the next 12 months.	9 - 10
5	External Audit Appointment Process for Financial Years 2023/24 - 2027/28 (C4147) Purpose: This report sets out proposals for appointing the external auditor to the Council for the accounts for the five-year period from 2023/24.	11 - 18



Agenda - Governance and Ethics Committee to be held on Monday, 15 November 2021

(continued)

- 6 **Updates to the Constitution (C4104)** 19 - 38
Purpose: This report is to notify Council of the work undertaken by the Constitution Review Task Group to date and to propose: an additional ordinary meeting of Council in March 2022; that the meeting of Council scheduled to take place on 3 March 2022 will deal purely with the 2022/23 Council budget and no other business; a response to Motions submitted by Councillor Lee Dillon proposing changes to the Constitution; certain changes to the Constitution. This report is in anticipation of wholesale changes to the Constitution, as expanded upon below, to include making some or all of the proposals set out permanent.
- 7 **Action Plan Update Report – Review of the effectiveness of the Governance and Ethics Committee (GE4116)** 39 - 44
Purpose: At the Governance and Ethics Committee on 19th April 2021, Members were presented with revisions to the Action Plan which included timeframes. This report is to advise Members of the Committee of revised timeframes on recommendation numbers 5 and 6 of that Action Plan.

Sarah Clarke
Service Director: Strategy and Governance

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Agenda Item 1

Governance and Ethics Committee – 15 November
2021

Item 1 – Apologies for absence

Verbal Item

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Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

GOVERNANCE AND ETHICS COMMITTEE

MINUTES OF THE MEETING HELD ON MONDAY, 27 SEPTEMBER 2021

Councillors Present: Councillors Adrian Abbs, Rick Jones, Tony Linden, Thomas Marino (Chairman) and Claire Rowles

Also Present: Councillor Jeremy Cottam, Councillor Geoff Mayes, Sarah Clarke (Service Director (Strategy and Governance)), Julie Gillhespey (Audit Manager), Joseph Holmes (Executive Director - Resources) and Sean Murphy (Public Protection Manager), Stephen Chard (Democratic Services Manager), Bill Graham (Parish Council Representative), Jack Karimi (Democratic Services Officer) and David Southgate (Parish Council Representative)

Apologies for inability to attend the meeting: Councillor David Marsh

PART I

12 Minutes

Councillor Claire Rowles noted that she was present at the meeting on 26 July 2021 but the minutes did not correctly reflect that she was present in person. This would be corrected.

Councillor Rowles asked that the Councillors present virtually be shown separately from 'Also present'.

Councillor Tony Linden noted that on Page 4 he asked questions relating to the population of Reading West and the date of the creation of the Unitary Council. Joseph Holmes responded that it had been raised with the officer concerned and it was being picked up with a set of financial statements which would be raised with the Committee once the external audit had been completed.

Councillor Linden pointed out that on Page 5, his noting of the Berkshire Pension Fund being on time in the future had not been noted in the minutes.

The amended Minutes of the meeting held on 26 July 2021 were approved as a true and correct record and signed by the Chairman.

13 Declarations of Interest

There were no declarations of interest received.

14 Forward Plan

The Committee considered the Governance and Ethics Committee Forward Plan (Agenda Item 4).

Sarah Clarke noted that Councillor Andy Moore wished to table amendments to the Constitution to Council in December, and asked that that be added.

Councillor Claire Rowles asked where new items for Governance and Ethics Committee should be sent. Sarah Clarke responded that new items could be sent to either her or the Chairman.

GOVERNANCE AND ETHICS COMMITTEE - 27 SEPTEMBER 2021 - MINUTES

Councillor Adrian Abbs asked if the Influenza Plan should be moved forward to reflect the fact that it was unchanged since prior to the pandemic. Sarah Clarke responded that it was part of the Council's Strategic Risk Register which was scheduled to come bi-annually. Councillor Rick Jones agreed, but suggested that it be brought to the Health and Wellbeing Board first. Councillor Rowles agreed, and noted that OSMC was additionally looking at the Influenza Plan.

Councillor Rowles, noting that the Council was governed by routine items such as audits and appointment of external auditors, stated that the Committee's agenda was unambitious. Julie Gillhespey responded that she had prepared a report on the effectiveness of the Governance and Ethics Committee, noting that there were recommendations to make it more pro-active and less officer-led.

Councillor Abbs agreed with the suggestions of other Members, but asked whether the Governance and Ethics Committee was best-suited for audit and scrutiny. Sarah Clarke responded that OSMC provided the scrutiny role. Councillor Rowles responded that it was more due to the competencies of the committees, with OSMC taking a wider view and conducting scrutiny.

RESOLVED that the Governance and Ethics Committee Forward Plan be noted.

15 Internal Audit Interim Report 2021/22 Q1 (GE4091)

The Committee considered the Internal Audit Interim Report 2021/22 Q1 (Agenda Item 5).

Julie Gillhespey highlighted Section 4.5, which noted that there were no significant issues to report to the Committee for this period, and Section 5.2, which noted that there were no corporate audits with a less than satisfactory opinion, with the exception of a school which had received a weak opinion due to a need to strengthen income collection processes. Other than that, there was nothing of concern during the period.

Councillor Jeremy Cottam asked if the report included the I-College. Julie Gillhespey responded that the I-College was included, and had received a weak opinion. Julie Gillhespey added that there were no areas of significant concern, just areas for improvement, such as income collection and recording processes. There would be a follow-up in six months' time.

Councillor Claire Rowles asked whether recommendations were given to bodies which had received a 'satisfactory' opinion, to get them to a 'well controlled' opinion. Julie Gillhespey responded that recommendations for improvement were made, but they were not majorly significant, as 'satisfactory' was the benchmark.

Councillor Adrian Abbs asked if the Committee was acting under a two quarter delay to process audits. Julie Gillhespey noted that it was delayed by needing to go through the governance framework, and provided updates up to mid-June. Councillor Abbs asked if the new report was ready. Julie Gillhespey responded that it was not, as Q2 of the financial year would end at the end of September.

Councillor Rick Jones noted Appendix B, which went over the current audit and the current stage within the audit cycle, and asked what the different terms denoting progress meant. Julie Gillhespey responded that 'data matching' was the checking of report data, 'background' was preliminary research, and 'testing' was testing the scope of the body being audited. Her role was quality control, assessing the findings and making conclusions.

Councillor Rowles asked whether there was still a backlog in school visits due to the delay caused by Covid-19. Julie Gillhespey responded that of 15 delayed visits, two remained as outstanding. Councillor Rowles asked if there was a contingency for

GOVERNANCE AND ETHICS COMMITTEE - 27 SEPTEMBER 2021 - MINUTES

managing future delays due to Covid-19. Julie Gillhespey responded that school audits were unique because they were in person, whereas others were electronic, and that the greater concern was services prioritising issues other than audits.

David Southgate asked why Appendix C, the Anti-Fraud Work Plan, had empty spaces for audit work intended. David Southgate additionally noted that it was difficult to ascertain whether it was a large-scale audit project or a small one. Julie Gillhespey noted that it had been lifted from the Audit Plan, as they were specific parts of anti-fraud work.

RESOLVED that the report be noted.

16 Licensing Act 2003 and Gambling Act 2005 Delegations (LC4141)

The Committee considered the Licencing Act 2003 and Gambling Act 2005 Delegations report (Agenda Item 6).

Sean Murphy introduced the report, noting that the report would ultimately be approved by the Licensing Committee. The Committee was not being asked to approve the delegations, but to consider the proposals for the delegations that would be put before the Licensing Committee. The Licensing Act 2003 and Gambling Act 2005 were Constitutional issues. The report proposed an updated scheme of delegation for both acts, regulating licensing for establishments providing gambling or selling alcohol.

Councillor Claire Rowles asked whether Council would have final sign-off or whether Licensing Committee would deal with the issues. Sean Murphy noted that some competencies were reserved by Council, but that most issues were solely for the Licensing Committee.

Councillor Adrian Abbs asked for clarification as to why a section was highlighted in yellow or formatted in green. Sean Murphy noted that the highlighting had been left in the provided copy in error.

The Chairman asked if the two recommendations were still valid. Sean Murphy responded that they were not, and instead asked that Section 2.1 state that the Committee approve the proposed delegations, and that Section 2.2 be left for the Licensing Committee. Sarah Clarke responded that she was happy with those amendments, and the Committee recommended the proposed delegations to the Licensing Committee.

RESOLVED to recommend the proposed delegations to the Licensing Committee for approval.

(The meeting commenced at 18:30 and closed at 19:04)

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Agenda Item 3

Governance and Ethics Committee – 15 November
2021

Item 3 – Declarations of Interest

Verbal Item

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Governance and Ethics Committee Forward Plan 17 January 2022 – July 2022

17 January 2022						
1.	GE3891	Annual Audit Letter	To present the Annual Audit Letter.	Joseph Holmes	Councillor Howard Woollaston Internal Governance, Leisure and Culture	Audit
2.	GE4023	Strategic Risk Register Update Q2 2021/22	To provide an update on the Strategic Risk Register as at Q2 of 2021/22.	Catalin Bogos	Councillor Howard Woollaston Internal Governance	Audit
3.	GE4092	Internal Audit Interim Report 2021/22 Q2	To update the Committee on the outcome of Internal Audit work	Julie Gillhespey	Councillor Howard Woollaston Internal Governance, Leisure and Culture	Audit
4.	GE4123	Treasury Management - Mid Year Report		Shannon Coleman-Slaughter	Councillor Ross Mackinnon Finance and Economic Development	Finance
5.	GE4163	Member request for access to information		Sarah Clarke	Councillor Howard Woollaston Internal Governance, Leisure and Culture	
25 April 2022						
6.	GE4093	Internal Audit Interim Report 2021/22 Q3	To update the Committee on the outcome of Internal Audit work	Julie Gillhespey	Councillor Howard Woollaston Internal Governance, Leisure and Culture	Audit

7.	GE4094	Internal Audit Plan 2022/23	To outline the proposed audit work programme for the next three years	Julie Gillhespey	Councillor Howard Woollaston Internal Governance, Leisure and Culture	Audit
8.	C4152	Governance and Ethics Annual Report	To summarise the activity of the Committee over the 2021-22 Financial Year	Joseph Holmes	Councillor Howard Woollaston Internal Governance, Leisure and Culture	
July 2022 Date TBC						
9.	GE4024	Strategic Risk Register Update Q4 2021/22	To provide an update on the Strategic Risk Register as at Q4 of 2021/22.	Catalin Bogos	Councillor Howard Woollaston Internal Governance	Audit

External Audit Appointment Process for Financial Years 2023/24 – 2027/28

Committee considering report:	Governance and Ethics Committee on 15 November 2021 Council on 2 December 2021
Portfolio Member:	Councillor Howard Woollaston
Report Author:	Shannon Coleman-Slaughter
Forward Plan Ref:	C4147

1 Purpose of the Report

This report sets out proposals for appointing the external auditor to the Council for the accounts for the five-year period from 2023/24.

2 Recommendation

It is recommended that the Council accepts the Public Sector Audit Appointments' (PSAA) invitation to opt into the sector-led option for the appointment of external auditors to principal local government and police bodies for five financial years from 1 April 2023.

3 Implications and Impact Assessment

Implication	Commentary
<p>Financial:</p>	<p>There is a risk that current external audit fee levels could increase when the current contracts end. It is clear that the scope of audit has increased, requiring more audit work. There are also concerns about capacity and sustainability in the local audit market.</p> <p>Opting into a national scheme provides maximum opportunity to ensure fees are as realistic as possible, while ensuring the quality of audit is maintained, by entering into a large scale collective procurement arrangement.</p> <p>If the national scheme is not used some additional resource may be needed to establish an auditor panel and conduct a local procurement. Until a procurement exercise is completed it is not possible to state what, if any, additional resource may be required for audit fees from 2023/24.</p>

Human Resource:	Not applicable
Legal:	<p>Section 7 of the Local Audit and Accountability Act 2014 requires the Council to appoint a local auditor to audit its accounts for a financial year no later than 31 December in the preceding year.</p> <p>Section 8 governs the procedure for appointment including that the Council must consult and take account of the advice of its auditor panel on the selection and appointment of a local auditor. Section 8 provides that where a relevant Council is a local Council operating executive arrangements, the function of appointing a local auditor to audit its accounts is not the responsibility of an executive of the Council under those arrangements.</p> <p>Section 12 makes provision for the failure to appoint a local auditor. The Council must immediately inform the Secretary of State, who may direct the Council to appoint the auditor named in the direction or appoint a local auditor on behalf of the Council.</p> <p>Section 17 gives the Secretary of State the power to make regulations in relation to an ‘appointing person’ specified by the Secretary of State. This power has been exercised in the Local Audit (Appointing Person) Regulations 2015 (SI 192) and this gives the Secretary of State the ability to enable a sector-led body to become the appointing person. In July 2016 the Secretary of State specified PSAA as the appointing person.</p>
Risk Management:	<p>The principal risks are that the Council:</p> <ul style="list-style-type: none"> • Fails to appoint an auditor in accordance with the requirements and timing specified in local audit legislation; or • Does not achieve value for money in the appointment process. <p>These risks are considered best mitigated by opting into the sector-led approach through PSAA.</p>
Property:	Not applicable.
Policy:	Not applicable.

	Positive	Neutral	Negative	Commentary
Equalities Impact:				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		
Environmental Impact:		X		
Health Impact:		X		
ICT Impact:		X		
Digital Services Impact:		X		
Council Strategy Priorities:		X		
Core Business:		X		
Data Impact:		X		
Consultation and Engagement:	Joseph Holmes – Executive Director of Resources, s151 Officer.			

4 Executive Summary

- 4.1 Under the Local Government Audit & Accountability Act 2014, the Council is required to have appointed an external auditor to audit the accounts. The Council has previously opted into the ‘appointing person’ national auditor appointment arrangements established by Public Sector Audit Appointments (PSAA) for the period covering the accounts for 2018/19 to 2022/23. PSAA is specified as the ‘appointing person’ for principal local government under the provisions of the Local Government Audit & Accountability Act 2014 and the Local Audit (Appointing Person) Regulations 2015. PSAA are now inviting Councils to opt in for the period 2023/24 to 2027/28.
- 4.2 The auditor appointed at the end of the procurement process will:
- (a) Undertake the statutory audit of accounts and Best Value assessment of the council in each financial year, in accordance with all relevant codes of practice and guidance. The appointed auditor is also responsible for investigating questions raised by electors and has powers and responsibilities in relation to Public Interest Reports and statutory recommendations.
 - (b) Act independently of the council and the main purpose of the procurement legislation is to ensure that the appointed auditor is sufficiently qualified and independent.
 - (c) Be registered to undertake local audits by the Financial Reporting Council (FRC) and employ authorised Key Audit Partners to oversee the work. As the report below sets out there is a currently a shortage of registered firms and Key Audit Partners.
- 4.3 Auditors are regulated by the Financial Reporting Council (FRC), which will be replaced by a new body with wider powers, the Audit, Reporting and Governance Authority (ARGA) during the course of the next audit contract.
- 4.4 The national offer supplied by PSAA provides the appointment of an independent auditor with limited administrative cost to the council. By joining the scheme, the Council would be acting with other councils to optimise the opportunity to influence the market that a national procurement provides. Due to the framework in which the audit of local government accounts is undertaken, the Council has very limited influence over the nature of the audit services being procured, the nature and quality of which are determined or overseen by third parties. Therefore, the recommended approach is to opt in to the national auditor appointment scheme.
- 4.5 To take advantage of the national auditor appointment arrangements, the Council is required under the local audit regulations to make the decision at full Council. The opt-in period starts on 22 September 2021 and closes on 11 March 2022. To opt into the national scheme from 2023/24, the Council needs to return completed opt-in documents to PSAA by 11 March 2022.

5 Supporting Information

Introduction

- 5.1 The current auditor appointment arrangements cover the period up to and including the audit of the 2022/23 accounts. The Council opted into the ‘appointing person’ national auditor appointment arrangements established by Public Sector Audit Appointments (PSAA) for the period covering the accounts for 2018/19 to 2022/23.
- 5.2 PSAA is specified as the ‘appointing person’ for principal local government under the provisions of the Act and the Local Audit (Appointing Person) Regulations 2015 and is now undertaking the work needed to invite eligible bodies to opt in for the next appointing period, (2023/24 – 2027/28) and to complete a procurement for audit services. The national opt-in scheme provides the following:
- (a) The appointment of a suitably qualified audit firm to conduct audits for each of the five financial years commencing 1 April 2023.
 - (b) Appointing the same auditor to other opted-in bodies that are involved in formal collaboration or joint working initiatives to the extent this is possible with other constraints.
 - (c) Managing the procurement process to ensure both quality and price criteria are satisfied. PSAA has sought views from the sector to help inform its detailed procurement strategy.
 - (d) Ensuring suitable independence of the auditors from the bodies they audit and managing any potential conflicts as they arise during the appointment period.
 - (e) Minimising the scheme management costs and returning any surpluses to scheme members.
 - (f) Consulting with authorities on auditor appointments, giving the Council the opportunity to influence which auditor is appointed.
 - (g) Consulting with authorities on the scale of audit fees and ensuring these reflect scale, complexity, and audit risk.
 - (h) Ongoing contract and performance management of the contracts once these have been let.

Background: Pressures in the current local audit market and delays in issuing opinions

- 5.3 Much has changed in the local audit market since audit contracts were last awarded in 2017. At that time the audit market was relatively stable, there had been few changes in audit requirements, and local audit fees had been reducing over a long period. 98% of those bodies eligible opted into the national scheme. The resulting audit contracts took effect from 1 April 2018.
- 5.4 During 2018 a series of financial crises and failures in the private sector year led to questioning about the role of auditors and the focus and value of their work. Four

independent reviews were commissioned by Government: Sir John Kingman's review of the Financial Reporting Council (FRC), the audit regulator; the Competition and Markets Authority review of the audit market; Sir Donald Brydon's review of the quality and effectiveness of audit; and Sir Tony Redmond's review of local authority financial reporting and external audit. The recommendations are now under consideration by Government, with the clear implication that significant reforms will follow. A new audit regulator (ARGA) is to be established, and arrangements for system leadership in local audit are to be introduced. Further change will follow as other recommendations are implemented.

- 5.5 The Kingman review has led to an urgent drive for the FRC to deliver rapid, measurable improvements in audit quality. This has created a major pressure for audit firms to ensure full compliance with regulatory requirements and expectations in every audit they undertake. By the time firms were conducting 2018/19 local audits during 2019, the measures they were putting in place to respond to a more focused regulator were clearly visible. To deliver the necessary improvements in audit quality, firms were requiring their audit teams to undertake additional work to gain deeper levels of assurance. However, additional work requires more time, posing a threat to the firms' ability to complete all their audits by the target date for publication of audited accounts. Delayed opinions are not the only consequence of the FRC's drive to improve audit quality. Additional audit work must also be paid for. As a result, many more fee variation claims have been needed than in prior years.
- 5.6 This situation has been accentuated by growing auditor recruitment and retention challenges, the complexity of local government financial statements and increasing levels of technical challenges as bodies explore innovative ways of developing new or enhanced income streams to help fund services for local people. These challenges have increased in subsequent audit years, with Covid-19 creating further significant pressure for finance and audit teams.
- 5.7 None of these problems are unique to local government audit. Similar challenges have played out in other sectors, where increased fees and disappointing responses to tender invitations have been experienced during the past two years.

Proposals

- 5.8 That the Council accepts Public Sector Audit Appointments' invitation to opt into the sector-led option for the appointment of external auditors to principal local government and police bodies for five financial years from 1 April 2023. The opt-in period starts on 22 September 2021 and closes on 11 March 2022. The Council is required to return completed opt-in documents to PSAA by 11 March 2022.

6 Other options considered

- 6.1 Two alternative options are available to the Council:
- (a) To appoint its own auditor, which requires it to follow the procedure set out in the Act.
 - (b) To act jointly with other authorities to procure an auditor following the procedures in the Act.

- 6.2 Option A: The Council may elect to appoint its own external auditor under the Act, which would require the council to:
- (a) Establish an independent auditor panel to make a stand-alone appointment. The auditor panel would need to be set up by the Council itself, and the members of the panel must be wholly or a majority of independent members as defined by the Act. Independent members for this purpose are independent appointees, excluding current and former elected members (or officers) and their close families and friends. This means that elected members will not have a majority input to assessing bids and choosing to which audit firm to award a contract for the Council's external audit.
 - (b) Manage the contract for its duration, overseen by the Auditor Panel.
- 6.3 Option B: The Local Government Audit & Accountability Act 2014 enables the Council to join with other authorities to establish a joint auditor panel. This will need to be constituted of wholly or a majority of independent appointees. Further legal advice would be required on the exact constitution of such a panel having regard to the obligations of each Council under the Act and the Council would need to liaise with other local authorities to assess the appetite for such an arrangement.
- 6.4 Both option A and B would be resource-intensive processes to implement for the council, and without the bulk buying power of the sector-led procurement would be likely to result in a more costly service. It would also be more difficult to manage quality and independence requirements through a local appointment process. The Council is unable to influence the scope of the audit and the regulatory regime inhibits the Council's ability to affect quality. The Council and its auditor panel would also need to maintain ongoing oversight of the contract. Local contract management cannot, however, influence the scope or delivery of an audit. Options A and B are therefore not the recommended approach.

Conclusion

- 6.5 This report concludes that the sector-wide procurement conducted by PSAA will produce better outcomes and will be less burdensome for the Council than a procurement undertaken locally on the basis that:
- (a) Collective procurement reduces costs for the sector and for individual Councils compared to a multiplicity of smaller local procurements.
 - (b) PSAA provides the best opportunity to secure the appointment of a qualified, registered auditor. There are only nine accredited local audit firms, and a local procurement would be drawing from the same limited supply of auditor resources as PSAA's national procurement.
 - (c) Supporting the sector-led body offers the best way of ensuring there is a continuing and sustainable public audit market into the medium and long term.
- 6.6 Moving forward, Regulation 19 of the Local Audit (Appointing Person) Regulations 2015 requires that a decision to opt in must be made by a meeting of the Council (meeting as

a whole). The Council is then required to respond formally to PSAA’s invitation in the form specified by PSAA by the close of the opt-in period (11 March 2022).

6.7 PSAA will commence the formal procurement process in early February 2022, with the expectation of contract awards in August 2022. PSAA will then consult with Councils on the appointment of auditors so that it can make appointments by the statutory deadline of 31 December 2022.

7 Appendices

None

Subject to Call-In:

Yes: No:

- The item is due to be referred to Council for final approval
- Delays in implementation could have serious financial implications for the Council
- Delays in implementation could compromise the Council’s position
- Considered or reviewed by Overview and Scrutiny Management Committee or associated Task Groups within preceding six months
- Item is Urgent Key Decision
- Report is to note only

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Updates to the Constitution

Committee considering report:	Governance and Ethics Committee on 15 November 2021 Council on 2 December 2021
Portfolio Member:	Councillor Howard Woollaston
Date Portfolio Member agreed report:	5 November 2021
Report Author:	Sarah Clarke
Forward Plan Ref:	C4104

1 Purpose of the Report

- 1.1 The purpose of this report is to notify Council of the work undertaken by the Constitution Review Task Group (“the Task Group”) to date and to propose:
- an additional ordinary meeting of Council in March 2022;
 - that the meeting of Council scheduled to take place on 3 March 2022 will deal purely with the 2022/23 Council budget and no other business;
 - a response to Motions submitted by Councillor Lee Dillon proposing changes to the Constitution;
 - certain changes to the Constitution.
- 1.2 This report is in anticipation of wholesale changes to the Constitution, as expanded upon below, to include making some or all of the proposals set out permanent.

2 Recommendations

It is Recommended that Council:

- notes the progress made so far by the Task Group and that the temporary proposals contained in this report are anticipated to form part of the permanent proposals coming forward from the Task Group for amendments to the Constitution in due course;
- agrees that the meeting of Council scheduled to take place on 3 March 2022 will be regarded as the 2022 Budget Meeting of Council;
- approves a further ordinary meeting of Council in March 2022;
- approves the rules of procedure for the 2022 Budget Meeting of Council detailed at Appendix C or alternatively, at Appendix D;
- rejects the Motions submitted by Councillor Lee Dillon proposing changes to the Constitution but notes proposed amendments to related processes;
- approves the proposals for the hosting of a themed debate once per year;

Updates to the Constitution

- (g) authorises the Council’s appointed Auditors to make representations as appropriate at meetings of the Council’s Governance and Ethics Committee and Council;
- (h) delegates to the Monitoring Officer the power to make minor amendments to the Constitution following (i) these changes, and (ii) organisational changes.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	None directly although the report proposes changes to the procedures to be followed at full Council when setting the budget. The Council is required to set a budget every year, and this report includes recommendations for how that will be transacted.
Human Resource:	None
Legal:	This report proposes changes to the Council’s Constitution, and will ensure a clear and transparent decision making framework.
Risk Management:	There is a risk that any decision of Council could be challenged. Having clear rules governing the manner in which meetings will be conducted, should reduce the risk of challenges being successful.
Property:	None
Policy:	No policy implications.

	Positive	Neutral	Negative	Commentary
Equalities Impact:				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		

B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		
Environmental Impact:		X		
Health Impact:		X		
ICT Impact:		X		
Digital Services Impact:	X			The recommendations in this report recognise the ability to engage effectively with residents via social media and digital technology.
Council Strategy Priorities:		X		
Core Business:	X			It is considered that the recommendations in this report will support the effective administration of business at Council meetings.
Data Impact:		X		
Consultation and Engagement:	<p>These proposals have been discussed with:</p> <p>The Constitution Review Task Group</p> <p>Joseph Holmes – Executive Director Resources</p> <p>Andy Walker – Head of Finance & Property</p> <p>Shiraz Sheikh – Service Lead, Legal and Democratic</p> <p>Melanie Ellis – Chief Management Accountant</p> <p>Leigh Hogan – Legal Services Manager</p> <p>Shannon Coleman Slaughter – Chief Financial Accountant</p>			

4 Executive Summary

- 4.1 It was agreed in July 2019 that a Task Group of the Governance and Ethics Committee would be created to review the entire Constitution to ensure that it remained fit for purpose. The Task Group first met in September 2019.
- 4.2 Work on progress was delayed by the pandemic, but is progressing. There have however been a number of motions submitted to Council regarding the Constitution, and these need to be considered, together with updates to ensure that the Constitution remains fit for purpose.

Updates to the Constitution

- 4.3 Specific changes discussed by the Task Group in relation to the discussion of the Council's budget include:
 - (a) the scheduling of an additional meeting of Council during February or March each year ("the Additional Meeting") and re-designating the meeting/one of the meetings in March as "the Budget Meeting";
 - (b) the adoption of new procedures for the Budget Meeting.
- 4.4 This report proposes adopting such changes for 2022 on the understanding that similar changes are likely to be proposed for future years within the wider overhaul of the Constitution being discussed by the Task Group.
- 4.5 This report also proposes changes to the Constitution as follows:
 - (a) the hosting of themed debates;
 - (b) permitting the external auditors to speak at meetings of the Governance and Ethics Committee and of Council;
 - (c) an amendment to the Constitution to enable the Monitoring Officer to make minor changes to the Constitution to reflect organisational change.
- 4.6 This report also considers two Motions that were submitted by Councillor Lee Dillon, and makes recommendations in response.

5 Supporting Information

Introduction and Background

- 5.1 The Council is in the process of undertaking a comprehensive review of the Constitution and this report seeks approval to adopt certain aspects of that review.
- 5.2 The Task Group is a working group consisting of the following Members: Jeff Beck, Graham Bridgman (Chairman), Jeff Brooks, James Cole, David Marsh, Andy Moore, and Howard Woollaston. Councillor Geoff Mayes is a former member of the Task Group. The significant contribution of the Task Group to the updating of the Constitution and in the formulation of these proposals should be noted.
- 5.3 Initially the intention was to deal with each existing Part of the Constitution in turn, make any suggested amendments, and move on to the next Part. However, it quickly became apparent that there was considerable overlap and duplication between different Parts (for example similar, in many cases identical, rules as to meetings appear in Parts 4, 5, 6 and 7) and, instead, it was decided to seek to draft a common set of rules applicable to all formal meetings, with appendices dealing with any differences (eg between particular committees).
- 5.4 The move to remote meetings early in the pandemic enabled elected Members to continue to take important local decisions throughout the lockdown period, and whilst social distancing measures were in place. The rapid deployment of new technologies within the Council also presented new engagement opportunities, such as webinars and Facebook live events.
- 5.5 The Council will continue to host virtual engagement sessions, to maximise engagement opportunities with the communities that we serve. It has also been agreed

that the themed debates would be a means by which important issues could be debated by elected members of the Council.

- 5.6 Following the meeting of Council in March 2021 that considered the 2021/22 Council Budget, the Task Group debated how best to deal with budget meetings to ensure that there was sufficient time available to debate the proposals. It was concluded that the current March meeting of full Council should be designated as the Budget Meeting, and only deal with the budget, and that an additional meeting, to be held at some point in the early Spring prior to the Annual Meeting of full Council, should be added to the municipal calendar.
- 5.7 The proposals in this report seek to introduce those concepts for 2022, with the intention that a complete overhaul of the Constitution (which is likely to include making these proposals permanent) will be introduced in time for 2023.
- 5.8 A number of minor changes are also being proposed to ensure:
- (a) that the Council's external Auditors can address the Council's Governance and Ethics Committee and relevant meetings of Council when appropriate; and
 - (b) that the Constitution reflects the updated organisational structure following the introduction of a number of Departments being led by Service Directors in accordance with the changes proposed by SMR4.
- 5.9 A Motion was submitted to the Council meeting on 2 July 2019 by Cllr Lee Dillon ("the First Motion") in the following terms:

"This Council notes:

- 1. That more public questions are being asked at both Executive and Full Council meetings.*
- 2. That the current time limit of 30 minutes results in some questions not being answered during the meeting they are tabled for.*
- 3. Public Participation is important to a healthy local democracy and the Council should welcome public questions.*
- 4. That petitions are an important tool for local campaigners to highlight issues.*
- 5. That some petitions have requests for multiple actions but current rules only allow for full acceptance, rejection, or investigation by Full Council and the Executive rather than being able to accept certain actions within the petition.*

Therefore Council resolved to:

- 1. Increase public question time at Full Council and Executive meetings to 45 minutes.*
- 2. Increase time for petitions to be debated as follows:*

300 - 500 signatures – 10 minute debate

500– 1000 signatures – 30 minute debate

Over 1000 signatures – minimum of 45 minutes but final debate time to be agreed by all group leaders.

3. Allow Council or Executive to accept individual items within a petition without needing to accept all points, so that where we can take action we do.”

5.10 A further Motion was submitted to the Council meeting on 8 July 2021 by Cllr Lee Dillon (“the Second Motion”), which proposed:

“That the decision to end a meeting of Full Council rests with the Members in the Chamber deciding a suitable end time rather than any pre-set limit.”

5.11 Both Motions were referred by the Chairman of Council to the Task Group for consideration and report back.

5.12 Both Motions have been considered by the Task Group, with Cllr Dillon in attendance, and this report makes recommendations as to the response to them.

Proposals

5.13 The existing version of the Constitution has operated effectively for many years. However, there are many sections within it that which deal with the various meetings of Council, which sought to replicate a set of rules regarding the procedures to be followed during public meetings in each part. That has meant that over time, as amendments were made to different parts of the Constitution, variations and duplication have occurred.

5.14 The aim of the proposed changes is to ensure that the Council has a single set of core operating rules which will apply to all meetings. It is proposed that the Council adopt a table of meeting rules, which provides a quick reference guide to the rules, procedures and business to be transacted at the meetings of Council.

5.15 Following the meeting of Council which considered the Budget for 2021/2022, the Task Group considered how to better facilitate the effective discharge of business at the budget meeting of Council. It is anticipated that these proposals will be incorporated into the updated Constitution, but it is necessary to bring certain aspects forward now to allow some aspects to apply to the 2022 Budget Meeting of Council.

Budget Meeting of Council

5.16 The standard schedule of meetings of Council results in Council meeting on five occasions each year: March (Budget Meeting), May (Annual Council), July, September, and December. It is now proposed that there be an additional meeting of full Council each year during February or March (“the Additional Meeting”).

5.17 The Additional Meeting has been proposed to ensure that the matters considered at the Budget Meeting will be limited to the budget, and that so far as the Budget Meeting is concerned:

(a) public questions will only be permitted if they relate to the budget;

Updates to the Constitution

- (b) there will be no Member Questions (since Members can raise issues relevant to the budget during the debate);
- (c) there will be no Chairman's remarks, petitions or motions (all of these being permitted at the Additional Meeting).

5.18 It is proposed that the agenda for the Budget Meeting will be limited to four substantive items, namely:

- (a) the Medium Term Financial Strategy (the MTFS);
- (b) the Investment Strategy;
- (c) the Capital Strategy;
- (d) the Revenue Budget.

5.19 The above items are, in the opinion of the Council's Chief Financial Officer (the Section 151 Officer), matters that must be considered and determined by Council in early March.

Budget Debate

5.20 Consideration was given to two alternative proposals for time allocation for the budget debate.

5.21 Under the first proposal (Option 1, set out at Appendix C) there would be a maximum time available to debate each item of business, allocated in accordance with the political balance of the Council.

5.22 Under the second (Option 2, set out at Appendix D) the Task Group debated a less prescriptive option - that the Chairman of Council meet with the Group Leaders and Portfolio Holder for Finance and relevant officers prior to the Budget Meeting, to consider indicative timings at the meeting and in order to support the effective management of the Budget Meeting.

5.23 Under both proposals:

- (a) the Budget Meeting would commence at 17:30, with Public Questions being dealt with at that time. The Council would not however begin to consider the substantive reports on the agenda relating to the budget before 18:00.
- (b) proposed amendments to items on the agenda would be tabled by the Groups and submitted to the Section 151 Officer by no later than 17:00, three clear working days before the meeting. Proposed amendments not submitted by the deadline would not be accepted. The Section 151 Officer would add an opinion to the proposed amendments and distribute to all Councillors at least one clear working day before the meeting.

(Note – subject to minor amendments, the budget papers will have been available to Councillors since the meeting of the Executive prior to the Budget Meeting.)

- (c) the Administration would introduce the four reports with a maximum speech length of five minutes for each of the MTFS and the Investment Strategy, and ten minutes for each of the Capital Strategy and Revenue Budget items.
- (d) the proposer of an amendment can request that separate votes be taken on part of a proposed amendment and the Chairman shall have discretion to allow this.

- (e) the seconder of a proposed amendment would have a right of reply in the event of a Closure Motion being proposed and carried.

Proposal 1

5.24 Under this proposal, the maximum debating time once the reports have been introduced would normally be as follows:

Agenda Item:	Length of Debate (including amendments):
The Medium Term Financial Strategy (the MTFS)	30 minutes
The Investment Strategy	30 minutes
The Capital Strategy	45 minutes
The Revenue Budget	45 minutes

5.25 If the above timings were adopted, the current political composition would result in the following allocation of time during the debate:

	Number of Members No.	Political Composition %	Minutes (30 Minute Debate)	Minutes (45 Minute debate)
Conservative Group	24	55.81% (56%)	17	25
Liberal Democrat Group	16	37.21% (37%)	11	17
Green Party Group	3	6.97% (7%)	2	3
	43	100.00%	30	45

5.26 At the close of the debate, the opposition parties would be invited to formally move any amendments that they wish to make in relation to the item under consideration. As matters should have been fully debated, after a proposed amendment has been moved and seconded, speeches would be limited as follows:

- (a) Proposer of Amendment - two minutes;
- (b) Portfolio Holder or Mover of Original Motion – one minute.

5.27 Once any amendments have been determined and prior to the vote, the following would have a right of speech:

- (a) Mover of Motion - two minutes;
- (b) Portfolio Holder (or Leader) – one minute.

5.28 The substantive (or amended) recommendation would then be formally voted upon by way of named vote (it is anticipated that use of the microphone voting system will considerably speed this process up).

Proposal 2

5.29 Under the second proposal, there would be a meeting between the Chairman (and/or Vice Chairman of Council), the Group Leaders and the Portfolio Holder for Finance, together with relevant officers, to discuss the effective management of the Budget Meeting, seeking to establish indicative timings for items on the agenda, taking into account the political composition of Council and the likely elements of the debate. The resultant indicative timetable would then be distributed to Councillors as guidance.

Both Proposals

5.30 Prior to an amendment being voted upon, the proposer of the amendment could request that the Chairman permit that there be separate votes in respect of parts of the amendment. Subject to any comments from the Council's Statutory Officers, it would be within the Chairman's discretion to permit separate votes on items within a proposed amendment.

Conclusion

5.31 The proposed amendments required to support the above are detailed within the Appendices. Governance and Ethics are requested to consider the options and determine the preferred rules of procedure to be recommended to Council for adoption at the Budget Meeting.

5.32 Council is asked to approve an Additional Meeting in March 2022. The meeting currently timetabled for 3 March 2022 will be the Budget Meeting.

Themed Debates

5.33 A meeting between the Leaders of the political groups and the Council's former Chief Executive had discussed and agreed in principle that there should be a facility for themed debates to take place between the political groups.

5.34 It is likely that this would occur during the September Meeting. At this meeting, Members would be invited to consider the urgency of any questions submitted, and questions may receive a written response in accordance with existing rules due to a lack of time in the meeting.

5.35 It is recommended that the following guidelines be agreed for the debate:

- (a) the Leader of each Political Group (or their nominated representative) will be invited to make opening remarks;
- (b) there will be no formal time limit on speeches, but the allocation of time during the debate should be fair and will have regard to the political balance of the Council;
- (c) the Debate will be for a maximum of one hour.

5.36 The subject matter of the themed debates are to be agreed at a meeting of the three Leaders, which will take place at least six weeks prior to the debate. In the absence of agreement, the Chairman of Council will be asked to pick a theme for debate. Any theme to be debated should be of relevance to the residents of West Berkshire.

Motions

5.37 There are effectively two parts to the First Motion, which will be considered in turn.

Questions

- 5.38 The First Motion proposed that the time limit for questions be extended to 45 minutes at meetings of the Executive and Council.
- 5.39 The Council's Constitution currently permits questions to be asked at any ordinary meeting of the Executive or Council. Members of the public residing or working in the District, or their representative, can ask any question relating to the business of the Council, a matter for which the Council has responsibility or the wellbeing of West Berkshire.
- 5.40 There is a limit on the total time spent responding to questions in that the time allowed for public questions is 30 minutes, and the time for member questions is one hour unless the Leader or Chairman of Council permit the time to be extended. Any questions not answered within the relevant time will receive a written response.
- 5.41 The First Motion suggests that the time limit for public questions should be extended, but a review of what neighbouring authorities offered was undertaken and the results of that appear at Appendix A. It is clear that West Berkshire Council currently allows a similar time limit for questions as neighbouring authorities. However, it is also important to note that unlike some of those councils, West Berkshire Council does not limit the topic of questions that can be asked at meetings of the Executive.
- 5.42 Since the start of the pandemic, new technology deployed within the Council has facilitated engagement sessions with members of the public, such as the #Ask Lynne Facebook live sessions, during which, members of the public can submit questions on relevant subjects. For example, the June Facebook live reached 2,487 people. During this session, there were 13 questions, and a total of 37 questions and comments. The topics during that session ranged from how people can become more involved with the council, to the creation of family leisure facilities, the development of Northbrook Street, and mental health for young people.
- 5.43 Webinars have also been held regarding significant proposals, and examples of this include the Local Plan, Business Grants, the budget and Newbury Sports Ground. These have enabled focussed sessions to take place, and have provided the opportunity for questions to be asked of relevant Members and officers.
- 5.44 As shown in the table produced at Appendix B, between January and September 2021, 267 questions have been submitted to the Council at its public meetings.
- 5.45 It is clear that there are numerous mechanisms that facilitate engagement by the Council with those living or working in the district. A survey undertaken on polls run on social media indicated a preference for evening engagement sessions that were limited in duration to 30 or 40 minutes.
- 5.46 It is not considered that the current system for public questions, together with the additional opportunities for residents to engage with the Council, need to be extended at meetings of the Council. This recommendation is made having regard to the arrangements in other local authorities (which are more restrictive), and to the numerous channels by which residents and others can and do interact with the Council.

Petitions

- 5.47 The First Motion proposed changes to the manner in which Council deals with petitions. Under the current rules, a debate at Council can be triggered by the submission of a petition that contains a minimum of 1500 petitioners. That number can be reduced to 500 petitioners (per ward) where the petition relates to a local issue affecting no more than 2 electoral wards. The Leaders must agree that the subject for debate is a matter of significance to the people of West Berkshire and its surrounding area.
- 5.48 Under the existing rules, the petition organiser or their nominated spokesperson will have up to five minutes to present their petition and the petition will then be discussed by Councillors for a maximum of 15 minutes. The Council may decide to take the action the petition suggests, not to take the action requested for reasons put forward in the debate or to commission a further investigation into the matter.
- 5.49 The First Motion proposes to lower the number of signatories required to trigger a debate at Council, with a variable amount of time available to debate the subject depending on the number of signatories.
- 5.50 Where the Council receives any petition, it will consider the contents of that regardless of whether a debate is held at Council. For example, a petition could be submitted on a very narrow issue, such as a request that the Council review speed limits on a particular stretch of road. An example is the petition that was submitted to Council in September, which was been referred to the Highways Team for consideration.
- 5.51 The First Motion also requests that the Council be permitted to accept part only of a petition. The rules have been drafted as they are to ensure that the totality of any petition request is considered for two reasons:
- (a) first, any amendment to, or limitation of something sought within, a petition should have the agreement of all of the petitioners – a petitioner might sign a petition that seeks x, y and z on the basis that all three are required, not (eg) just x and y excluding z;
 - (b) second, if Members were unable to accept the totality of a petition, but wished to explore certain elements of it, that can already be achieved by a resolution to commission a further investigation into the subject of the petition.
- 5.52 In light of the above, it is not proposed to make any changes at this time to the manner in which the Council deals with petitions.
- 5.53 Following the debate in the Constitution Review Task Group, it was agreed that officers would however review the advice on the Council website to provide additional guidance to individuals wishing to submit a petition. The intention is that such guidance will assist individuals in drafting petitions effectively, and if desired, in a manner that would enable the Council to implement part of the petition if appropriate.

End times of Meetings

- 5.54 The Second Motion proposed that Members should be permitted to decide the end time of meetings. The decision to impose an absolute guillotine on the end time of meetings was introduced as a result of committee meetings which on occasion, continued through the night until the following morning.

Updates to the Constitution

- 5.55 It was considered that such meetings were unlikely to be the most effective, as it is almost certain that the impacts of tiredness would have a negative impact on the ability of anyone attending to participate effectively in the meeting, and would also have health and safety implications for those involved.
- 5.56 The Council is committed to improving levels of public engagement. If meetings were permitted to continue to run late into the night, that is likely to limit public engagement.
- 5.57 The Second Motion was submitted following the meeting of Council in March 2021. The changes outlined in this report, and anticipated in the final review by the Task Group, will ensure that there is sufficient time to consider and determine all matters on the agenda of the Council meeting that considers the budget.
- 5.58 In view of the above, it is proposed that the changes proposed in the Second Motion be rejected.
- 5.59 The Constitution Review Task Group considered that there should however be some discretion for the Chairman of Council to allow debate to continue for a short period after 10:30 at meetings of full Council where appropriate, and only in relation to a matter already under debate. The power to extend the meeting would rest with the Chairman, and the debate should not continue for more than 15 minutes beyond the existing deadline.

External Auditors

- 5.60 This report also seeks approval to amendments to Part 7 of the Constitution, to ensure that the Council's external auditors (currently Grant Thornton) be permitted to address meetings of Governance and Ethics Committee and full Council.

Delegation

- 5.61 The Scheme of Delegation makes provision for powers to pass to other officers following organisational change. The Constitution also delegates the power to make minor amendments to the Constitution to ensure that legislative provisions are current and to correct typographical errors.
- 5.62 Recent organisational change has resulted in the creation of several Service Director Posts. Although powers have transferred to those officers, those posts are not identified within the current constitution.
- 5.63 It is therefore proposed that Council delegate to the Monitoring Officer the power to update the Constitution following organisational change.

6 Other options considered

- 6.1 Making the temporary changes proposed for the Budget and Additional Meetings permanent – rejected to allow all changes to form part of a comprehensive overhaul of the Constitution.
- 6.2 Not doing anything – rejected since the Council must keep the Constitution under review and it is suggested that changes are needed to develop the process by which the Council's budget is agreed.

7 Conclusion

- 7.1 The Task Group is working hard to progress the Constitution review.
- 7.2 It is considered important to update the procedure rules for the Budget Meeting of Council, to ensure that the process is clear and helps to support effective decision making at Council. These changes need to be introduced now to ensure that they are in place for the setting of the budget in 2022.
- 7.3 It is therefore recommended that Council approve the proposals detailed in section 2 of this report.

8 Appendices

- 8.1 Appendix A – Comparison of Procedure for Public Questions
- 8.2 Appendix B – Number of Questions asked at Meetings of West Berkshire Council between January and September 2021
- 8.3 Appendix C – Option 1 - Updated Procedure Rules for the Budget Meeting
- 8.4 Appendix D – Option 2 - Updated Procedure Rules for the Budget Meeting

Subject to Call-In:

Yes: No: X

The item is due to be referred to Council for final approval	X
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>
Delays in implementation could compromise the Council's position	<input type="checkbox"/>
Considered or reviewed by Overview and Scrutiny Management Committee or associated Task Groups within preceding six months	<input type="checkbox"/>
Item is Urgent Key Decision	<input type="checkbox"/>
Report is to note only	<input type="checkbox"/>

Wards affected: All

Officer details:

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E-mail: sarah.clarke@westberks.gov.uk

Appendix A

Comparison of Procedures for Public Questions

Council	Time allowed – public questions	Questions per questioner	Max. Questions per topic	Time allowed – member questions	Questions per member	Comments
Wokingham ^[1]	30 mins	1 – max 200 words	10	20 mins	1 – max 200 words	Responses have a max 1 minute
Bracknell ^[2]	3 mins per 'submission' and max 30 mins	1				Call them 'submissions' and can be a statement
Test Valley ^[3]	15 mins per agenda item – max 3 mins per question			15 mins per agenda item		
RBWM ^[4]	9 mins per agenda item and max 3 mins per question			Chairman's discretion		
South Oxon ^[5]	15 mins – max 3 mins per question	?	?	?	?	Questions / submission <u>must</u> relate to the agenda item
Wiltshire ^[6]	The cabinet welcomes questions or statements from members of the public. However, the specific arrangements for public participation at cabinet meetings are a matter for determination by the Leader and will as such be kept under review.					Constitution last updated in 2010

^[1] <https://wokingham.moderngov.co.uk/documents/s47321/Section%205%20The%20Executive.pdf>

^[2] <https://democratic.bracknell-forest.gov.uk/ieListDocuments.aspx?Cid=527&Mid=10758&Ver=4&Info=1>

^[3] <file:///C:/Users/jholmes1/Downloads/04f%20Part%204%20-%20Public%20Participation%20Scheme%20March%202020.pdf>

^[4] <https://rbwm.moderngov.co.uk/documents/s35817/Part3TheExecutiveCabinet210504.pdf>

^[5] <file:///C:/Users/jholmes1/Downloads/Constitution1November2020.pdf.pdf> - page 33 onwards

^[6] https://cms.wiltshire.gov.uk/documents/s182489/Part07_Cabinet_Procedure_Rules.pdf

APPENDIX B

Meetings and Number of Questions 2021

Date	Meeting	No of Questions
January	Health & Wellbeing Board	9
	Executive	32
February	Executive	23
March	Council	3
	Executive	38
April	Executive	22
May	Health & Wellbeing Board	5
June	Executive	32
July	Executive	15
	Council	16
August	Health & Wellbeing Board	5
September	Executive	38
	Council	29
Total		267

APPENDIX C

Option 1 - Procedure Rules for the Budget Meeting of Council on 3 March 2022

Conflict between Rules

- 1 In the event of any conflict between these Procedure Rules and other rules within Part 4 of the Council's Constitution, these rules shall take precedence.

Order of Business

- 2 The order of business shall be to:
 - 2.1 Elect a person to preside if the Chairman or Vice-Chairman is not present;
 - 2.2 Receive apologies for an inability to attend the meeting;
 - 2.3 Receive any declarations of interest from Members;
 - 2.4 Take public questions relating to the budget;
 - 2.5 Debate the proposed Medium Term Financial Strategy (MTFS);
 - 2.6 Debate the proposed Investment Strategy;
 - 2.7 Debate the proposed Capital Strategy;
 - 2.8 Debate the proposed Revenue Budget.

Prior Submission of Amendments

- 3 Proposed amendments to items on the Agenda must be tabled by the Groups, and they must be submitted to the Section 151 Officer by no later than 17:00, three clear working days before the meeting.
- 4 Proposed amendments not submitted by the deadline will not be accepted.
- 5 The Section 151 Officer will add an opinion to the proposed amendments and will distribute to all Councillors at least one clear working day before the meeting.

(Note – subject to minor amendments, the budget papers will have been available to Members since the meeting of the Executive prior to the Budget Meeting.)

Questions

- 6 Only public questions which relate directly to items of business on the Agenda will be accepted.
- 7 There will be no Member Questions.

Speech length

- 8 Once moved and seconded, the mover of a motion will have the following time to introduce the reports:
 - 8.1 Medium Term Financial Strategy – five minutes;
 - 8.2 Investment Strategy – five minutes;
 - 8.3 Capital Strategy - ten minutes;
 - 8.4 Revenue Budget - ten minutes.

Debate

9 The maximum debating time once the reports have been introduced will be as follows:

Agenda Item:	Length of Debate (including amendments):
The Medium Term Financial Strategy (the MTFS)	30 minutes
The Investment Strategy	30 minutes
The Capital Strategy	45 minutes
The Revenue Budget	45 minutes

10 Following the introduction of the reports, the groups will be invited to speak in the following order:

- 10.1 The main opposition group who will be invited to respond and discuss any amendments that they intend to propose.
- 10.2 The minority opposition party will then be invited to speak and discuss any amendments that they intend to propose.
- 10.3 The Administration would then be permitted to speak to their proposals, and to comment on any potential amendments.

11 The maximum time allocated to each group during the debate of each item shall be notified to the Group Leaders five clear working days before the meeting. The time allocated will be a proportion of the maximum time permitted for the debate, allocated on the basis of political balance.

Moving Amendments

12 At the close of the debate, the opposition parties shall be invited to formally move any amendments that they wish to make in relation to the matter under consideration. Once a proposed amendment has been moved and seconded, speeches would be limited as follows:

- 12.1 Proposer of amendment - two minutes;
- 12.2 Portfolio Holder or Mover of Original Motion – one minute.

Right to Request Different Procedure for Voting on an Amendment

13 Prior to an amendment being voted upon, the proposer of the amendment may request that the Chairman permit that there be separate votes in respect of parts of the amendment. Subject to any comments from the Council's Statutory Officers, it shall be within the Chairman's discretion to permit separate votes on items within a proposed amendment.

Close of Debate

14 Following the determination of any proposed amendments, the substantive (or amended) Motion would be put to the vote. Prior to the vote being taken, the following would have a right of speech:

- 14.1 Mover of motion - two minutes;
- 14.2 Portfolio Holder (or Leader) – one minute.

Rules of Debate - Closure Motions

15.1 At the conclusion of a speech of another Member, a Member may Move without comment that:

- the debate be adjourned;
- the Meeting be adjourned;
- the Meeting proceed to the next business;
- the Meeting proceed immediately to Close of Debate.

15.2 Should the Closure Motion be Seconded and the Chairman consider that the question before the Meeting has been sufficiently discussed:

- if the Closure Motion is to adjourn the debate or the Meeting, or to proceed to the next business:
 - the Chairman shall invite the Proposer to reply;
 - the Closure Motion shall be put to the vote and if carried:
 - the debate or Meeting shall stand adjourned, or the Meeting shall proceed to the next business, as the case may be;
- if the Closure Motion is to proceed immediately to Close of Debate it shall be put to the vote and if carried the Meeting shall proceed immediately to Close of Debate.

Rules of Debate - Close of Debate

16.1 At the close of the debate on a Proposal, the following shall have the right of speech or reply in this order, but shall not introduce any new matter:

- on a Motion or Recommendation:
 - the Secunder, if they have not already spoken;
 - the relevant Executive Member or Chairman of the relevant Body if they have not already spoken;
 - the Mover.
- on an Amendment:
 - the Secunder, if they have not already spoken;
 - the relevant Executive Member or Chairman of the relevant Body if they have not already spoken;
 - the Mover;
 - the Mover of the original Motion or Recommendation who shall not otherwise speak on the Amendment.

APPENDIX D

Option 2 - Procedure Rules for the Budget Meeting of Council on 3 March 2022

Conflict between Rules

- 1 In the event of any conflict between these Procedure Rules and other rules within Part 4 of the Council's Constitution, these rules shall take precedence.

Order of Business

- 2 The order of business shall be to:
 - 2.1 Elect a person to preside if the Chairman or Vice-Chairman is not present;
 - 2.2 Receive apologies for an inability to attend the meeting;
 - 2.3 Receive any declarations of interest from Members;
 - 2.4 Take public questions relating to the budget;
 - 2.5 Debate the proposed Medium Term Financial Strategy (MTFS);
 - 2.6 Debate the proposed Investment Strategy;
 - 2.7 Debate the proposed Capital Strategy;
 - 2.8 Debate the proposed Revenue Budget.

Prior Submission of Amendments

- 3 Proposed amendments to items on the Agenda must be tabled by the Groups, and they must be submitted to the Section 151 Officer by no later than 17:00, three clear working days before the meeting.
- 4 Proposed amendments not submitted by the deadline will not be accepted.
- 5 The Section 151 Officer will add an opinion to the proposed amendments and will distribute to all Councillors at least one clear working day before the meeting.

(Note – subject to minor amendments, the budget papers will have been available to Members since the meeting of the Executive prior to the Budget Meeting.)

Questions

- 6 Only public questions which relate directly to items of business on the Agenda will be accepted.
- 7 There will be no Member Questions.

Meeting Arrangements

- 8 Prior to the Budget Meeting, the Chairman of Council will invite the Group Leaders or their duly nominated deputies, together with the Portfolio Holder for Finance, to a pre-council briefing to support the effective operation of the Budget Meeting.

Right to Request Different Procedure for Voting on an Amendment

- 9 Prior to an amendment being voted upon, the proposer of the amendment may request that the Chairman permit that there be separate votes in respect of parts of the amendment. Subject to any comments from the Council's Statutory Officers, it shall be

within the Chairman's discretion to permit separate votes on items within a proposed amendment.

Rules of Debate - Closure Motions

10.1 At the conclusion of a speech of another Member, a Member may Move without comment that:

- the debate be adjourned;
- the Meeting be adjourned;
- the Meeting proceed to the next business;
- the Meeting proceed immediately to Close of Debate.

10.2 Should the Closure Motion be Seconded and the Chairman consider that the question before the Meeting has been sufficiently discussed:

- if the Closure Motion is to adjourn the debate or the Meeting, or to proceed to the next business:
 - the Chairman shall invite the Proposer to reply;
 - the Closure Motion shall be put to the vote and if carried:
 - the debate or Meeting shall stand adjourned, or the Meeting shall proceed to the next business, as the case may be;
- if the Closure Motion is to proceed immediately to Close of Debate it shall be put to the vote and if carried the Meeting shall proceed immediately to Close of Debate.

Rules of Debate - Close of Debate

11.1 At the close of the debate on a Proposal, the following shall have the right of speech or reply in this order, but shall not introduce any new matter:

- on a Motion or Recommendation:
 - the Secunder, if they have not already spoken;
 - the relevant Executive Member or Chairman of the relevant Body if they have not already spoken;
 - the Mover.
- on an Amendment:
 - the Secunder, if they have not already spoken;
 - the relevant Executive Member or Chairman of the relevant Body if they have not already spoken;
 - the Mover;
 - the Mover of the original Motion or Recommendation who shall not otherwise speak on the Amendment.

Action Plan Update Report – Review of the Effectiveness of the Governance and Ethics Committee

Committee considering report:	Governance and Ethics Committee on 15 November 2021
Portfolio Member:	Councillor Howard Woollaston
Date Portfolio Member agreed report:	28 October 2021
Report Author:	Shiraz Sheikh
Forward Plan Ref:	GE4116

1 Purpose of the Report

At the Governance and Ethics Committee on 19th April 2021 members were presented with revisions to the Action Plan which included timeframes. This report is to advise members of the committee of revised timeframes on recommendation numbers 5 and 6 of that Action Plan.

2 Recommendation

Members to note the revised timeframes in relation to recommendation numbers 5 and 6 of the Action Plan.

3 Implications and Impact Assessment

Implication	Commentary
Financial:	None
Human Resource:	None
Legal:	None
Risk Management:	None
Property:	None

Policy:	None			
	Positive	Neutral	Negative	Commentary
Equalities Impact:				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		x		
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		x		
Environmental Impact:		x		
Health Impact:		x		
ICT Impact:		x		
Digital Services Impact:		x		
Council Strategy Priorities:		x		
Core Business:		x		
Data Impact:		x		

Consultation and Engagement:	Members of the Finance and Governance Officer Group
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4 Executive Summary

At the Governance and Ethics Committee on 19th April 2021 members were presented with revisions to the Action Plan in relation to the Review of Effectiveness of the Governance and Ethics Committee which included timeframes. The time frame in relation to numbers 5 and 6 of the Action Plan was Summer 2021. It is proposed that this now changed to June 2022 to align with the output of the Redmond Review.

5 Supporting Information

Background

The Redmond Review (completed for the, then, MHCLG) recommended that external auditors report once a year to the full Council for 2021-2022 as the first year. It is proposed to align the annual report from the Governance & Ethics Committee with this reporting arrangement for our external auditors as they will be able to respond at the full Council to any points raised.

Proposals

The Action Plan will be updated with the revised timescales.

6 Other options considered

Not applicable.

7 Conclusion

Members note the revised timeframe for Action 5 and 6 from Summer 2021 to June 2022 to align with the output of the Redmond Review and that the Action Plan will be duly updated.

8 Appendices

Action Plan.

Subject to Call-In:

Yes: No:

The item is due to be referred to Council for final approval

Delays in implementation could have serious financial implications for the Council

- Delays in implementation could compromise the Council’s position
- Considered or reviewed by Overview and Scrutiny Management Committee or associated Task Groups within preceding six months
- Item is Urgent Key Decision
- Report is to note only

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Document Control

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Version:		Date Modified:	
Author:			
Owning Service			

Change History

Version	Date	Description	Change ID
1			
2			

Action Plan – Review of Effectiveness of the Governance and Ethics Committee

<u>No</u>	<u>Recommendation</u>	<u>FAGG Suggested Approach</u>	<u>Officer responsible</u>	<u>Progress update for G&E (April 2021)</u>	<u>Progress update for G&E (November 2021)</u>
5	Undertake annual and ongoing self-review by the Committee of its own effectiveness, using a tool such as the recent questionnaire completed by Internal Audit as part of this review. Report the results to the Committee and develop appropriate actions to address areas for development.	a) A Committee Annual self-assessment is incorporated into the Forward Plan; b) The report prepared for recommendation 6 below, together with new member surveys are used as a basis of assessing performance over the previous year.	Once a decision has been made who will have ownership of this JH	Summer 2021 - Will be incorporated as part of preparing annual reports for 2020/21	a) This has been included in the forward plan for June 2022 b) See comments on the below where it is proposed to align this to 2021-22 with the output of the Redmond Review
6	Produce an annual report summarising the work undertaken by the Committee and reflecting on its own	There is a report that goes to Full Council covering some of the work undertaken by the Committee - this is incorporated into the Monitoring Officer's Annual report so only looks at the standards element.	JH	Summer 2021 - Will be incorporated as part of preparing annual reports for 2020/21	This action will be completed for the 2021-22 audit year. The Redmond Review (completed for the, then,

APPENDIX A

<u>No</u>	<u>Recommendation</u>	<u>FAGG Suggested Approach</u>	<u>Officer responsible</u>	<u>Progress update for G&E (April 2021)</u>	<u>Progress update for G&E (November 2021)</u>
	<p>performance and development activities. Consider making the report available to the public.</p>	<p>Current MHCLG review into local authority financial reporting and external audit may result in requirements for external audit results to be reported to Full Council, not just the Governance and Ethics committee. Therefore FAGG suggests a brief report (1 page) of work undertaken by the Governance and Ethics Committee is prepared and the external auditor's audit letter attached, and presented to Full Council.</p> <p>Forward Plan is only drawn up from scheduled officer reports, there isn't a pro-active work programme developed.</p> <p>MF comment - I am happy to support this work and prepare the report but I believe that as with other areas of the Council the Forward Planning should be done in consultation with the Chairman, Vice Chairman and JH.</p> <p>Need a decision from committee as to whether the annual report on performance is to be published.</p>			<p>MHCLG) recommended that external auditors report once a year to the Full Council for 2021-22 as the first year. It is proposed to align the annual report from the G&E with this reporting arrangement for our external auditors as they will be available at the Full Council to respond to any points raised.</p>