

THE CONSTITUTION

Executive Summary

The Council's Constitution has been updated to include a range of changes and additions which have been agreed by Council in recent months. The Council is now invited to adopt the revised Constitution.

Recommendations

The Council is requested to:

RESOLVE That the Constitution, as set out in Appendix 2 to this report, be adopted.

The Council has the authority to determine the recommendation set out above.

Background Papers:	Council Papers – 30 November 2023 Council Papers – 28 March 2024
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1.0 Background

- 1.1 Over the past year Woking Borough Council has adopted a series of changes to the Constitution as part of planned improvements to the governance of the Authority identified through Officers, Councillors and the Improvement and Recovery Plan. The Constitution has now been updated to reflect the new arrangements and the consequential changes.
- 1.2 The Council is now invited to adopt the revised Constitution, noting that the document will continue to be kept under review going forward. A copy of the revised Constitution is attached.

2.0 Proposals

- 2.1 Amongst the key areas to have been changed materially at this stage are the following:
 - **Urgent Business** – having identified that Urgent Business was not suitably provided for in the Constitution, the Council adopted clear provisions for matters of Urgent Business. Date adopted [30 November 2023](#) (Council).
 - **Public Participation at Planning Committee** – Councillors identified ways in which the public participation process at meetings of the Planning Committee could encompass equally those wishing to support an application and those wishing to speak against. Date adopted [30 November 2023](#) (Council).
 - **Questions from Members of Public** – New arrangements were adopted to enable the receipt of questions from Members of Public at meetings of the Council. Date adopted [30 November 2023](#) (Council).
 - **Corporate Media Protocol** – A new Corporate Press and Media Protocol was adopted by the Council which set out the roles and responsibilities for managing media relations and the reputation of the Council. Date adopted [30 November 2023](#) (Council).
- 2.2 The following changes have arisen through the review of governance arrangements undertaken through the Improvement and Recover Plan and will strengthen the Council's governance arrangements going forward.
 - **Council Companies** – A new framework was adopted by the Council which seeks to strengthen the Council's oversight and governance of its companies. Date adopted [28 March 2024](#) (Council).
 - **The Shareholder Executive Committee** – The new Committee of the Executive – the Shareholder Executive Committee – was established by Council and the terms of reference agreed. The purpose of the Shareholder Executive Committee (SEC) is to act as the Shareholder and take decisions in respect of companies in which the Council has an interest. Date adopted [28 March 2024](#) (Council).
 - **The Employment Committee** – New to Woking Borough Council, the Employment Committee was adopted as part of the wider governance review of the Council undertaken as part of the Improvement and Recovery Plan which saw a range of new arrangements being adopted in March 2024. The Committee is responsible for a range of employment-related matters including the appointment of Statutory Officers and the annual Officer pay award. Date adopted [28 March 2024](#) (Council).
 - **The Audit and Governance Committee** – As part of the Council's approach to strengthening the audit and governance responsibilities of the Authority, the decision was taken to rename the Standards and Audit Committee which will be called the Audit and Governance Committee going forward. Date adopted [28 March 2024](#) (Council).

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- **The Scrutiny Committees** – The Council has chosen to replace the existing single Overview and Scrutiny Committee with three distinct Scrutiny Committees – Communities and Housing, Environment and Place, and Resource and Finance – which reflect the three directorates of the Authority. The Articles of the Constitution have been reviewed to incorporate the changes agreed by Council. Date adopted [28 March 2024](#) (Council).
- **Appeals Committee** – As part of the review it became clear that there was no longer a role for the Appeals Committee, which had historically dealt with cases of intentional homelessness. Legislation changes had ensured that such matters were now dealt with under Officer authorities. As such, reference to the Appeals Committee has been removed from the Constitution. Date adopted [28 March 2024](#) (Council).
- **Terms of Reference for Working Groups** – The Council supported proposals in March 2024 to significantly reduce the number of long-established working groups and shift more information into public meetings while streamlining the Council meeting structure. An exception is the Finance Working Group, which will continue to support the Council's work around the Improvement and Recovery Plan. For those Working Groups disbanded by Council, the terms of reference have been removed from the Constitution. The Council will include the terms of reference of those groups that continue to operate. Date adopted [28 March 2024](#) (Council).
- **Arrangements for Community Infrastructure Levy Applications.** In March 2024 the Council agreed to delegate authority for Community Infrastructure Levy Neighbourhood Fund Awards under £10,000 to the Strategic Director – Place in consultation with the Portfolio Holder for Planning. Applications for sums over £10,000 will continue to be determined the Executive. The Constitution has been updated to reflect both arrangements. Date adopted [28 March 2024](#) (Council).

2.3 As well as the material changes summarised above, consequential changes across the Constitution have been made.

2.4 In accordance with the existing Constitution, the Council's Monitoring Officer has authority to update the Constitution or make minor amendments consequential upon changes to operational arrangements. Subject to the decisions of the Council earlier in the evening, the Monitoring Officer will further ensure that the changes recommended from the Standards and Audit Committee (now called the Audit and Governance Committee) held on 29 February 2024 will be added to the Constitution.

3.0 Council – 28 March 2024

3.1 The meeting of Council on 28 March 2024 took a range of decisions including several which do not impact on the Constitution but will be coming forward over the coming months. These decisions, identified under the governance workstream of the Improvement and Recovery Plan, are summarised below for information.

- Officers instructed to draw up a Committee Responsibility Protocol for consideration at Council in the new Municipal Year.
- Annual training on audit and governance to be made mandatory for the Members of the Committee.
- The Audit and Governance Committee to complete a review of its function at the end of each Municipal Year.
- Officers instructed to draw up a protocol for the Group of Chairs for consideration at Council in the New Municipal Year.

- Officers instructed to draw up a policy framework for decision-making for submission to Council in the new Municipal Year.
- Any outstanding pieces of work from the old Committee Structure, including Working Groups, to be brought forward under the new arrangements.
- A joint Member-Officer review of the new structure to be undertaken at the beginning of 2025, the outcomes to be reported to Council.

4.0 Implications

Finance and Risk

- 4.1 There are no finance or risk implications arising from these proposals; the Constitution before the Council incorporates those changes previously agreed by Council together with any consequential changes. The Council will continue to keep the Constitution under review.

Equalities and Human Resources

- 4.2 There are no equality and/or diversity implications arising from this report. The publication of the Constitution and the drafting of future proposals for the Constitution will be undertaken within existing Officer resources.

Legal

- 4.3 The Council is invited to formally adopt the revised Constitution which has been updated to reflect the significant changes that have been agreed by the Council in recent months. It is important that the Constitution is updated and kept under review going forward.

REPORT ENDS