

Council

24 May 2023



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| Title | CONSTITUTION; POWERS AND DUTIES OF THE COUNCIL AND COMMITTEES; SCHEME OF MEMBERS' ALLOWANCES; AND DELEGATIONS |
| Purpose of the report | To make a decision |
| Report status | Public report |
| Report author | Michael Graham, Monitoring Officer/ AD Legal & Democratic Services |
| Lead Councillor | Jason Brock, Leader of the Council |
| Corporate priority | Not applicable, but still requires a decision |
| Recommendations | That recommendations 3.1 to 3.19 in the report by the Monitoring Officer be approved. |

1. Executive Summary

1.1 This report asks Council, for the Municipal Year 2023/24, to:

- (1) appoint the Committees of the Council: the allocation of seats between Groups has to be calculated in accordance with Sections 15-17 of the Local Government and Housing Act 1989 and details have been circulated to Group Leaders before the meeting;
- (2) appoint a local Standards Committee for the authority;
- (3) agree the powers and duties of committees, sub-committees, partnerships and consultative Working Parties;
- (4) agree the general dispensation granted to all Members as set out in para. 3.17 below;
- (5) amend the Council's scheme of Councillors' Allowances, and confirm those Councillors who meet the definition of Members having significant responsibilities in relation to the discharge of the Council's functions in terms of entitlement to Special Responsibility Allowance at Tier 4 for the financial year 2023/24;
- (6) re-establish the Remuneration Panel for the Municipal Year 2023/24;
- (7) agree Lead Councillor portfolios.

1.2 The Constitution for the authority will be amended in the light of these changes and published on the Council's website.

1.3 The matters reserved to Council and the powers and duties of the Committees and Sub-Committees are included in **Appendix A**. The terms of reference of partnership and advisory and consultative bodies, and Member:Officer working groups, are included in **Appendix B**.

2. Policy Context

- 2.1. The Council is required to maintain and publish a Constitution, in accordance with Section 9P of the Local Government Act 2000, setting 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. Some of these processes are required by the law, while others are a matter for the Council to choose.
- 2.2. The Constitution has six Parts. Part 1 is a summary of its contents and purpose. Part 2 contains 16 Articles which set out the legal position regarding the Council's operation. Part 3 sets out the responsibility for functions. Part 4 contains the authority's Rules of Procedure, including its Standing Orders. Part 5 contains the authority's Codes and Protocols, including the local Member Code of Conduct. Part 6 is the Members' Allowances Scheme.

3. The Proposal

A. Constitution

- 3.1. That the Constitution for the authority be amended, as necessary, to include the action set out below.

B. General Reservation of Powers to the Council

- 3.2. That the reserved matters set out in the Council's responsibilities, as detailed in Part 3 of the Constitution be noted, and any decisions of Committees in relation to them shall be submitted to the Council as recommendations.

C. Powers and Duties of Committees

- 3.3. Subject to the Schemes of Delegation to Officers, the Committees listed in 3.4 below shall have delegated authority to exercise and perform the Powers and Duties of the Council in relation to the functions set out in Appendix A to this report.

D. Constitution of Committees

- 3.4. That for the Municipal Year 2023/24 the following standing Committees and Regulatory and Other Committees be constituted, as set out below:

Standing Committees

Policy Committee

Adult Social Care, Children's Services & Education Committee

Housing, Neighbourhoods & Leisure Committee

Strategic Environment, Planning & Transport Committee

Regulatory and Other Committees

Audit & Governance Committee

Health & Wellbeing Board

Licensing Applications Committee

Personnel Committee

Planning Applications Committee

Committees related to the Employment Procedure Rules

Investigating and Disciplinary Committee

Appeal Committee

Independent Panel

Joint Committee

Joint Health Overview and Scrutiny Committee (with Buckinghamshire, Oxfordshire, West Berkshire and Wokingham Councils)

E. Codes and Protocols

- 3.5. That a local Standards Committee be appointed for the Municipal Year 2023/24 with unchanged terms of reference, standing orders and Rules of Procedure; that the Committee will consist of Councillors and at least one Co-opted Member; that Mrs T Barnes be re-appointed as a Co-opted Member for the 2023/24 Municipal Year; and that Mr D Comben be re-appointed as the Independent Person for 2023/24.

F. Constitution of Sub-Committees

- 3.6. That for the Municipal Year 2023/24 a Traffic Management Sub-Committee will be appointed by the Strategic Environment, Planning & Transport Committee; the Policy Committee will appoint a Trustees Sub-Committee and the Licensing Applications Committee will establish a sub-committee (See Meetings of Committees, items (a-c) on tonight's agenda).

G. Establishment of Appeal, Review and Complaints Panels

- 3.7. That for the Municipal Year 2023/24, the following bodies be set up to handle appeals against decisions made by or on behalf of the authority:
- a) an Appeals Panel from which trained Councillors will be drawn to hear appeals on matters considered by the following bodies, as required by regulation:
 - Curriculum Complaints Panel
 - Removal of Early Years Providers Appeals Panel
 - b) an Education Appeals Panel to deal with schools' admission and school exclusion reviews in line with the provisions of the School Standards Framework Act, 1998, to which Councillors may not be appointed.
 - c) a Social Services Complaints Review Panel to hear individual complaints which reach the third stage of the Council's Social Services Complaints process, to which Councillors may not be appointed.
 - d) a Secure Accommodation Panel.

H. Partnership Bodies

- 3.8. That, for the Municipal Year 2023/24, the Authority will continue to participate in the following joint consultative partnership bodies:
- Community Safety Partnership
 - Cultural Partnership Board
 - Community Learning & Skills Advisory Board
 - Safer Reading Neighbourhood Forum

I. Education Bodies

- 3.9. That for the Municipal Year 2023/24, the following Education bodies be set up:
- SACRE (Standing Advisory Council on Religious Education)
 - School Admission Forum

J. Safeguarding Bodies

- 3.10. That for the Municipal Year 2023/24 the following safeguarding bodies be set up:
- Adult Safeguarding Panel
 - Children's Safeguarding Panel
 - Parenting Panel

K. Advisory and Consultative Working Parties, Panels and Forums

- 3.11. That for the Municipal Year 2023/24, Councillors will be appointed to serve on the following advisory and consultative bodies, which may not meet formally, and which may

operate as special interest groupings with whom partners and stakeholders may liaise and consult:

Equality Groups

- Access and Disabilities Working Group
- Alliance for Cohesion & Racial Equality
- Older People's Working Group
- Channel Panel

Special Interest Groups

- Arts and Heritage Forum
- Cleaner Air & Safer Transport Forum
- Cycle Forum
- Town Twinning Group

L. Member:Officer Working Parties

- 3.12. That for the Municipal Year 2023/24 the following advisory Member:Officer consultative Working Parties be established, to report to the bodies set out below:

COUNCIL

- Civic Board

PERSONNEL COMMITTEE

- Local Joint Forum

PLANNING APPLICATIONS COMMITTEE

- Planning Management Panel

- 3.13. That the powers and duties of the above bodies listed in H-L above for the Municipal Year 2023/24 be as set out in Appendix B to this report.

M. Leadership and Lead Councillor Portfolios

- 3.14. The Leadership and Lead Councillor portfolios for 2023/24 be unchanged from those set out in Article 6 of the Constitution.

N. Scheme of Members' Allowances for the Financial Year 2022/23

- 3.15. That, further to Minute 28 of the meeting of Council on 31 January 2023, the following persons shall be regarded as, or equivalent to, "other Councillors carrying out other activities in relation to the discharge of the authority's functions as require the commitment of equivalent time and effort as for other categories of activity which would qualify for Special Responsibility Allowance" at Tier 4 for the financial year 2023/24 (and subject to no Councillor receiving more than one Special Responsibility Allowance):

- Vice-Chairs of Committees
- Representative(s) on the Fostering Panel
- Independent Person appointed in accordance with Section 28 of the Localism Act 2011

- 3.16. That the Remuneration Panel be re-established for 2023/24 with the same terms of reference as agreed at Minute 51 of the Council meeting on 13 November 2001; that its membership be Lady Audrey Durant, Mick Pollek, Jeanette Skeats and Sally Swift.

O. Delegations

- 3.17. The Monitoring Officer's delegated authority, under Section 33 of the Localism Act 2011, to grant a dispensation from the restrictions in Section 31(4) of the Act, which would allow members of the authority with a disclosable pecuniary interest to take part and vote on decisions in certain prescribed circumstances, be agreed in the following circumstances:

- “(i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
- (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
- (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
- (iv) an allowance, payment or indemnity given to members;
- (v) any ceremonial honour given to members; and
- (vi) setting Council Tax or a precept under the Local Government Finance Act 1992;
- (vii) any other business which might reasonably be regarded as affecting the financial position of the Member and/or his/her spouse or partner to a greater extent than the majority of other Council Tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision”;

and the general dispensation apply for four years, subject to it being renewed each year at the Annual Council Meeting.

P. Future Meeting Arrangements

- 3.18. The arrangements made in accordance with Section 78 of the Coronavirus Act 2020 and ‘the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020’, which allowed the Council and its Committees to be held remotely ceased to be effective on 7 May 2021. Since this date, Councillors have still been able to attend some meetings remotely and participate in the meeting. However, in these circumstances, they do not form part of the quorum and are not able to vote.
- 3.19. It is recommended that as the disruption to the normal Committee cycle, due to the Covid-19 pandemic, has now dissipated, the arrangements whereby Councillors were able to ask their Group Leader to appoint a substitute to attend committees and vote in their place should be withdrawn, except for those committees/ sub-committees with prescribed substitution arrangements.

4. Contribution to Strategic Aims

- 4.1. The governance arrangements and decision-making structure adopted by the authority are integral to creating a framework to deliver the Council’s strategic aims.

5. Environmental and Climate Implications

- 5.1. There are no environmental and climate implications resulting from the recommendations contained in this report.

6. Community Engagement

- 6.1. Political Groups have been consulted in relation to recommendations set out in the report and elsewhere on the agenda for this meeting.

7. Equality Implications

- 7.1. There are no equality implications resulting from this report and no need to complete an Equality Impact Assessment (EIA).

8. Other Relevant Considerations

- 8.1. There are none.

9. Legal Implications

- 9.1. A principal council shall in every year hold an annual meeting, in accordance with Schedule 12, Part 1 of the Local Government Act 1972 (as amended). The annual meeting of the Council must be held in a year of ordinary elections within twenty-one days immediately following the day of retirement of the Council.

10. Financial Implications

- 10.1. There are no financial implications arising from the recommendations in this report.

11. Timetable for Implementation

- 11.1. The decisions taken in relation to this report will take immediate effect.

12. Background Papers

- 12.1. There are none.

Appendices

- A. Responsibility for Functions – Terms of Reference of Council and Committees, as set out in Part 3 of the Constitution
- B. Consultative Committees' and Forums' terms of reference as set out in Article 10 of the Constitution