

Part 1 - Summary and Explanation

1. The Council's Constitution

1.1 The historic cathedral city of Winchester lies at the heart of the wider City of Winchester district under the jurisdiction of Winchester City Council . It covers a large area of 660 kilometres (250 square miles) with 40% of the district in the South Downs Nation Park.

1.2 Winchester is a county town and developed from the Roman town of Venta Belgarum, itself having Iron Age roots and is one of the eleven district councils within the two-tier shire county in Hampshire.

1.3 In 1974, Winchester City Council achieved its current form when Winchester City Council, Droxford Rural District Council and the northern parts of Winchester Rural District Council were consolidated into the current City Council – although the city's tradition of local self-government is much older with its earliest extant charter dating from 1155, first reference to the office of the Mayor in 1200 and the election of councillors beginning after the Municipal Corporations Act of 1835.

1.4 Today, Winchester and its district has a population over 127,000 residents and 45,000 households. Of these, about one third live in Winchester town itself with the remainder living in either the five larger settlements of Alresford, Bishops Waltham, Denmead, Whiteley and Wickham, or the smaller villages or hamlets.

1.5 The Constitution of Winchester City Council sets out:

- how the Council operates
- how decisions are made
- the procedures which are followed to ensure that both of these are efficient, transparent and accountable to local people.

1.6 Some of these processes are required by law whilst others are a matter for the Council to choose.

1.7 The Constitution is divided into 16 Articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

2. What is in the Constitution?

2.1 The Constitution contains 16 Articles which explain the Council's approach to ensure efficient and effective decision-making which is transparent, accountable and encourages community involvement. A key element is an explanation of the rights of **members of the public** and how the key parts of the Council operate. The Constitution is therefore set out with the following Articles:

- Article 1 - The Constitution
- Article 2 - Members of the Council
- Article 3 - **Members of the Public and** the Council
- Article 4 - Full Council Meeting
- Article 5 - Chairing the Council
- Article 6 - The Cabinet (Executive)
- Article 7 - Overview and Scrutiny Committees
- Article 8 - Regulatory and Non-Executive Decision Making Committees
- Article 9 - Audit and Governance Committee
- Article 10 - Area Committees and Forums
- Article 11 - Joint Arrangements
- Article 12 - Officers
- Article 13 - Decision Making
- Article 14 - Finance, Contracts and Legal Matters
- Article 15 - Review and Revision of the Constitution
- Article 16 - Suspension, Interpretation and Publication of the Constitution

2.2 The constitution also sets out in more detail information on:

- Responsibility for Functions (Part 3)
- Rules and Procedures (Part 4)
- Codes and Protocols (Part 5)
- Members Allowances (Part 6)
- Organisational Management Structure

3. How the Council Operates

3.1 The Council comprises 45 Councillors who each serve a four year term. One third of the Council is elected three years in four. Hampshire County Council elections take place in the fourth year.

3.2 Councillors are democratically accountable to all residents of the ward from which they are elected. The overriding duty of Councillors is to the whole community but they have a special duty to their residents including those who did not vote for them.

3.3 In order that all of the public can have confidence in decision made and the way that the Council operates, Winchester City Council complies with the six core principles of good governance as developed by the Independent Commission for Good Governance in Public Services. These being; focusing on the Council's purposes and on outcomes for the community and service users, performing effectively in clearly defined functions and roles, promoting values for the whole organisation, demonstrating the values of good

governance through behaviour, taking informed, transparent decisions and managing risk, engaging stakeholders and making accountability real.

3.4 In accordance with the Localism Act 2011 provisions and the Seven Principles of Public Life (known as the Nolan Principles), when acting in this capacity Councillors must commit to behaving in a manner that is consistent with the following principles to maintain public confidence and ensure high standards in the way they undertake their public duties. The Seven Principles of Public Life are;

- Selflessness: Holders of public office should act solely in terms of the public interest.
- Integrity: Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
- Objectivity: Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
- Accountability: Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
- Openness: Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
- Honesty: Holders of public office should be truthful.
- Leadership: Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

3.5 One of the Audit and Governance Committee's functions is to promote and maintain high standards of conduct by Councillors and any co-opted members.

3.6 All Councillors meet together at a meeting called Full Council. Meetings of Full Council are open to the public unless certain types of confidential and exempt information are discussed. At Full Council meetings Councillors decide the Council's overall policies and set the budget each year. In particular, Full Council shall:

- a) Appoint the Leader of the Council (the Leader then appoints their Deputy and other Members of the Executive, who collectively form the Cabinet);
- b) Appoint the membership of the Overview and Scrutiny committees and Regulatory Committees;

- c) Retain responsibility to make a number of decisions which have not been delegated to Cabinet (e.g. approval of the annual budget and the various policies, plans and strategies forming the policy framework, such as the Council Plan and the Development Plan - see Part 3 for full list);
- d) Ensure a procedure for the public to present petitions at Full Council and address the meeting;
- e) Ensure a procedure for Council Questions from both members of the public and fellow Councillors at each meeting;
- f) Has a procedure to hold the Cabinet and Committees to account.

4. Members of the Public's Rights

4.1 The Council will be outward looking and will seek to engage with the public whenever possible. The term members of the public refers to all the people of Winchester and the District who we serve. Members of the public have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice Bureau can also advise on an individual's legal rights. Where the public uses specific Council services, as members of the public or consumers, they may have additional rights. These are not covered in this Constitution but details of these rights will be explained by the services themselves.

5. The Council welcomes participation by all members of the public in its work.

5.1 More specifically members of the public have the right to:

- a) Vote if eligible at local elections if they are registered;
- b) Contact their ward or other Councillor or Cabinet member about any matter of concern but it is recommended that they contact their local Councillor in the first instance;
- c) Obtain a copy of the Constitution;
- d) Petition to request a referendum on a mayoral form of executive;
- e) Present petitions at Full Council, Cabinet or the Overview and Scrutiny Committees and address the meeting;
- f) Attend meetings of the Council and its Committees, to observe or to speak during the public participation sessions (except where, for example, exempt or confidential matters are being discussed);
- g) Find out, from the Cabinet's Forward Plan, what major decisions are to be discussed by the Cabinet or decided by the Cabinet or officers, and when;

- h) See reports and background papers, and any record of decisions made by the Council, Cabinet and Committees (except in relation to confidential or exempt business);
- i) Complain to the Council about its functions and services;
- j) Complain to the Local Government Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;
- k) Complain to the Monitoring Officer if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct; and
- l) Inspect the Council's accounts and make their views known to the external auditor.

6. How Decisions Are Made

- 6.1 The Council has adopted executive arrangements for the discharge of its functions in the form of a Leader with a Cabinet.
- 6.2 The Cabinet is the part of the Council which is responsible for most day-to-day decisions (other than on planning applications, human resource issues and licensing matters). The Cabinet consists of the Leader and up to nine other Councillors who are appointed by the Leader.
- 6.3 When major decisions are to be discussed or made (known as Key Decisions), these are published in the Cabinet's Forward Plan insofar as they can be anticipated. Meetings of the Cabinet will generally be open for the public to attend, except when confidential matters are being discussed. The Cabinet has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to a Full Council meeting who, as a whole, make the decision.

7. Overview and Scrutiny

- 7.1 The Council has established a principle Overview and Scrutiny Committees (the Scrutiny Committee) and two policy Committees which have a general remit to maintain an overview of the discharge of the Council's executive functions and identify any items for review. The Scrutiny Committee may undertake a scrutiny review itself or appoint an Informal Scrutiny Group or a Sub-Committee to carry out the task. It can call in a decision which has been made but not yet implemented.

8. Regulatory and Other Committees

7.1 The following additional Committees have been established to carry out the various functions that the Government has stipulated should not be the responsibility of Cabinet:

- a) The Planning Committee (responsibilities include planning applications and enforcement)
- b) Licensing and Regulation Committee (responsibilities include all Council licensing and regulation functions)
- c) Licensing Sub-Committee (responsibilities include dealing with applications under the Licensing Act 2003, hackney carriage/private hire licences applications and appeals, and any other licensing matters referred to it by the Service Lead - Legal)
- d) Housing (Appeals) Committee (responsibilities include the determination of appeals against officer decisions on individual housing cases)
- e) Human Resources Sub Committee (responsibilities include the determination of appeals or grievances from Council employees)
- f) Winchester Town Forum (responsibilities include acting as a consultative and advisory body about issues affecting the Winchester Town wards)
- g) Audit and Governance Committee (responsibilities include considering both the internal Audit Manager's annual report and opinion and also reports of the Council's external auditor. It also reviews and approves the Council's Annual Statement of Accounts and monitors the governance framework of the Council). This Committee has delegated authority to undertake the Council's Standards and human resources functions that are reserved to Committees. There will be two Sub-Committees, a Standards Sub-Committee and a Human Resources Sub-Committee.

8. The Council's Staff

8.1 The staff of the Council (called 'officers') provide advice, implement decisions and manage the day-to-day delivery of its services. Specific officers have a statutory duty to ensure that the Council acts within the law and uses its resources wisely. The Protocol set out in Part 5 governs the relationships between Officers and Councillors.

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