

Minute extract from Audit & Governance Committee held 9 November 2023

6. **PUBLIC PARTICIPATION**

Patrick Davies spoke regarding report AG117 as summarised briefly below. He expressed concern about the apparent lack of clarity to the use of informal working groups in the constitution and any terms of reference. He did not believe that the use of informal working groups represented good practice as it lacked openness and transparency. He referenced the Claer Lloyd-Jones review report into the Silver Hill decision which had included some criticism of the council's use of informal groups. He also queried proposed changes to the role of the Winchester Town Forum, particularly with regard to planning issues.

Councillor Power thanked Mr Davies for his comments which would be considered under the relevant item below.

10. **REVIEW OF THE WINCHESTER CITY COUNCIL CONSTITUTION 2023**
(AG117)

The Monitoring Officer introduced the report and outlined the process in bringing forward the amendments to the Constitution to date which had included nine meetings of the Constitution Working Party (CWP). She confirmed that corrections to the formatting would be undertaken prior to consideration at Council on 30 November 2023. In addition, improvements to the navigation of the document, such as the inclusion of hyperlinks and an "intelligent" contents page would be introduced prior to the revised Constitution being officially published.

At the invitation of the Chairperson, Councillors Wallace, Read, Brook and Horrill addressed the meeting as summarised briefly below.

Councillor Wallace

He spoke as a member of the CWP which he believed had adopted a positive approach and achieved consensus about a great deal of the constitution. He expressed concern about the frequency of full Council meetings and in particular the recent long gap due to a Council meeting being cancelled. He welcomed the proposal to include feedback from Councillors on outside bodies to Council meetings and the clarification of the procedure regarding member and public participation at Cabinet meetings. In general, he hoped that the amendments proposed would improve the operation of the Constitution in practice.

Councillor Horrill

She welcomed the opportunity of being a member of the CWP and endorsed the commitment to providing a briefing session to aid understanding of the Constitution by both councillors and officers. She welcomed the proposals set

out in paragraphs 12.6 and 12.18 of the report. She raised three questions/points – a) Queried whether Article 14 required updating to reflect that contracts under £10k should be recorded in writing; b) Expressed disappointment regarding that a date for completion was not included in paragraph 14.2 of the report; c) Sought assurance that the version of the amended Constitution to be presented to Council would be corrected to remove typographical mistakes and incorrect formatting.

Councillor Read

With regard to the West of Waterlooville Forum he believed the Constitution should stipulate that meetings were held in person as he considered virtual meetings excluded some members of the public. He emphasised that Forum covered a cross-boundary area and so was different to the other two development fora. He also requested that the Winchester membership be comprised of councillors from those wards covered by the development area. With regard to the Joint West of Waterlooville MDA Planning Committee, he expressed concern that no meetings had been held in the previous three years with all decisions being taken by officers under their delegated powers. He believed that this was despite the parish council requesting that a decision be made by the joint committee on regular occasions.

Councillor Brook

She supported the comments made by Councillor Read. As chairperson of Scrutiny Committee, she welcomed the proposal for the Monitoring Officer to use her discretion as to which committee was appropriate for pre-scrutiny consideration. She believed it was essential that key decisions were subject to pre-scrutiny.

The Monitoring Officer responded to the comments made regarding the Joint West of Waterlooville MDA Planning Committee confirming that the information she had been given by officers was different to that presented by Councillor Read. She said she would request further clarification from officers regarding the officer delegations exercised. As there appeared to remain a degree of uncertainty on this matter, Councillor Power suggested that Councillor Brook forward the relevant minutes of the parish council so it could be examined further.

The Monitoring Officer responded to other comments made by councillors and during the public participation period above. She confirmed that use of informal working groups was standard procedure widely adopted by local authorities and legally permitted. She agreed that a definition of an informal working group could be included in the amended Constitution.

With regard to work on the new model code of conduct, she confirmed that this would commence with the CWP in the new year.

The Committee then considered the contents of the amended Constitution in detail and the following points were raised and responded to by the Monitoring Officer and the Corporate Head of Finance. In addition, the Cabinet Member for Community and Engagement and the Cabinet Member for Finance and Performance also responded where appropriate.

- a) The proposal that a recommended time limit (but not a guillotine) of three hours for council meetings be introduced. However, the majority of the CWP had not supported this proposal but had approved the suggestion that full Council meetings start at the earlier time of 6.30pm.
- b) The use of the word “may” rather than “will” in the first sentence of Part 1.2. The Monitoring Officer explained the wording was from the Model Constitution however it was agreed amendment be considered further.
- c) Part 4.4, paragraph 22.5 – clarification was requested on the use of the exempt definition and councillors access to exempt information.
- d) The practical operation by the Monitoring Officer of the new wording proposed by the CWP in Article 7 in connection with the Forward Plan. Members believed that the 28 days’ notice provided in the current forward plan might not be sufficient for other committees to plan their work programme. However, it was suggested this could be addressed outside of changes to the Constitution, for example by provision of clearer work programmes and further consideration of the scheduling of meetings.
- e) Clarification of the different status of the Winchester Town Forum as a formal meeting with budget setting authority, whereas the three current development fora were informal meetings.
- f) Confirmation that the operation of the Joint West of Waterlooville MDA Planning Committee would be considered further by officers following concerns raised. However, no changes to the constitution as drafted were required.
- g) Confirmation that the full proposed Budget Council meeting procedure would not be included in the recommended amendments to the constitution.
- h) The Monitoring Officer confirmed that full Council meetings were only cancelled due to a lack of business in exceptional circumstances. Some concern was expressed about the long period of time between some full Council meetings. It was emphasised that both public and councillors had the right to speak at other meetings, including Cabinet.
- i) A request that consideration be given to using the same process for members of the public questions as councillor questions.
- j) There was lengthy discussion regarding the process for submitting an alternative budget and the time available for this to be prepared by councillors. The Monitoring Officer emphasised that the budget proposals were submitted for consideration by both the Scrutiny Committee and Cabinet several weeks prior to consideration at full Council. The Corporate Head of Finance confirmed that as Section 151 officer, she must be satisfied that the alternative budget met the statutory requirements and was deliverable within sufficient time to allow for 6 clear days prior to the budget meeting. The Committee asked that consideration be given to publishing any alternative budget immediately after approval by the Section 151 officer.

Following consideration by the Committee, Councillor Power summarised the proposed recommendations for amendments to the Constitution as set out below:

- a) **Part 1.2 – Definition of Informal Working Groups to be included.**
- b) **Part 1.2 – consideration to be given to changing the wording in the introductory sentence from “may be” to “will be”.**

- c) **Part 4.4 – Paragraph 22.5 – consideration to be given to reviewing the use of exempt definition.**
- d) **Article 4 – para. 4.06 (d) to be redrafted to improve readability.**
- e) **Pages 217 -220 of agenda pack (the Budget Council meeting procedure) to be deleted.**
- f) **The proposed start time of 6.30pm for Full Council meetings to be reviewed in due course.**
- g) **Part 4.1 – para. 16 – consideration to be given to using the same process for members of the public questions as Councillor questions for expediency.**
- h) **Part 4.1 – para. 20.5 – consideration to be given to publication of the alternative budget to be immediately after approval of the Section 151 Officer.**

The Committee also noted the following points:

- i) The revised constitution including proposed amendments from the Audit and Governance Committee would be submitted to Council on 30 November with the recommendation that it comes into force from 1 January 2024. It was agreed that the revised constitution be considered by a meeting of the CWP prior to being submitted to Council.
- j) It was noted that work on adopting the LGA Model Code of Conduct would commence in the new year including meetings of the CWP.
- k) Noting that once officially published, the revised constitution would include improvements to its functionality including hyperlinks and “intelligent” indexing.

RESOLVED:

1. That the proposed amendments set out in bold in a) to h) above be reported to Council on 30 November 2023.

2. That points outlined in paragraphs i) to k) above be noted and implemented as appropriate.