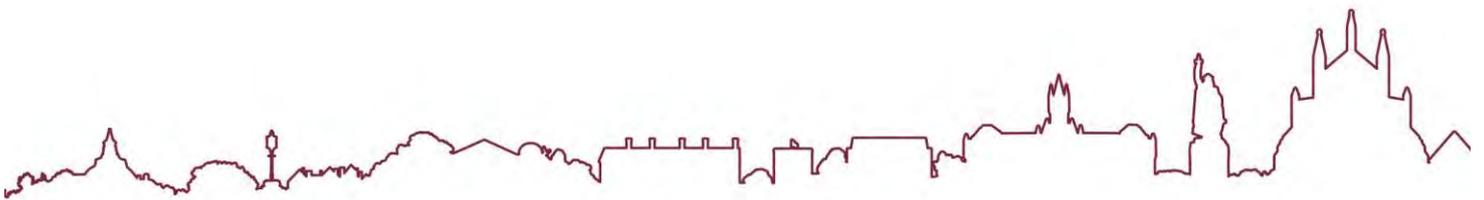


Part 1 formatted.



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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 National 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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Part 1.2 - Winchester City Council Constitution

Interpretation Section of terms used in the Constitution

The Constitution contains references which **are** defined as follows:

Approved Duties	Those meetings, events, etc. approved for the purposes of claiming travel and subsistence allowances
Background papers	A list at the end of a report of those documents used in compiling the report, which must be available for inspection on request by a member or the public.
Best Value	The duty, which Part I of the Local Government Act 1999 places on local authorities, to secure continuous improvement in the way in which functions are exercised, having regard to a combination of economy, efficiency and effectiveness as implemented by the Council. See also Value for Money.
Bidder	Any person, firm or organisation who asks to be or is invited to submit a Quotation or Tender.
Budget	The revenue and capital budget in any one year.
Call-in	The process by which Scrutiny Members, on the principle Overview and Scrutiny Committee, may challenge or require further information on an Executive decision.
Chairperson of Committee	The elected Chairperson or in their absence, the Vice- Chairperson. The term may also apply to an elected Councillor elected to preside in the absence of the Chairperson and Vice-Chairperson.
Chief Officer	The Chief Executive and Directors.
Civic Year	The period between annual meetings of the Council, usually held in May.
Clear Day	Not to include the day of publishing or the day of the meeting and to exclude the weekend and Bank Holidays.

Committee	A formal decision-making body which has functions delegated to it by either Council or the Executive.
Confidential Information	As defined in Section 100A(3) of the Local Government Act 1972, this covers information provided to the Council by a Government department on terms, which prohibit its disclosure and information, which the Council is prohibited from disclosing by statute or by court order.
Constitution	The document describing the decision-making arrangements for the Council, together with the detailed rules and procedures for the operation of the decision-making arrangements. The document is required, and its form dictated by the Direction of Secretary of State made under the provisions of the Local Government Act 2000.
Co-opted Member	A non-elected person appointed to a Committee, Sub-Committee or panel on a non-voting basis.
Contract Award	Process by which the participants in a procurement procedure are informed of the results.
Contract Award Criteria	The criteria by which a successful quotation or tender is to be selected.
Contract Award Procedure	The procedure for awarding a contract.
Contract Register	The register to be kept and maintained by the Procurement Manager recording details of all Contracts entered into by the Council over the value of £5,000.
Contracting Authority	An authority as defined in the Public Contract Regulations 2015 (PCR2015), means the State, regional or local authorities, bodies governed by public law or associations formed by one or more such authorities or one or more such bodies, governed by public law, and includes central government authorities, but does not include His Majesty in her private capacity.
Contracting Decision	Any decisions which impacts on either the procedure or the outcome of the process to include but not limited to: <ul style="list-style-type: none"> • Withdrawal of Invitation to Tender • Whom to invite to submit a Quotation or Tender

- Shortlisting
- Award of contract
- Termination of a contract

Council

The principal decision-maker. This is supplemented by the term “Full Council” which is defined in Article 4 as every member of Winchester Council meeting together formally.

Councillor

Person elected to be democratically accountable to their local community in the running of the council.

Declaration of Interests

The requirement for **Councillors** to give notice of their interests in matters related to an item under consideration (see also **Disclosable Pecuniary Interests** and **Non-Pecuniary Interests**).

Delegated Powers

The description of the level of authority delegated to a Committee, Sub-Committee, panel, Executive Member or Officer.

Deputy Leader of the Council

The elected **Councillor** appointed by the Leader as Deputy Leader for a four year term.

Disclosable Pecuniary Interests

The requirement for **Councillors** to register and declare any financial or beneficial interests as defined in Part 5 – Members’ Code of Conduct.

EU Treaty Procedures

The principles enshrined within the various Treaties. Although these apply directly to all procurement activity above the **Public Procurement** Threshold, they should apply, as a matter of good practice, to all procurement regardless of value.

Executive

The decision-making body of the Council with responsibility for Executive functions comprising those elected members appointed by the Leader. At Winchester City Council the Executive is known as the Cabinet.

Exempt Information

As defined by Section 100(1) of the Local Government Act 1972, this includes a number of different categories of information, under which the Council is entitled to withhold certain reports from the public (see Part 4B – Access to Information Procedure Rules).

Extraordinary Meeting	A meeting of the Council convened for specific purposes.
Financial Procedure Rules	The Council's financial regulations incorporated within the Constitution (Hyperlink)
Financial Vetting	The process by which officers appointed by the Corporate Head of Finance to review the information supplied by the Bidder or Bidders to establish their financial suitability.
Five Day Rule	Under the Local Government Act 1972 (as amended by the Access to Information 1985) Act, the Council is required to give notice and make available, the agenda and associated papers for five clear days.
Formal Quotation	The process of obtaining in the form required by the Contract Procedure Rules.
Forward Plan	The published document which provides the statutory notice of the intention by the Executive, an Executive Member or an Officer to make a key decision. The document also sets out other scheduled major decisions.
Framework Agreement	An agreement between one or more authorities and one or more economic operators, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged. Examples of Framework Agreements include those awarded by the Government Procurement Service and others.
Government Procurement Agreement	The successor agreement to the General Agreement on Trade and Tariffs. The main signatories other than those in the European Economic Area are the USA, Canada, Japan, Israel, South Korea, Switzerland, Norway, Aruba, Hong Kong, China, Liechtenstein and Singapore.
Group Leader	The Councillor identified by a political group as its Leader by notice in writing. The Leader of the majority group is normally elected Leader of the Council.

Group Manager

The Councillor who is responsible for managing the work of councillors within the Group, and the overall co-ordination of the business of the Group.

Head of Paid Service

The Officer designated as such under Section 4 of the Local Government and Housing Act 1989 (see Part 2, Chapter 10).

Informal Working Groups

Non decision making groups set up on an ad hoc basis, comprising of Councillors, officers and external advisors where appropriate. They are tasked to look at specific issues with agreed terms of reference. They act in an advisory and consultative manner and will run until the task is complete. Informal Councillor officer working is commonplace and an essential part of the management and operation of a local authority. They are not usually subject to the Access to Information Procedure Rules.

Invitation to Tender

Invitation to Tender documents in the form required by the Contract Procedure Rules.

Key Decision

As defined by the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. These decisions may be made by the Leader, portfolio holders, the Cabinet and its Committees and officers. The most significant decisions to be taken by the Executive. A more specific definition can be found in Part 2, Chapter 11.

Leader of the Council

The elected **Councillor** elected by Council as leader for a four year term.

Licensing Authority

The Council exercising its duties and responsibilities under the Licensing Act 2003.

Local Choice Functions

As detailed in Part 3A of the constitution, the description of responsibility for local choice functions under Section 13(3)(b) of the Local Government Act 2000 to the Council, the Executive, regulatory Committees and Officers.

Members' Allowances

The scheme approved by Council

Scheme	on recommendation from the independent remuneration panel for the payment of allowances to Members.
Members' Code of Conduct	The Code adopted by the Council which describes the conduct required of elected or co-opted Members of the Council.
Members of the Public	They are such people as are: Citizens under the British Nationality Acts or who have acquired statutory rights under various enactments, whether as inhabitants of the area or to whom the Local Authority is obliged to respond to in respect of its services or operations as a matter of law.
Monitoring Officer	The Officer designated as such under Section 5 of the Local Government and Housing Act 1989 or their deputy (see Part 2, Chapter 10). (See Article 12 - Officers)
Nominated Suppliers and Sub-Contractors	Those persons specified in a main contract for the discharge of any part of that contract.
Non-commercial Considerations	Considerations which may either be brought to the attention of an officer and may be within their own knowledge but have no significance when evaluating a potential bidder.
Non-Key Decisions	Decisions that fall within the categories of Significant Operational (Non-Key Decisions) and Administrative Decision as defined in Article 13 in Part 2 of the Constitution.
Non-Pecuniary Interests	The requirement for Members to register and declare any non-financial interests as defined in Part 5 – Members' Code of Conduct.
Officers	The employees of the Council.
Officers' Code of Conduct	The Code adopted by the Council which describes the conduct required of its Officers.
Ordinary Meeting	A meeting of the Council included in the approved calendar of meetings.

Outside Bodies	External organisations which have invited the Council to nominate representative(s) to serve on its management body.
Panel	A formal group of Members with functions delegated by a Committee or a Sub- Committee.
Party Whip	The management of internal party discipline and activities. To nstructions given by or on behalf of a political group to any Councillor who is a member of that group as to how that Councillor shall speak or vote on any committee, or the application of threat to apply any sanctions by the Group in respect of that Member should they speak or vote in any particular manner
Policy Framework	The plans and strategies which together make up the overarching policy direction determined by Council. This amplified the Budget and Policy Framework rules in Part 4 of the Constitution.
Political Balance	This is the duty of the Council to allocate seats on Council Committees in line with the formula set out by the Local Government and Housing Act 1989.
Political Group	As defined in the Local Government (Committees and Political Groups) Regulations 1990, any group of at least two Members who have notified the Council in writing that they wish to be treated as a political group.
Portfolio Holder	Otherwise known as Cabinet Members, those elected Members appointed to the Cabinet with defined areas of responsibility called portfolios.
Principal Opposition Leader	The councillor that leads the largest political party that is not the administration, to both ensure democratic accountability and the holding to account of the administration.
Procurement and Contract Management Strategy	The document setting out the Council's corporate approach to procurement and contract management and key priorities
Proper Officer	The authorised Officer under statutory enactments (see Part 3 – designation of Proper Officers).

Quasi-Judicial	A process of decision-making which is similar to a court of law, in that each party with an interest in the matter under consideration has an opportunity to make their case, following which a decision on the facts and representation is made.
Quorum	The minimum number of Members required to be present for a meeting to be properly convened.
Regulatory Committees	Those Committees of the Council falling outside of the executive arrangements that are charged with regulatory functions, such as development management, licensing, etc.
Relevant Contract	Contracts to which the Contract Procedure Rules apply.
Scrutiny	A process of holding the Executive to account.
Section 151 Officer	The Officer designated as such under Section 151 of the Local Government Act 1972 (see Article 12, Part 2).
Standard Terms and Conditions	The terms and conditions agreed by the Council as being applicable in all contracts as an alternative to either bespoke terms and conditions or the terms and conditions of the other party to the contract or agreement.
Statutory Undertakers	The various companies and agencies with legal rights to carry out certain development and highways works, such as utilities and telecoms.
Sub-Committee	A formal decision-making body with functions referred or delegated to it by a Committee.
Tender	A candidate's proposal submitted in response to an Invitation to Tender.
Terms of Reference	The description of what a Committee, Sub-Committee or panel may concern itself with.
Their/They	Read, where appropriate: his/hers/zir/he/she/ze.
Total Value	The whole of the value or estimated value (in money or equivalent value) for a single procurement or disposal.
Transfer of Undertakings (Protection of	The regulations that apply where responsibility for the delivery of

**Employment)
Regulations 2006 (TUPE)**

works or services for the Council is transferred from one organisation (for example a private contractor or local authority in-house team) to another (for example, following a contracting out or competitive tendering process) and where the individuals involved in carrying out the work are transferred to the new employer. These regulations seek to protect the rights of employees in such transfers, enabling them to enjoy the same terms and conditions, with continuity of employment, as existed with their former employer.

**UK Public Procurement
Procedure**

The procurement procedure required to be followed in accordance with the Public Contract Regulations 2015.

**UK Public Procurement
Threshold**

The contract values at which the public procurement directives apply, as amended from time to time.

Urgent Matter

A matter which is to be considered at a meeting of the Council, a Committee or a Sub-Committee by virtue of section 100B (4)(b) of the Local Government Act 1972. This provides for matters not appearing on the agenda to be considered at the meeting, if by reason of special circumstances, the Chairperson is of the opinion that the item should be considered as a matter of urgency.

Value for Money

Value for money is not the lowest possible price; it combines goods or services that fully meet the Council's needs, with the level of quality required, delivery at the time the Council needs it, and at an appropriate price.

Ward

A geographical area of the District represented by 1 – 3 elected Members.

Written Notice

Unless otherwise stated, a notice given in writing or electronically.

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