

REPORT TITLE: WINCHESTER CITY COUNCIL CONSTITUTION UPDATES 2025

27 FEBRUARY 2025

REPORT OF THE MONITORING OFFICER

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WARD(S): ALL

### PURPOSE

The Winchester City Council Constitution requires the Monitoring Officer to monitor and review the operation of the Constitution to ensure that its aims, principles and requirements are given full effect.

Having undertaken a review, updates have been made to the Constitution and these are being reported to Full Council for noting in accordance with Article 15.

### RECOMMENDATIONS:

Council is asked to note the updates and amendments made by the Monitoring Officer.

## IMPLICATIONS:

### 1 COUNCIL PLAN OUTCOME

#### 1.1 KEY PROPOSALS FOR CHANGE

The Monitoring Officer has undertaken a review of its Constitution to ensure it is providing a framework for effective and lawful decision making which is transparent, accountable and encourages community involvement. It is a requirement that any updates are reported to Full Council on an annual basis.

### 2 FINANCIAL IMPLICATIONS

2.1 As part of this review the contract procedure rules have been cross checked against both current best practice and legislation and have been updated accordingly – see also legal and procurement implications.

2.2 There are no ongoing financial implications.

### 3 LEGAL AND PROCUREMENT IMPLICATIONS

3.1 The Council has a legal duty, under section 9P of the Local Government Act 2000 (LGA 2000), to publish an up-to-date Constitution and keep it up to date with any necessary changes.

3.2 Section 9P of the LGA 2000 states that the Constitution must contain:

- a. The standing orders/procedure rules;
- b. The Members' Code of Conduct;
- c. Such information as the Secretary of State may direct; and
- d. Such other information (if any) as the Council considers appropriate.

3.3 It is further stated that Constitutions must be available for public inspection at all reasonable hours and supplied to anyone who requests a copy on payment of a reasonable fee. The Council's Constitution is available on the Council's website.

3.4 There is new legislation that requires updates to the constitution in respect of the Procurement Act 2023. This act, and associated regulations, will replace the current Public Contract Regulations (PCR) 2015.

3.5 The Government announced on 12 September 2024 that the implementation for the Procurement Act 2023, due 28 October 2024, was being delayed and would now come into force on 24 February 2025. The associated changes are shown as track changes in appendix 1.

#### 4 WORKFORCE IMPLICATIONS

4.1 There are no workforce implications in this report.

#### 5 PROPERTY AND ASSET IMPLICATIONS

5.1 There are no property or asset implications in this report.

#### 6 CONSULTATION AND COMMUNICATION

6.1 The amendments made by the Monitoring Officer under their delegations set out in Article 15 of the constitution have been made, as required, in consultation with the Chief Executive.

#### 7 ENVIRONMENTAL CONSIDERATIONS

7.1 There are no environmental considerations in this report.

#### 8 PUBLIC SECTOR EQUALITY DUTY

8.1 The Constitution is reviewed generally to ensure that the format is easily accessible. This is an important step in ensuring that access to the democratic process is equitable.

8.2 An Equality Impact Assessment (EqIA) has not been completed as it is not in scope for these minimal updates.

#### 9 DATA PROTECTION IMPACT

9.1 A Data Protection Impact Assessments (DPIA) has not been completed because there are no identifiable risks/issues to the rights and freedoms of natural persons.

#### 10 RISK MANAGEMENT

<b>Risk</b>	<b>Mitigation</b>	<b>Opportunities</b>
<u>Financial Exposure</u> New Procurement Act 2023 coming into force 24 February 2025	Updates have been made to reflect the legislation to ensure compliance and minimise exposure that could have financial implications.	A compliant, clear Constitution can enhance the reputation of the council by being clear, open and transparent about its financial decision making and how money can be spent and by whom – much of this centres around procurement activity and the councils contract procedure rules.

<u>Exposure to challenge</u> The Constitution must adhere to legislation otherwise the Council could be subject to legal challenges and claims for costs.	The proposed Constitution updates adhere to legislation.	Demonstrates responsiveness to the new Procurement Act ensuring updates are made at the right time.
<u>Innovation</u> Much of what can comprise a Constitution is set down in legislation. However, the review has sought to continually organise this in such a way as to make it workable and appropriate for the City Council. There is not considered to be a risk in innovation.		
<u>Reputation</u> If the Council does not have an appropriate decision-making framework in place, and cannot make timely decisions or take appropriate actions, the Council's reputation will be compromised.	The proposed Constitution has provided for appropriate decision making	A compliant, clear Constitution can enhance the reputation of the council by being clear, open and transparent.
<u>Property</u> None	None	None
<u>Community Support</u> An up to date Constitution should enable residents and other stakeholders to engage with the decision-making process in clear and accessible ways.	Commitment remains to ensuring the decision making processes are clear and transparent in the new constitution.	Good access to decision making can enhance the reputation of the council.
<u>Timescales</u> This is the annual update to Full Council, as changes have been made by the Monitoring Officer	The proposals will be reported to Full Council at its next available meeting in order for the improvements to come into effect as soon as possible.	

Project capacity None	None	None
Other None	None	None

## 11 SUPPORTING INFORMATION:

### 11.1 In Article 15 at 15.3 the constitution says;

- a) Changes to this Constitution will only be approved at a meeting of the Full Council after consideration of any proposals by the Monitoring Officer save that there is set out below an exception to this requirement.
- b) A vote at Full Council to change the Constitution should be passed by a simple majority of those present and voting.
- c) The Monitoring Officer, in consultation with the Chief Executive, has delegated authority to amend any part of the Constitution where such amendment is:
  - (i) required to be made to comply with any legislative provisions; or
  - (ii) make minor amendments to comply with changes to staffing structures, job descriptions or changes in terminology; or
  - (iii) required to remove any inconsistency or ambiguity.

Implementation of such amendments will be decided by the Monitoring Officer in consultation with the Chief Executive and shall come into force with immediate effect. Such amendments shall be reported to Full Council on an annual basis.

### 11.2 This report is in response to the annual requirement that amendments made by the Monitoring Officer, in consultation with the Chief Executive, be reported.

### 11.3 The changes made by the Monitoring Officer come under (i), (ii) and (iii) above. The Procurement Act has been reflected, changes to the senior leadership structure with the introduction of a Finance Director and Legal, Director with the resultant removal of one Strategic Director role and finally consistency amends in respect of format and layout.

## 13 OTHER OPTIONS CONSIDERED AND REJECTED

### 13.1 No other options have been considered in this instance as these updates and amends have been made by the Monitoring Officer in compliance with their duties.

14 BACKGROUND DOCUMENTS:-

[Link to constitution](#)

APPENDICES:

Appendix 1 – Updated Constitution - Procurement Act related updates shown with track changes