

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
AUDIT AND GOVERNANCE COMMITTEE

Minutes of the Meeting held on 31 March 2022 at 6.00 pm

Present:-

Cllr J Beesley – Chairman

Cllr L Williams – Vice-Chairman

Present: Cllr M F Brooke, Cllr M Cox, Cllr L Fear, Cllr M Phipps and
Cllr Dr F Rice

95. Apologies for Absence

Apologies for absence were received from Councillor D Butt and Councillor Filer.

Substitute Members

Formal notification had been received appointing Councillor T Johnson as substitute for Councillor D Butt and Councillor J Butt as substitute for Councillor Filer.

96. Declarations of Interests

There were no declarations of interest.

97. Confirmation of Minutes

The Minutes of the meeting on 17 March 2022 as circulated separately to the Committee were confirmed as a correct record.

98. Public Issues

The Committee was advised of the receipt of the following Public Question.

Question

**PUBLIC QUESTION FOR BCPC AUDIT & GOVERNANCE COMMITTEE
MEETING ON 31.3.22**

**SUBJECT: DEFICIENCIES IN DEMOCRATIC PROCESSES RELATING
TO PUBLIC ISSUES & AGENDAS, FOLLOWING CONFIRMATION AT
THIS COMMITTEE'S MEETING ON 17.3.22 THAT THE COUNCIL'S
BROKEN "WEBLINKS" WOULD BE IDENTIFIED WITH URGENCY &
RECTIFIED**

PUBLIC QUESTION

Noted that between **22.3.22 & 23.3.22** this Committee's agenda links were enabled, accessing the lengthily indexed 304 page Constitution but not directly the **Public Issues criteria**.

Entailing less than immediate transparency regarding a restrictive earlier procedural change: **Public Questions** submitted to appropriate overseeing Committees/Sub Committees/Cabinet (not the customarily less frequent Full Council) meetings must relate to **agenda-specific items** usually published the day before submission cut-off.

Will consideration therefore be given to the concern that **neither** Committees **nor** public have **assured timely awareness** of certain issues eg my non-agenda'd accumulating questions regarding significant infractions of law & accounting.

Philip Gatrell 24.3.22

Response

"I would like to thank Mr Gatrell for his question.

"Public participation at council, cabinet or committee meetings is a discretionary facility to allow the public an opportunity to engage with the democratic process.

"The existing arrangements for the submission of questions and statements by the public were adopted by full council following consideration by the Constitution Review Working Group and the Audit and Governance Committee.

"The Constitution should not, as a matter of routine, be constantly reviewed and updated, and members will be aware that a comprehensive review was recently completed and adopted by Council. However, the concerns raised by Mr Gatrell in relation to public questions and statements will be referred to the Constitution Review Working Group for consideration when they next meet. No meetings of the Working Group are currently scheduled but I'd like to assure Mr Gatrell that it will be added to their work programme for consideration.

"Finally, I would like to invite Mr Gatrell to contact me direct in the first instance if he identifies or considers there to be operational deficiencies in democratic processes. I do not consider raising matters for the first time at a committee meeting to be either efficient or an effective use of committee time. If I am able to resolve the matter I will do so promptly or provide an explanation if this is not possible."

Richard Jones, Head of Democratic Services

The Committee was advised of the receipt of the following Public Statement.

Statement

PUBLIC STATEMENT FOR BCPC AUDIT & GOVERNANCE COMMITTEE MEETING ON 31.3.22
SUBJECT: PROPOSAL TO AMEND COUNCIL PROTOCOLS IN RESPECT OF PUBLIC ISSUE QUESTIONS

**& STATEMENTS (CURRENTLY LIMITED TO 100 WORDS EACH) IN
VIEW OF THE ACCOMPANYING QUESTION TO THIS COMMITTEE**

PUBLIC STATEMENT

Impediments to timely scrutiny, remedial actions & delivering accountability

–
- **Public Questions & Statements relating to “Council business”** channel without subject restriction to Full Council. However, an individual's rights in that forum are restricted to potentially inadequate four of each issue type per single Municipal Year.

- Moreover, concerning infractions, although Full Council meetings are an essential medium for certain issues, they do not substitute for prompt consideration in the first instance by the **designated overseeing Committee or Cabinet**.

- Given also - as evidenced by correspondence - **significant procedural contraventions & misstatements** initially notified to Statutory Officers are susceptible to inordinate delays and opposition to satisfactory resolution.

Philip Gatrell 28.3.22

The Chairman of the Committee thanked Mr Gatrell for his question and statement and for his email addressed to all members of the Committee.

99. Development of the Overview and Scrutiny Function

The Head of Democratic Services and the Overview and Scrutiny Specialist presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'A' to these Minutes in the Minute Book.

The Committee was reminded of the background of their previous discussions as part of their review of the Constitution and particularly their recommendations to Council about the future structure of the overview and scrutiny function within BCP Council. The recommendations at that time were based upon detailed work undertaken through the Constitution Review Working Group. At the meeting of Council in January 2022, however, the Council requested the Committee to undertake a still wider review of the overview and scrutiny structure and the Audit and Governance Committee undertook to report back to Council in April 2022.

Since this direction from Council, the Chairman and Vice-Chairman of the Audit and Governance Committee had held informal discussions with Councillors and Officers, including an informal meeting of all Political group leaders and deputy leaders; unaligned Members; the Chairs and Vice-Chairs of current Overview and Scrutiny bodies; the Chief Executive and the Monitoring Officer. An informal meeting took place on 9 March 2022 and Officers undertook to reflect in the final report the expressed views of the wide range of stakeholders involved.

The Committee also heard from the Chair of the existing Children's Services Overview and Scrutiny Committee who was present at the Audit and Governance Committee meeting.

The target date for implementation was the start of the new Municipal year in May 2022 and, because of the tight time constraint therefore involved, consideration was being given to the report by the Committee directly rather than taking it through the Working Group. Members also recognised that implementation in May 2022 would provide an opportunity for any changes to bed in over the final year of the current Council leading up to the BCP Council elections in May 2023.

The report presented three options to the Committee for the future structure of overview and scrutiny and the detail of each option was set out and explained in terms of resource implications, frequency and potential pattern of meetings, membership and Political balance. For each option, a list of potential areas of responsibility was set out linked initially to agreed Portfolio Holder remits although these could be subject to adjustment over time in the light of experience and comparative workload. The range of options for dealing with cross-cutting issues and for dealing with call-in were also set out for consideration by the Committee.

Members were reminded of the fundamental principles of good scrutiny as set out within the BCP Council Constitution upon which overview and scrutiny at the Council was based. The Committee noted the importance of ensuring that structural arrangements should be a good and effective fit with the organisation, its culture, Political dynamics and stated aims and priorities.

Prior to the meeting, a copy of the recently published Local Government Association Corporate Peer Review had been circulated to the Committee and a number of important comments made in the review about overview and scrutiny were highlighted. The Committee particularly noted comments made about the existing Overview and Scrutiny Board and about its effectiveness within the context of its current format.

The Committee also considered the relationship between the Audit and Governance Committee and the overview and scrutiny function. Notwithstanding the need for independence, the functions of audit and of scrutiny involved matters of common interest and this resulted in a need to collaborate and avoid duplication.

Whilst the need for the Audit and Governance Committee to retain its necessary independence was fully endorsed, there was an opportunity for the relationship between audit and scrutiny to be strengthened and there was support for establishing provisions for the Chair and Vice-Chair of the Audit and Governance Committee to attend joint meetings of the Overview and Scrutiny Chairs. For clarity, however, under all options, it was agreed that there should be clear provision within the Constitution that the Chair and Vice-Chair of the Audit and Governance Committee should be

excluded from membership of any of the Overview and Scrutiny committees.

Members also considered the implications for the BCP ‘Cabinet plus’ model under which a number of lead members supported the Cabinet in designated areas, but without having any delegated powers to take individual decisions. It was explained that these Councillors were currently able to sit on a scrutiny committee provided there was no conflict between their Cabinet support work and the matters under scrutiny. The Committee was of the view that the flexibility this provided should be maintained under all options with the ability for Cabinet lead members to sit on a scrutiny committee where there was no possible conflict. Guidance on this would accordingly be strengthened within the Constitution.

The Committee noted the implications, under all model options, for the statutory right of overview and scrutiny to ‘call-in’ a Cabinet decision made but not yet implemented. Most significantly, Members noted that under Option 3, call-in powers would be shared across all Overview and Scrutiny Committees according to subject matter, rather than considered in one single designated committee.

The Committee also received and considered in respect of each option, and as set out as three appendices to the report, draft consequential amendments to the Constitution dependent upon whichever option was selected. The changes to the Constitution, which were highlighted in the appendices, would also strengthen or clarify existing rules where necessary.

There was the opportunity for detailed questions and comments by members and expression of individual views on the alternative options. Particular weight was placed on the statements within the Peer Review supporting the need for change and the positive cultural environment that would be required to underpin the success of any overview and scrutiny model. The Committee also underlined the importance of adopting a way forward that properly addressed the issues being raised but provided a solution both in the immediate term and, importantly, a solution that was capable of being sustained for the new Council after the elections in May 2023. There was recognition of the importance of retaining the ability to scrutinise reports to Cabinet whilst increasing wider scrutiny and wider overview. It was confirmed that each Committee would be fully empowered to decide its own individual workplan and that this would include having appropriate regard to the Cabinet Forward Plan.

Whilst accepting that the remit of each of the proposed Committees was currently described in terms of Portfolio Holder roles, there was recognition of the importance of clearly identifying responsibility for issues around climate change. The Committee also welcomed the opportunities for informal joint liaison and co-ordination between the Chairs of the Committees. This would also include further development of the role of the Audit and Governance Committee within the overview and scrutiny process.

It was agreed that the subject of the role and status of the various co-opted and other non-Councillor members of Committees should be referred for further discussion at the Constitution Review Working Group.

RECOMMENDATION TO COUNCIL

- (a) That Option 3 (establish a new structure of four Overview and Scrutiny Committees, each meeting six times per year) be adopted as the future structure of the BCP Council overview and scrutiny function;**

Voting – For 6; Against 3; Abstain 0

- (b) That revisions to Part 2, 3 and 4 of the BCP Council Constitution consistent with Option 3 and as set out in Appendix 4 of the report to the Audit and Governance Committee be adopted;**

Voting – For 7; Against 2; Abstain 0

- (c) That necessary and consequential technical and formatting related updates and revisions to the Constitution be made by the Monitoring Officer in accordance with the powers delegated.**

Voting: Unanimous

Before concluding the meeting, the Chairman thanked the Officers involved for their work in producing and presenting a very comprehensive and well constructed report to the Committee.

The meeting ended at 8.23 pm

CHAIRMAN