

**BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL**  
**AUDIT AND GOVERNANCE COMMITTEE**

Minutes of the Meeting held on 01 December 2021 at 6.00 pm

Present:-

Cllr J Beesley – Chairman

Cllr L Williams – Vice-Chairman

Present: Cllr D Butt, Cllr M Cox, Cllr L Fear, Cllr A Filer, Cllr M Phipps and  
Cllr Dr F Rice

46. Apologies

Councillor Brooke had submitted his apologies for absence on the basis that he was unable to attend the meeting in person although, the Chairman, in exercise of his discretion, allowed Councillor Brooke to address the meeting remotely.

47. Substitute Members

There were no substitute members.

48. Declarations of Interests

There were no declarations of interest.

49. Public Issues

There were no public issues.

50. Report of the Constitution Review Working Group - Changes to the Constitution

Members were reminded of the Terms of Reference of the Committee requiring the maintenance of an overview of the Council's Constitution and, that, in discharge of this responsibility, a Working Group had been established. Over a period of time the Working Group had considered suggestions received from a wide variety and range of sources including input from Councillors and from Officers. Prior to commencement of its work, the Chairman of the Audit and Governance Committee had also written to all members of Council asking them to submit items for discussion and consideration. It was explained that the current report now pulled together into a single document all of the changes proposed including those already approved by the Council and those which had formed the subject of discussion over recent months.

To assist the Committee the agenda also included for discussion and debate a copy of the proposed new document clearly displaying, in track changes format, all of the proposed alterations.

The Committee received and considered in turn the proposed revisions to each Part of the Constitution with all the changes, alterations and clarifications proposed by the Working Group clearly identified within the 'tracked changes' version of the new document. This enabled clear identification of those section and textual passages submitted for removal and addition and also highlighted the improvements in terms of formatting, presentation, cross-referencing and ease of access.

It was noted that although being live-streamed for public viewing, the meeting was, because of its 'virtual' format, not a decision making meeting and that the outcome of the virtual meeting would therefore form the basis of a recommendation to the subsequent ordinary meeting of the Committee on 2 December 2021. Any recommendations arising from the Committee on 2 December 2021 would be referred on to full Council.

The Committee also considered and carefully discussed, by reference to the consecutive numbered parts of the Constitution, a range of issue recently considered by the Working Group and as set out in the covering report.

As the Committee considered the provisions within the draft documents, additional typographical errors were identified all of which would be reflected within the final adopted version.

#### Part 1 – Constitution – Summary and explanation

There was discussion about the role of 'Cabinet Lead Members' and particularly the way in which they could contribute to the process of overview and scrutiny. There was clarity that Lead Members who were currently also members of an Overview and Scrutiny Committee should not contribute to discussion of a subject in which they were involved as a Lead Member. The view of the Committee was that the Working Group should be asked to review this as part of its new programme of work going forward. The issue identified particularly for further discussion was whether the rules relating to a Lead Member should be revised and there was some support for excluding Lead Members from membership of Overview and Scrutiny Committees. This was an area which was outside the current review but one which the Working Group would need to give balanced consideration after receiving the appropriate advice.

**Subject as above, the Committee was supportive of the proposed improvements to Part 1 as set out and was supportive of the revisions being submitted to the next meeting of the Audit and Governance Committee for a decision on formal recommendation to Council.**

#### Part 2 – Articles of the Constitution

Article 15 had been incorporated into the Constitution in response to the needs of the national pandemic. Although some parts were now obsolete, there were other elements which were an improvement and which were proposed for retention. There remained the opportunity to reintroduce pandemic responses if necessary through use of existing emergency provisions.

In relation to Article 10, the Committee also considered the importance of providing clarification for complainants about their rights to receive a reply to complaints that have been lodged.

**Subject as above, the Committee was supportive of the proposed improvements to Part 2 as set out and was supportive of the revisions being submitted to the next meeting of the Audit and Governance Committee for a decision on formal recommendation to Council.**

Part 3 – Responsibility for functions

The scheme of delegations, previously retained within service divisions, had now been incorporated within the Constitution to improve accessibility for users. There was improved clarity about local choice functions and about Councillor and Officer indemnity provisions.

There was also discussion about the detail of proposals for establishment of an additional Overview and Scrutiny Committee. The number of Members sitting on each Overview and Scrutiny Committee was identified as an area for further discussion with emphasis on achieving the correct balance between Committee effectiveness and opportunity for Member involvement.

Following discussion within the Working Group, consideration of the relative merits of Member involvement, through the Appeals Committee, with staff appeals against dismissal, this matter had been referred for further discussion at the Committee. After debating this at length and following an informal vote, the removal of this role from Members and deletion of the function from the terms of reference of the Appeals Committee was supported.

**Subject as above, the Committee was supportive of the proposed improvements to Part 3 as set out and was supportive of the revisions being submitted to the next meeting of the Audit and Governance Committee for a decision on formal recommendation to Council.**

Part 4 – Procedure Rules

Whilst the core components of Part 4 remained in place, the section had been streamlined.

The Committee considered proposals for August recess, petitions, order of business and public questions at Council and there was a key focus on measures aimed at improving the quality of discussion and debate at Council meetings including the way in which disorderly conduct was addressed. There was one Councillor who was in opposition to the proposals for a recess.

**Subject as above, the Committee was supportive of the proposed improvements to Part 4 as set out and was supportive of the revisions being submitted to the next meeting of the Audit and Governance Committee for a decision on formal recommendation to Council.**

Members were reminded that Part 5 of the Constitution (Financial Regulations) did not form part of the current process of review.

Part 6 – Code of Conduct and Protocols

It was explained that the emphasis going forward was that all relevant and current protocols should be maintained in one place. It was noted that the ‘Planning Committee protocol for public speaking’ would also be added to the suggested list of Local protocols being listed within this part of the Constitution.

**Subject as above, the Committee was supportive of the proposed improvements to Part 6 as set out and was supportive of the revisions being submitted to the next meeting of the Audit and Governance Committee for a decision on formal recommendation to Council.**

Matters for future review by the Constitution Review Working Group

In summary, and though not part of the current review, the following issues had been identified by the Committee for referral back to the Constitution Review Working Group for consideration when it began its work again in the New Year. This initial list included:

- The number of Members on Overview and Scrutiny Board and Committees and the status and role of Cabinet Lead Members;
- Clarification about the powers of the Head of Paid Service in relation to contracted workers;
- Issues around standing to speak at Council and associated etiquette;
- The process for interpretation of Procedure Rules – who has the final say; and
- Code of Conduct issues – particularly dealing with complaints by Councillors against fellow Councillors.

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The Chairman also informed the Committee that, as he had done in previous years, it was his intention to write to all members of Council inviting submission of new items and subject areas for consideration and review by the Working Group.

The Chairman and Members of the Committee recorded their appreciation of the work undertaken by the Working Group and the Officers involved in the process.

The meeting ended at 8.57 pm

CHAIRMAN