



Full Council	Tuesday, 24 April 2018	Matter for Information and Decision
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Title: **Review of the Residents' Forums' Terms of Reference**

Author(s): **David Gill (Head of Law & Governance / Monitoring Officer)**

1. Introduction

At its meeting on 22 February 2018, Council approved the draft revised Terms of Reference for consultation with the Residents' Forums. That report also set out the reasoning behind the need for new Terms of Reference, in order to reflect the correct legal position and to make the Council's Constitution fit for purpose. This report sets out the consultation responses received from the Resident Forum meetings for Members to consider and approve a final version of the Terms of Reference.

2. Recommendation(s)

That Council considers the comments received from the consultations held with the Residents' Forums as set out in the report and approve the Terms of Reference for the Residents' Forums with or without any of the suggested amendments arising from the consultations.

3. Information

3.1. Following Members' approval to consult on the draft Terms of Reference for the Residents' Forums attached at the **Appendix**, the Head of Law & Governance / Monitoring Officer attended all three Residents' Forums to consult on the proposed new proposals. The results of those consultations are detailed below.

3.2. Oadby Residents' Forum - 28 February 2018

The proposed Terms of Reference were generally well received by the residents present at the meeting, although clarification was requested on two matters:

- a)** Some residents were concerned that if the Forum was open to all residents etc. of the Borough and if voting was conducted on the basis of a majority of those present at the meeting it could lead to possible external interference from residents of other parts of the Borough when the impact of the matter being decided would only be felt in Oadby.

It was agreed by the majority of those present that Council be asked to amend the wording of paragraph 3.1 relating to membership:

From

Membership of the Forums is open to all residents and people who work within the Borough.

To

Membership of the Forums is primarily open to residents and people who work

within the area of the Forum.

- b)** Some residents present were also concerned that elected Members in attendance at the meetings should not be entitled to vote on matters that were under discussion. It is the understanding of the Head of Law & Governance / Monitoring Officer that as a matter of custom and practice elected Members do not vote, however, in order to clarify the position a proposed amendment was suggested to the wording of Paragraph 4.4:

From

Any vote will be determined by a simple majority of those Forum members present and entitled to vote.

To

Any vote will be determined by a simple majority of those Forum members present and entitled to vote, except that any elected Member of OWBC present at the meeting shall not be entitled to vote.

3.2. South Wigston Residents' Forum - 7 March 2018

The draft Terms of Reference were not well received by a small cohort of the residents present and the meeting was particularly fractious. The group saw the amendments as an attempt to stifle debate and turn the Forums into a Council information body as opposed to what they considered to be the true purpose of the Forums, and the effect would be to effectively 'close down' the Forum.

That group of residents proposed four amendments to the Terms of Reference as set out below with the comments of the Head of Law & Governance / Monitoring Officer highlighted underneath:

1. General Terms of Reference for all Forums

The Forum moves that we keep the current General Terms of Reference for all Forums in line with the clear preference expressed at Wigston and South Wigston Forums and reject key aims 2.1 to 2.5 and Terms of Reference 2.1 to 2.8 on the second and third pages of the draft proposals.

Acceptance of this amendment would render the draft proposed Terms of Reference ineffective.

2. This Forum moves that we replace the proposed draft wording with the following:

Membership of the Forum will be open to all Borough residents.

See the comments from Oadby Residents Forum above and Wigston Residents Forum below.

3. Agenda setting, minutes and reporting.

This Forum moves we replace the proposed draft wording with the following:

The items of the agenda will be determined by the Chair, and should include any items put forward by members of the Forum.

Adoption of this amendment would remove the discretion of the Chair to determine what items are appropriate to be included on an agenda for a public meeting.

4. Agenda setting, minutes and reporting.

The Forum moves we replace the proposed draft wording with the following:

Accurate minutes will be kept. These will be subject to amendments at the subsequent meeting and be voted on in the usual manner.

The requirement for minutes is that they are not meant to be a verbatim account of the meeting - they should be brief and concise, reflect the general tenor of the discussion, and note any decisions that are made.

3.4. Wigston Residents' Forum – 14 March 2018

On the whole the draft Terms of Reference were reasonably well received, although a number of comments were raised by Colin Towell on behalf of the Wigston Civic Society as set out below, with the comments of the Head of Law & Governance / Monitoring Officer inserted underneath each comment:

2.2 The wording indicates a one way meeting from the Council to residents, but it is appreciated that 2.2 of the proposed Key Aims allows the process for residents to express their views to the Council. Only 2.5 and 2.6 of the proposed terms of reference seem to indicate that residents can express their views to the Council. These clauses could be combined into one to indicate the two way process.

There is no reason in principle why Clause 2.5 and Clause 2.6 could not be combined, but when the document is read as a whole the Head of Law & Governance is satisfied that the intention of the document is clear.

3.1 It is noted that the original wording has been amended following the consideration of the document by the full council. But the amended wording does not include representatives of properly constituted groups of residents within the Borough, such as the Civic Society (Oadby and Wigston), the Lions Club and the Pride of the Borough. Can this be amended please?

There is no reason as to why membership cannot be extended to representatives of properly constituted groups of residents subject to Council approval.

4.3/4.4 There needs to be a definition of who can vote, presumably a reference back to 3.1 as amended above.

If voting eligibility criteria is introduced, such as residence, a business or a properly constituted group of residents within the area of the Forum it will introduce a degree of formality to the Forums, which may have a tendency to restrict ad-hoc public participation due to a requirement to pre-register attendance at meetings.

6.3 This is rather abrupt, it is appreciated that usually participants in a meeting would not wish it to last longer than two hours but can this item but less dictatorial.

The wording could be amended to provide the Chair with discretion to extend the meeting where necessary.

7.1 Can there be a timescale included regarding the issue of draft minutes?

Noted.

7.2 Can there be a reference to the order of items on the agenda being agreed by the Chair but that he can vary the order at the meeting in response to requests by residents present?

A reference to agreement by the Chair is unnecessary as administrative law is clear that the conduct of the meeting and the order of the agenda items is at the absolute discretion of the Chair.

7.3 There needs to be a full and accurate record of the meeting and therefore the inclusion of the word 'brief' could invite the exclusion of some discussion and therefore the word should be deleted.

The requirement for minutes is that they are not meant to be a verbatim account of the meeting – they should be brief and concise, reflect the general tenor of the discussion, and note any decisions that are made.

7.4 My point in 7.3 above links to this reference that that the consideration of the minutes can only relate to 'factual or typographical inaccuracies within the text as written only'. I think that this means that if residents consider that a point raised at a meeting has been omitted from the text of the minutes it cannot be included when considering accuracy at the next meeting. This is not correct as an item that a resident feels is important and needs to be brought to the attention of the Full Council will be lost forever if the minutes cannot be corrected. There needs to be a 'matters arising' item on each agenda.

See the comment at 7.3 above in relation to minutes. There is no reason why a Matters Arising item cannot be included on the agenda to be used by Officers/Residents' to provide an update on actions that have been undertaken since the last meeting.

Background Documents:

Report to Full Council held on 22 February 2018
Minutes of the Oadby Residents' Forum held on 28 February 2018
Minutes of the South Wigston Residents' Forum held on 07 March 2018
Minutes of the Wigston Residents' Forum held on 14 March 2018

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Implications Review of the Residents' Forums' Terms of Reference	
Finance	There are no implications arising from this report.
Stephen Hinds (Director of Finance & Transformation / Section 151 Officer)	
Legal	As author, the report is satisfactory.
David Gill (Head of Law & Governance / Monitoring Officer)	
Corporate Risk(s) (CR)	<input checked="" type="checkbox"/> Regulatory Governance (CR6)
David Gill (Head of Law & Governance / Monitoring Officer)	Failure to have an up to date constitution puts the Council at risk of challenge to its decisions.
	<input checked="" type="checkbox"/> Organisational/Transformational Change (CR8)
Corporate Priorities (CP)	<input checked="" type="checkbox"/> An Inclusive and Engaged Borough (CP1)
David Gill (Head of Law & Governance / Monitoring Officer)	
Vision & Values (V)	<input checked="" type="checkbox"/> Not Applicable
David Gill (Head of Law & Governance / Monitoring Officer)	
Equalities & Equality Assessment(s) (EA)	There are no implications arising from this report.
David Gill (Head of Law & Governance / Monitoring Officer)	<input checked="" type="checkbox"/> Not Applicable (EA)