

**COUNTY COUNCIL
24 FEBRUARY 2009**

DRAFT CONSTITUTION FOR WILTSHIRE COUNCIL

Purpose of Report

1. To consider the draft constitution with a view to adopting it as the constitution for Wiltshire Council from 1 April 2009.

Background

2. Following consideration of a report and the draft constitution, the Implementation Executive at its meeting on 28 January 2009 resolved 'to recommend to County Council to adopt the revised constitution on the basis that Wiltshire Council would review the effectiveness of the constitution in the light of experience after six months of operation'.
3. By way of background information, the report considered by the Implementation Executive is attached at Appendix A and the corresponding minute is attached at Appendix B.
4. The draft constitution can be accessed using the following link:

<http://194.72.162.210/documents/dscgi/ds.py/View/Collection-814>
(marked 3rd draft)
5. Members wanting a hard copy of any part of the document are asked to contact Democratic and Member Services.

Main Considerations for the Council

6. A constitution is required to be in place by 1 April 2009 when Wiltshire Council comes into effect as a unitary council. At the outset, it was considered that the new Council would wish to review its constitution. With this in mind, and recognising that Wiltshire Council will be a continuing authority, the existing WCC constitution has been used as the basis for the new constitution, revised as necessary to reflect the additional functions and responsibilities of the new council.
7. Many parts of the constitution have not been changed as these are required by legislation and statutory guidance.
8. The draft constitution reflects decisions of the Implementation Executive in respect of the following:

- planning
 - licensing
 - the establishment of an Audit Committee to replace the Final Accounts and Audit Committee
 - the adoption of new executive arrangements.
9. The Standards Committee has proposed revised terms of reference for its committee.
 10. The opportunity has been taken to review and update the Financial Regulations and Financial Procedure Rules and the Contract Regulations to ensure that they meet the needs of the unitary authority, legal requirements and take account of new and emerging best practice. These have been incorporated into the draft constitution.
 11. There is ongoing work in developing arrangements for Area Boards and Overview and Scrutiny in the new Council. When this work is completed the arrangements will be incorporated within the constitution and presented to the new council for approval.
 12. A Handbook on the operation of Area Boards has been the subject of extensive consultation and will be presented to the Implementation Executive for approval in April 2009. The appropriate sections of the Handbook, particularly in respect of membership, voting rights and delegation, will be reflected in the constitution.
 13. Overview and Scrutiny arrangements have also been the subject of extensive consultation. The proposals, which were supported by the Implementation Executive, will be considered by the Joint Overview and Scrutiny Transition Board on 27 February 2009. The existing overview and scrutiny arrangements will remain in place until adoption of the new arrangements in June.
 14. A cross-council Member Focus Group on the constitution, established by the Implementation Executive, will continue its work to develop the constitution. The Focus Group will consider how the agreed arrangements for Area Boards and Overview and Scrutiny will be reflected in the constitution prior to submission to the new Council. The Focus Group will also assist in developing a Member/Officer Relations Protocol in line with best practice and in preparing a concise, user friendly handbook on the constitution for members and members of the public.
 15. It will be for the Leader of the new Council to determine arrangements for delegation of executive functions to Cabinet Members and officers. These will be reflected in the constitution at that stage.
 16. Arrangements have been agreed by the Implementation Executive for the discharge of planning and licensing functions during the pre-election period between 1 April and June 2009. It is recommended that the current Regulatory Committee remains in place during this period with its existing

terms of reference to deal with any matters that do not fall within the remit of the interim licensing and planning committees. At the end of this period the Regulatory Committee will cease and the corresponding provisions in the Constitution will be deleted.

17. Training for Members on the constitution will form part of the induction process following the elections in 2009.

Environmental Impact of the Proposal

18. None.

Equalities Impact of the Proposal

19. The new constitution complies with the Council's obligations under equalities legislation and its Equality and Diversity Policy.

Financial Implications

20. Work on this project has been undertaken within existing resources. There will be a relatively minor cost in the printing of the constitution, although as far as possible the emphasis will be on providing electronic copies of the document. There will also be a cost in producing a handbook for members and members of the public which has been requested by the Implementation Executive.

Legal Implications & Risk Assessment

21. The Council is required to have a constitution in place to ensure that the new unitary council is able to discharge its functions effectively and lawfully from 1 April 2009.

Proposals

22. That Council

- (a) **adopts the revised constitution on the basis that Wiltshire Council will review the effectiveness of the constitution in the light of experience after six months of operation.**
- (b) **notes the ongoing work in respect of Area Boards and Overview and Scrutiny, which upon completion will be reflected in the constitution for approval by the new council.**
- (c) **agrees that the Regulatory Committee remains in place with its existing terms of reference during the pre-election period from 1 April to 4 June 2009 to deal with any matters that do not fall within the remit of the interim licensing and planning committees.**

- (d) **authorise the Monitoring Officer to make such amendments as are necessary to give effect to decisions of the Implementation Executive, Council or its committees and to ensure that the constitution is clearly presented and legally fit for the purpose in the new Council.**

IAN GIBBONS
DEPUTY MONITORING OFFICER

Report Author:

Yamina Rhouati
Principal Democratic Services Officer

Appendices:

Appendix A - Report to IE – 28 January 2009
Appendix B - Minute of IE – 28 January 2009