

**Wiltshire Council**

**Full Council**

**21 May 2024**

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## **Proposed Changes to the Constitution**

### **Summary**

This report asks the Standards Committee to consider proposed changes to the Constitution as recommended by the Standards Committee.

### **Proposals**

That Council approve the following updated sections of the Constitution:

- 1) Part 11A – Corporate Parenting Panel (**Appendix A**)
- 2) Part 5 – Access to Information Procedure Rules (**Appendix B**)
- 3) Part 7 – Cabinet Procedure Rules (**Appendix C**)
- 4) Part 8 – Overview and Scrutiny Procedure Rules (**Appendix D**)

### **Reason for Proposals**

To ensure that the constitution remains up to date and effective.

**Perry Holmes - Director, Legal & Governance (and Monitoring Officer)**

## **Proposed Changes to the Constitution**

### **Purpose of Report**

1. This report asks Council to consider proposed changes to the following sections of the Constitution:
  - Part 11A – Corporate Parenting Panel (**Appendix A**)
  - Part 5 – Access to Information Procedure Rules (**Appendix B**)
  - Part 7 – Cabinet Procedure Rules (**Appendix C**)
  - Part 8 – Overview and Scrutiny Procedure Rules (**Appendix D**)
2. The changes have been recommended by the Standards Committee.

### **Background**

3. The Standards Committee has responsibility for oversight of the Council's constitution and making recommendations to Council.
4. The Standards Committee has established the Constitution Focus Group to review sections of the Constitution and present it with proposals to consider.
5. The Focus Group met on 13 September 2023, 11 January 2024, and 3 April 2024 to consider the above sections of the Constitution.
6. The Standards Committee met on 18 April 2024 to consider the proposed changes.

### **Main Considerations**

#### Part 11A

7. Following the adoption by Full Council of a revised Corporate Parenting Strategy on 17 October 2023, it was proposed to amend Part 11A of the Constitution, which sets out procedural and other arrangements for the Corporate Parenting Panel.
8. The proposed changes would be to align the constitution with the newly approved strategy, along with other minor changes to officer titles, panel membership, and lowering the necessary quorum for Panel meetings.
9. The Focus Group was supportive of the proposed changes, subject to minor wording clarifications, and the Standards Committee approved the changes for consideration by Council subject to minor grammatical adjustments.
10. The recommended revised Part 11A is set out at **Appendix A**.

## Part 5

11. Part 5 of the Constitution provides details of procedural rules relating to publication of and access to committee papers and other information, as well as notification requirements, procedures relating to confidential and exempt information, and the rights of Members to access information.
12. To a large extent Part 5 reflects relevant legislative requirements, for example relating to publication of Key Cabinet decisions on the Forward Plan, or when an Executive meeting may be conducted wholly or in part in Private session.
13. The proposals considered and recommended by the Focus Group were to provide further clarification where required, as well as more closely mirroring legislative language where this was relevant, and to update sections in response to other constitutional changes such as in relation to dispensations.
14. The Standards Committee approved the changes for consideration by Council without further amendment.
15. The recommended revised Part 5 is set out at **Appendix B**.

## Part 7

16. Part 7 of the Constitutions sets out the procedural rules which relate specifically to the Cabinet and meetings of the Cabinet. The document had not been updated since 2010.
17. A number of changes and clarifications were therefore proposed to update titles and posts, correct signposting to other relevant sections of the constitution, and other minor wording adjustments including in relation to scheduling of meetings.
18. The Standards Committee approved the changes proposed by the Focus Group for consideration by Council subject to a minor change to clarify an updated schedule of Cabinet Member portfolios should be reported to the first available meeting of Full Council.
19. The recommended revised Part 7 is set out at **Appendix C**.

## Part 8

20. Part 8 of the Constitutions sets out the procedural rules which relate specifically to the Overview and Scrutiny meetings and other related scrutiny matters such as call-in of Executive decisions. The document had not been updated since 2014.
21. The Focus Group reviewed the part in detail, reordering the document to improve the structure of the section. It proposed a series of changes including:
  - Additional detail on membership of committees and procedures for elections of chairmen;
  - Clarifications on development of the overview and scrutiny work programme;
  - Enhanced detail on referral of items for consideration by a scrutiny committee by individual members or others;

- Updates relating to requiring senior officers and members to give account to scrutiny committees;
- Increased detail on the process for submission of call-ins of executive decisions, and the process to be followed at a committee meeting, including if an item were referred further to Full Council.

22. The Standards Committee approved the changes for consideration by Council subject to a final check to make officer titles consistent wherever possible.

23. The recommended revised Part 8 is set out at **Appendix D**.

### **Overview and Scrutiny Engagement**

24. A representative from the Overview and Scrutiny Management Committee is appointed to the Constitution Focus Group as a standing member. The Chairman of the Overview and Scrutiny Management Committee is also a standing member as a group representative. In addition, all other scrutiny committee chairmen were invited to a meeting of the Focus Group to discuss the proposals at an early stage.

### **Safeguarding Implications**

25. There are no safeguarding implications.

### **Public Health Implications**

26. There are no public health implications.

### **Procurement Implications**

27. There are no procurement implications at present.

### **Equalities Impact of the Proposal**

28. There are no equalities implications.

### **Environmental and Climate Change Considerations**

29. There are no environmental or climate change implications.

### **Risks that may arise if the proposed decision is not taken**

30. The Constitution would remain out of date or not as effective as it could be.

### **Risks that may arise if the proposed decision is taken**

31. No risks have been identified.

### **Finance Implications**

32. There are no financial implications arising from this report.

## **Legal Implications**

33. There are no legal implications.

## **Workforce Implications**

34. There are no workforce implications.

## **Conclusions**

35. The Focus Group has engaged with officers and met on several occasions to propose changes to improve the effectiveness of the Constitution.

## **Proposal**

36. That Full Council approve the following updated sections of the Constitution:

- Part 11A – Corporate Parenting Panel
- Part 5 – Access to Information Procedure Rules
- Part 7 – Cabinet Procedure Rules
- Part 8 – Overview and Scrutiny Procedure Rules

## **Perry Holmes - Director, Legal and Governance**

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## **Appendices**

Appendix A – Proposed Part 11A of the Constitution

Appendix B – Proposed Part 5 of the Constitution

Appendix C – Proposed Part 7 of the Constitution

Appendix D1 – Proposed Part 8 of the Constitution (clean version)

Appendix D2 – Proposed Part 8 of the Constitution (tracked changes)

## **Background Papers**

None