

Wiltshire Council

Full Council

20 July 2021

Proposed Changes to the Constitution

Summary

This report sets out proposed changes to Part 3B and Protocol 10 of the Constitution, following reconsideration by the Standards Committee.

Proposals

That Full Council approve the proposed changes to Part 3B and Protocol 10 of the Constitution.

Reason for Proposals

To ensure the council's constitution is up to date, clear and effective.

Perry Holmes, Monitoring Officer

Wiltshire Council

Full Council

20 July 2021

Proposed Changes to the Constitution

Purpose of Report

1. This report asks the Full Council to amend Part 3B and Protocol 10 of the Constitution

Background

2. The Standards Committee has responsibility for oversight of the Council's constitution and considered proposed changes at its meeting on 15 June 2021.
3. The changes relate to recommendations made by the Health and Wellbeing Board to reflect changes in its membership, and by the Audit and Governance Committee in respect of Protocol 10 – Governance Reporting Arrangements.

Main Considerations

Health and Wellbeing Board

4. The Health and Wellbeing Board a statutory partnership constituted as a committee of the council. Its membership includes those statutorily required, and other members. There are voting and non-voting members, with elected members and non-elected members.
5. With changes to the senior management structure of Wiltshire Council and the geography of the Clinical Commissioning Group from 1 April 2021 led to a review of the membership.
6. Accordingly, proposed changes to the membership of the Health and Wellbeing Board were presented by the Board at its meeting on 28 January 2021 as detailed at **Appendix A**.
7. The Standards Committee therefore resolved to recommend Council update Part 3B Paragraph 6 of the Constitution accordingly to reflect the changes in Membership.

Protocol 10 – Governance Reporting Arrangements

8. At its meeting on 18 April 2021 the Audit and Governance Committee recommended changes to Protocol 10 of the Constitution, following a review of corporate governance.
9. The proposed changes include:
 - Incorporating the Committee's change of name to Audit and Governance Committee;
 - Confirmation of the Audit and Governance Committee's responsibility to approve the Annual Statement of Accounts and the AGS;
 - Clarification of the Audit and Governance Committee's role in relation to Swindon and Wiltshire Local Enterprise Partnership(SWLEP);

- The Audit and Governance Committee's role in relation to the Council's Stone Circle companies, which will be considered as part of a review of the
- governance arrangements for these companies as requested by Cabinet at its meeting in February.

10. The changes proposed are detailed in **Appendix B**. The Standards Committee agreed the proposed changes were appropriate, and therefore resolved to recommend Council update Protocol 10 of the Constitution accordingly.

Safeguarding Implications

11. There are no safeguarding issues arising from this report.

Equalities Impact of the Proposal

12. There are no equalities impacts arising from this report.

Risk Assessment

13. There are no risk issues arising from this report.

Financial Implications

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

Legal Implications

15. The recommendations in this report are consistent with the council's duties under relevant legislation.

Public Health Impact of the Proposals

16. There are no public health impacts arising from this report.

Environmental Impact of the Proposals

17. There are no environmental impacts arising from this report.

Proposal

18. **To recommend Full Council approve the proposed revisions to Part3B as detailed in Appendix A and Protocol 10 of the Constitution as detailed in Appendix B.**

Perry Holmes, Monitoring Officer

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Appendices

Appendix A – Proposed Membership of the Health and Wellbeing Board

Appendix B – Proposed Changes to Protocol 10

Background Papers

[Part 3 of the Constitution](#)

Appendix A

Health and Wellbeing Board Membership - para 6 of Part 3B of the Constitution (statutory membership highlighted in green):

Voting Members:

- 4 **elected representatives**. The Leader of the Council and 2 Wiltshire Council Cabinet Members with responsibility for Children, Adults and Public Health; 1 Member of Wiltshire Council who is not a Member of the ruling group(s) on the Council;
- 4 **clinical representatives from the CCG**;
- 1 **representative from Healthwatch**;
- 1 Police and Crime Commissioner (PCC);
- 1 **NHS England representative**.

Non-voting Members:

- **Wiltshire Council officers with statutory responsibility for Children, Adults and Public Health services**;
- **Chief Officer / Chief Finance Officer of the Clinical Commissioning Group**;
- Acute Hospital Trusts representatives (Salisbury Hospital FT, Great Western Hospital FT and Bath RUH FT);
- South West Ambulance Service Trust (SWAST) representative;
- 1 Avon and Wiltshire Mental Health Partnership (AWP) representative;
- 1 Wessex Local Medical Committee representative;
- 1 Wiltshire Police Chief Constable representative;
- Wiltshire Council portfolio holder for Adults.

Full Council will be asked to formally include the following as non-voting members of the Board in the next set of changes to the constitution:

- Wiltshire Council Chief Executive
- BSW CCG Locality Manager
- DWFRS
- adult community health services provider (WHC)
- children's community health services provider (VirginCare)
- child and adolescent mental health services provider (Oxford Health)

Appendix B - Protocol 10 – Governance Reporting Arrangements

	Governance Area	Executive Responsibility	Non - Executive Lead Committee	Activity – Terms of Reference	Other Interested Committees*
1.	Business Corporate Plan - Performance	Cabinet (Council approves Plan)	Overview and Scrutiny	Review and scrutinise	Audit <u>and Governance</u> Standards
2.	Medium Term Financial Strategy (MTFS)	Cabinet (Council approves MTFS)	Overview and Scrutiny	Review and scrutinise	Audit <u>and Governance</u>
3.	Budget Setting	Cabinet (Council approves budget)	Overview and Scrutiny	Review and scrutinise	Audit <u>and Governance</u>
4.	Budget Monitoring	Cabinet	Overview and Scrutiny	Review and scrutinise	Audit <u>and Governance</u>
5.	Annual Statement of Accounts	Cabinet	Audit <u>and Governance</u>	Review and approve	Overview and Scrutiny
6.	Financial Management	Cabinet	Audit <u>and Governance</u>	Review to ensure arrangements for financial management are adequate and effective	Overview and Scrutiny
7.	Corporate governance, risk management and internal control	Cabinet	Audit <u>and Governance</u>	Monitor and review effective development and operation; receive progress reports.	Overview and Scrutiny
8.	Annual Governance Statement (AGS)	Cabinet <u>Leader and Chief Executive sign AGS</u>	Audit <u>and Governance</u>	Oversee process, review supporting evidence and approve AGS	Contributions from standards – ethical governance and Overview and Scrutiny
9.	Anti-fraud and Corruption Policy	Cabinet	Audit <u>and Governance</u>	Monitor development and implementation	Standards Overview and Scrutiny
10.	Internal Audit	Cabinet	Audit <u>and Governance</u>	- Approve terms of reference and strategy and annual internal audit plan; - -	Overview and Scrutiny Standards – ethical governance issues

				<ul style="list-style-type: none"> - Monitor and review effectiveness of internal audit; - Consider annual report and opinion of Head of Internal Audit, summary on internal audit activity and level of assurance it provides on corporate governance; - Consider specific internal audit reports as requested and monitor implementation of agreed actions. 	
11.	External Audit	Cabinet	Audit and Governance	<ul style="list-style-type: none"> - Comment on external audit plan - consider relevant reports and report to those charged with governance; - Comment on scope and depth of external audit work and ensure it gives value for money - Monitor implementation of actions arising from external audit. - Consider issues arising from external audit of accounts 	<p>Overview and Scrutiny</p> <p>Standards – ethical governance issues</p>
12.	Audit and Inspection Letter	Cabinet	<ul style="list-style-type: none"> a. Overview and Scrutiny b. Audit c. Standards – ethical governance issues 		

13.	Constitution	Council	Standards	Oversight <u>of the Constitution and recommending any changes to full Council</u>	<u>Audit and Governance Committee consulted</u> on financial rules and regulations All other committees <u>Constitution Focus Group may be asked to consider and advise on any proposed changes to the Constitution</u>
14.	Promoting and maintaining high standards of conduct : officers and members	Cabinet	Standards	- Advising and providing training on Code of Conduct; -Granting dispensations; -Dealing with complaints under the Code of Conduct.	Staffing Policy Committee – Officer disciplinary hearings and any recommendations for wider learning
15.	Whistleblowing Policy	Cabinet	Standards	Overview of policy development and implementation	Possible issues for <u>Audit and Governance</u> , Standards and Overview and Scrutiny
16.	Corporate Complaints Handling and <u>Local Government and Social Care</u> Ombudsman Investigations	Cabinet	Standards	- Overview; - Review implementation of recommendations by Ombudsman	Possible issues for Overview and Scrutiny and <u>Audit and Governance Committee</u>
17.	<u>Partnership</u> Governance <u>of partnership working</u>	Cabinet	Audit <u>and Governance</u>	Review effectiveness of <u>partnership governance of partnership working arrangements</u> as part of AGS process	Overview and Scrutiny – review partnerships Standards, ethical governance in relation to partnerships

18.	Safeguarding and looked after children	Cabinet	Children's Select Committee	Ensuring safeguarding responsibilities	Corporate Parenting Panel Safeguarding Children and Young People Panel Safeguarding Children and Young People Task Group
19.	Health, wellbeing and social care	Cabinet/Health and Wellbeing Board	Health Select Committee	Ensuring health, wellbeing and social care responsibilities	
20.	Policing and Community Safety	Cabinet	Police and Crime Panel	Holding Police and Crime Commissioner to account	Overview and Scrutiny
21.	Swindon and Wiltshire Local Enterprise Partnership (SWLEP)	Cabinet	Joint Strategic Economic Committee Audit and Governance Committee	Democratic accountability, review effectiveness of SWLEP governance framework	Overview and Scrutiny - LEP Joint Scrutiny Task Group
22	Stone Circle Companies	Cabinet (representing the Council as shareholder)	The role of Audit and Governance and Overview and Scrutiny Committees will be considered as part of the review of the governance arrangements for the Stone Circle companies on which Cabinet will be updated in July 2021.		

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[The Overview and Scrutiny Management Committee will work with the Audit and Governance Committee to refer matters of governance for further review. Likewise, the Audit and Governance](#)

[Committee can refer matters arising from its remit that have a specific impact or risk to the Council's policy or operation to the Management Committee to consider the need for review. \(Paragraph 6.5 Article 6 of Part 2 of the Constitution\)](#)