

Wiltshire Council

Council

12 July 2016

Recommendations of the Standards Committee on Changes to the Constitution

Purpose of Report

1. This report asks Full Council to consider recommendations of the Standards Committee on changes to the Constitution on the following matters:
 - a) Part 13: Members Code of Conduct (**Appendix 2**)
 - b) Part 9: Financial Regulations (**Appendix 3**)
 - c) Part 10 (formerly 11): Contract and Procurement Rules (**Appendix 4**)

Background

2. The Standards Committee has responsibility for oversight of the Council's constitution. It has established a cross party working group, known as the Constitution Focus Group, to advise and assist in carrying out this function.
3. The Standards Committee considered recommendations from the Focus Group in respect of Parts 9 and 10 at its meeting on 29 June 2016.
4. The Standards Committee previously considered proposed changes in respect of Part 13: Members Code of Conduct on 16 September 2015. At the meeting of Council on 10 May 2016, the Standards Committee was asked by Council to consider a possible alternative to the Committee's recommendations of 16 September 2015, requesting full guidance from the Monitoring Officer assisting Members to meet their obligations under the Code of Conduct and to report back to this meeting of Full Council.
5. A briefing for councillors on the Standards Committee recommendations arising from those meetings was held on **4 May 2016**. A further briefing, to include the proposed changes to Part 9 and 10, is to be held on **5 July 2016**.

Main Considerations

6. The minutes of the meetings of the Standards Committee held on 16 September 2015 and 29 June 2016 are attached at **Appendix 1a and 1b**.

(a) Part 13 – Members' Code of Conduct

7. At its meeting on 16 September 2015 the Standards Committee agreed to recommend Council to adopt changes to the Code of Conduct as set out at **Appendix 2a**. Reports and minutes of the meeting on 16 September 2015 can be found at this [link](#).

8. In accordance with Council's request of 10 May 2016 the Standards Committee on 29 June 2016 considered the use of guidance as an alternative to making changes to the Code of Conduct itself. The proposed guidance is attached at **Appendix 2b** .
9. The Standards Committee was satisfied that the guidance approach would provide greater clarity and consistency in the application of the Code of Conduct, for members of the public, subject members and those involved in the assessment and review process and would serve to meet the overall objective of promoting and maintaining high standards of conduct. The Committee therefore resolved to recommend Council to adopt this approach.
10. It was noted that the guidance would be reviewed as necessary to ensure that it remained fit for purpose and it was proposed that this would be approved through the Standards Committee.
11. Subject to Council adopting this approach it is proposed that parish, town and city council would be advised of the guidance.

Recommendation

12. **To recommend that Council makes no changes to the Code of Conduct but adopts the proposed guidance as shown at Appendix 2c to assist Members in meeting their obligations under the Code and agrees that any review of the guidance is overseen by the Standards Committee.**

(b) Part 9 Financial Regulations

13. At its meeting on 29 June 2016 the Standards Committee agreed to recommend Council to adopt changes to the Financial Regulations at Part 9 of the constitution. The recommended new regulations can be found at **Appendix 3a**.
14. The report considered by the Standards Committee on 29 June 2016 together with the supporting appendices is included at **Appendix 3b**, with the relevant minute at **Appendix 1b**.
15. As detailed in that report, the changes relate to updating, clarifying, simplifying and making consistent and more understandable the core rules and standards that apply in relation to financial regulations and procedures. This includes the creation of a web-based manual for staff on how the core rules and standards are to be met, and improved definitions and guidance on responsibility for budgets.

Recommendation

16. **That Council approve adoption of a revised Part 9 of the Constitution, as shown at Appendix 3a.**

(c) Part 10 Contract and Procurement Rules

17. At its meeting on 29 June 2016 the Standards Committee agreed to recommend the Council to adopt changes to the Council's Contract and Procurement Rules. This was previously Part 11 of the Constitution, but due to previous revisions to Financial Procedure Rules being subsumed within Part 9, the changed rules will be found in Part 10 of the constitution. The recommended new rules can be found at **Appendix 4**.
18. The report considered by the Standards Committee on 29 June 2016 together with relevant appendices is included at **Appendix 3b**, with the relevant minute at **Appendix 1b**.
19. As detailed in that report and to ensure consistency with the proposed new Financial Regulations in Part 9, the changes relate to updating and clarifying core rules and standards with detailed guidance for staff being provided through web-based manuals, reflecting best practice and improved guidance on procurement approvals.

Recommendation

20. **That Council approve adoption of a revised Part 10 of the Constitution (with subsequent parts renumbered), as shown at Appendix 4.**

Safeguarding Implications

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

Equalities Impact of the Proposal

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

Risk Implications

23. The implementation of the proposed financial regulations and contract and procurement rules will strengthen the council's arrangements for the management of corporate risk.

Financial Implications

24. There are no direct financial implications arising from report, but their implementation will strengthen the council's financial governance framework.

Legal Implications

25. The proposed new financial regulations and contract and procurement rules fully reflect the council's obligations in law.

Public Health Impact of the Proposals

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

Environmental Impact of the Proposals

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

Conclusion and Proposal

28. That Council approve the changes to the Constitution as set out in paragraphs 12, 16 and 20 above.

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Appendices:

Appendix 1a - Minutes, Standards Committee 16 September 2015
Appendix 1b - Draft Minutes, Standards Committee, 29 June 2016
Appendix 2a - Part 13 Tracked Changes, Code of Conduct proposed 16 Sep 2015
Appendix 2b - Proposed Additional Guidance to the Code of Conduct proposed 29 June 2016
Appendix 3a - Proposed Part 9 Financial Regulations
Appendix 3b - Report to Standards, 29 June 2016.
Appendix 4 - Proposed Part 10, Contract and Procurement Rules

Background Papers:

Full reports (including appendices) for the meetings of Standards on [21 January 2015](#) (Review of the Effectiveness of the Code of Conduct for Members Update) and [16 September 2015](#) (Review of Part 13 of the Constitution: Code of Conduct), and [29 June 2016](#) (Guidance on Part 13) can be found online as linked above.

[Current Part 9 of the Constitution](#)

[Current Part 11 of the Constitution](#)