

Wiltshire Council

Full Council

9 July 2019

Proposed Changes to the Constitution (Miscellaneous)

Summary

This report sets out proposed changes to Part 2, Part 3C, Protocol 8 and Protocol 10 of the Constitution.

Proposal

That Full Council approve the proposed changes to Part 2, Part 3C, Protocol 8 and Protocol 10 of the Constitution.

Reason for Proposal

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

Ian Gibbons, Director of Legal, Electoral and Registration Services (and Monitoring Officer)

Wiltshire Council

Full Council

9 July 2019

Proposed Changes to the Constitution (Miscellaneous)

Purpose of Report

1. This report asks Full Council to consider recommendations of the Standards Committee in relation to the following:
 - Part 3C of the Constitution: Scheme of Delegation (Executive) and Part 2 of the Constitution: Articles of the Constitution
 - Protocol 8: Partnership Protocol
 - Protocol 10: Local Code of Corporate Governance

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 Focus Group met on 10 April 2019 and 14 June 2019 to review sections of the constitution, including those as detailed in paragraph 1.
4. The Standards Committee considered those recommendations at meetings on 1 May 2019 and 26 June 2019.
5. The relevant minute extracts of the Standards Committee and Focus Group meetings can be found at **Appendix 1**.
6. The changes to Protocol 8 and Protocol 10 were also considered by Audit Committee on 17 April 2019 and Cabinet on 11 June 2019. The changes to Part 3C and Part 2 arose from a decision of Cabinet on 26 March 2019. The relevant minutes extracts for those meetings can be found at **Appendix 2**.

Main Considerations

Part 3C of the Constitution: Executive Arrangements and Part 2 of the Constitution: Articles of the Constitution

7. The Joint Strategic Economic Committee (JSEC) is a joint committee of Swindon Borough Council and Wiltshire Council comprising members of and delegated authority from each Executive. It was established to provide local democratic and financial accountability for the Strategic Economic Plan and use of Local Growth Fund and other funding streams by the Swindon and Wiltshire Local Enterprise Partnership (SWLEP).
8. At the time of the JSEC being constituted the SWLEP Board, which included the Leaders of each unitary council, did not meet in public. Since that time there have been various changes to the governance of the SWLEP, culminating in it being

incorporated as a company limited by guarantee in January 2019. This change of legal status changed the nature of the relationship between the SWLEP, Wiltshire Council as the Accountable Body, and Swindon Borough Council and necessitated a review of the governance framework between these parties, which was the subject of a report to Cabinet on 26 March 2019. The report envisaged the dissolution of the JSEC under the new governance arrangements.

9. In accordance with Part 7 of the Constitution, Cabinet Procedure Rules, the Leader of the Council may amend the Scheme of Delegation relating to cabinet functions at any time during the year by informing the Proper Officer. This would then be reported to the next ordinary meeting of Full Council. As a result of the changes to the governance framework supporting the SWLEP, therefore, it is reported that the Leader had indicated to the proper officer that the JSEC is dissolved and its terms of reference should be removed from the Constitution.
10. The terms of reference are contained at Part 3C of the Constitution. The schedule of council committees detailed in Part 2 Schedule 1 would also need to be amended to remove reference to the JSEC.
11. The work of the SWLEP will continue to be scrutinised by a joint task group of both councils, and the Cabinet Member for Economic Development and Salisbury Recovery will sit on its Board of Directors.

Protocol 8: Partnership Protocol

12. Protocol 8 of the Constitution has not been revised since 2010. In that time the economic context in which the Council operates has changed significantly, as has the partnership landscape. The Focus Group and Standards Committee was advised and agreed that the existing protocol was no longer fit for purpose, in part because it sits outside and at odds with the present commercial policy and approach. A wider partnership working framework was felt to be appropriate, and that this sit outside of the Constitution. The partnership working framework would be for adoption by Cabinet.
13. On 22 May 2018 the terms of reference for the Audit Committee were approved by Full Council, to include reviewing the arrangements for governance of partnership working. Therefore, the Audit Committee on 17 April 2019 considered and recommended Cabinet to adopt a proposed partnership working framework. The papers for that meeting are available at [this link](#).
14. Cabinet approved the partnership working framework on 11 June 2019. Therefore, Full Council is asked to approve the removal of Protocol 8 from the Constitution, and the subsequent renumbering of the existing Protocols 9, 10, 11 and 12.

Protocol 10: Code of Corporate Governance

15. Protocol 10 as shown at **Appendix 3** forms part of the overarching assurance framework of the Council, and has not been reviewed since 2010. As part of its work in relation to the Annual Governance Statement of the Council, the Audit Committee considered at its meeting on 17 April 2019 an updated version of Protocol 10.

16. The revised protocol reflects updated CIPFA¹ guidance regarding the following principles:
- Behaving with integrity, demonstrating strong commitment to ethical values and respecting the rule of law
 - Ensuring openness and comprehensive stakeholder engagement
 - Defining outcomes in terms of sustainable, economic, social and environmental benefits
 - Determining the interventions necessary to optimize the achievement of the intended outcomes
 - Developing the Council's capacity, including the capability of its leadership and the individuals within it
 - Managing risks and performance through robust internal control and strong public financial management
 - Implementing good practices in transparency, reporting and audit, to deliver accountability
17. The Audit Committee recommended adoption of the proposed new Code of Corporate Governance by Cabinet and adoption by Full Council as part of the Constitution in place of the current protocol. The papers for that meeting are available at [this link](#). This was also noted by the Standards Committee.
18. Cabinet approved the revised Protocol 10 at its meeting on 11 June 2019. Council is therefore asked to approve the revised Protocol as detailed at **Appendix 4**. The document has been reformatted to for the overall style for the Constitution, but is the same content as approved at Cabinet.

Safeguarding Implications

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

Equalities Impact of the Proposal

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

Risk Assessment

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

Financial Implications

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

Legal Implications

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

Public Health Impact of the Proposals

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

¹ Chartered Institute of Public Finance and Accountancy

Environmental Impact of the Proposals

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

Proposal

26. **To note the changes to Part 3C and Part 2 Schedule 1 of the Constitution to remove references to the Joint Strategic Economic Committee.**
27. **That Full Council approve the removal of Protocol 8 of the Constitution – Partnership Protocol - and to renumber following sections accordingly.**
28. **That Full Council approve the changes to the existing Protocol 10 of the Constitution – Local Code of Corporate Governance.**

Ian Gibbons - Director, Legal, Electoral and Registration Services (and Monitoring Officer)

Report Author: Kieran Elliott, Senior Democratic Services Officer, 01225 718504,
kieran.elliott@wiltshire.gov.uk

Background Papers

[Part 7 of the Constitution – Cabinet Procedure Rules](#)

Appendices

Appendix 1 – Minutes extracts of the Constitution Focus Group: 10 April 2019 and 14 June 2019, Minutes extracts of the Standards Committee 1 May 2019 and 26 June 2019.

Appendix 2 – Minutes extracts of the Audit Committee 17 April 2019, and Minutes extracts of the Cabinet 26 March 2019 and 11 June 2019.

Appendix 3 – Existing Protocol 10: Local Code of Corporate Governance

Appendix 4 – Revised Protocol 10: Local Code of Corporate Governance