

**Wiltshire Council
Constitution
Part 1
Summary and Contents**

REVISED VERSION

SUMMARY

Wiltshire Council is the principal local authority for most of the county of Wiltshire, with the exception of the area represented by Swindon Borough Council. It is also referred to as a Unitary Authority, as it is responsible for all principal local government functions within its area. It is responsible for more than 300 services, such as adult social care, looked-after children, and highways maintenance. The Council was formed in 2009 from a merger of Wiltshire County Council and the four district councils: Kennet, North Wiltshire, Salisbury, and West Wiltshire.

Wiltshire Council is made up of 98 Councillors, also known as Members. Each Member represents a specific Electoral Division, but is also responsible for the wider community. Each also sits on an Area Board, which is a committee based on a small geographic area, to provide a focus for community leadership, local influence, and delegated decision making.

Wiltshire Council operates a Leader and Cabinet model. This means that the Members appoint a Leader of the Council, who is responsible for carrying out the functions of the Council which are not the responsibility of some other part of the local authority. The Leader then appoints other Members to the Cabinet to assist in that role.

This Constitution sets out how the Council operates, how decisions are made, and what procedures have to be followed. It details the powers and responsibilities of the Council and of its Committees, Members, and Officers. This summary and contents will provide a description of each section of the Constitution.

There are also 253 parishes within the Wiltshire Council area, with around 230 having their own city, town, or parish council. These councils are the most local form of governance for a community, making decisions and representing their area, made up of elected or co-opted local residents. These councils are accountable to their local community, not to Wiltshire Council, but will often be consulted and engaged with regarding matters which affect their communities.

CONTENTS

Part 1 – Summary and Contents

This Part includes a brief summary of Wiltshire Council and the purpose and contents of this Constitution.

Part 2 – Articles of the Constitution

This Part includes the broad details of the powers of the council, specific bodies of the council including statutory committees, and officers of the council. It includes references to more detailed information elsewhere in the Constitution, and the definition of a Key decision.

Part 3 – Responsibility for Functions and Schemes of Delegation

This Part includes terms of reference for most council committees and some other bodies, setting out their membership details, responsibilities, and other relevant information. It specifies those matters which are required to be decided by a meeting of Full Council, such as the Budget and the Policy Framework.

It includes details of the Electoral Divisions and Parishes assigned to each Area Board

It also includes sections on the delegated powers for the Executive, including the areas of responsibility for each Cabinet Member, as well as Corporate Directors and Directors, and other specific officers and functions, for example relating to Planning and Licensing.

Part 4 – Council Rules of Procedure

This Part includes details of how members of the public can submit questions or make statements at council committees, and how to submit petitions to the council.

It also includes rules and procedures for how most committee debates and discussions will be conducted, with details such as substitute member arrangements, proposal of motions and amendments, questions from council members, and voting.

Part 5 – Access to Information Procedure Rules

This Part includes rules on publication of agendas and reports, retention periods for meeting information, as well as specific requirements relating to Executive decisions such as public notice periods and procedures relating to confidential or exempt information.

Part 6 – Budget and Policy Framework

This Part sets out procedural requirements for decisions relating to the Budget and the Policy Framework.

Part 7 – Cabinet Procedure Rules

This Part sets out specific rules relating to the procedure for meeting of the Cabinet.

Part 8 – Overview and Scrutiny Procedure Rules

This Part sets out specific rules relating to the procedure for meetings of Overview and Scrutiny Committees.

It also includes details of how decisions of Cabinet may be 'called-in' for review by the Overview and Scrutiny Management Committee.

Part 9 – Financial Regulations

This Part sets out the framework for managing the council's financial affairs. It sounds out the objectives and principles of the regulations, and the rules regarding financial accountabilities and responsibilities of council bodies and officers.

Part 10 – Contract and Procurement Rules

This Part sets out the standing orders which apply to the acquisition of all supplies, services and works by or on behalf of the council. This includes council controlled schools and where the council acts as lead commissioner on behalf of a third party using external funds.

Part 11 – Roles and Responsibilities for Members

This Part includes information of roles that Members can perform, for example in order to champion their division, be a community leader, keeping in touch with constituents, participate in council decision making and other responsibilities.

It also includes at Part 11A and 11B terms of reference for the Corporate Parenting Panel and the Safeguarding Children and Young People Panel.

Part 12 – Code of Conduct for Members

This Part is the Code of Conduct for Members and Co-Opted Members of Wiltshire Council. It includes approved guidance on interpretation of the Code.

If someone feels a Member has breached a requirement of the Code, a complaint may be submitted. The details on how such complaints are assessed is set out at Protocol 11.

Part 13 – Members' Allowances Scheme

This Part details the allowances scheme for Members of the Council and Co-Opted Members. This includes details of the basic allowance, special responsibility allowances, and expenses which can be claimed.

Part 14 – Officer Employment Procedure Rules

This Part includes procedures relating to the appointment, dismissal, or disciplining of certain senior officers.

Part 15 – Human Resources Code of Conduct

This Part sets out the Code of Conduct for council employees.

Part 16 – Management Structure

Delete this part.

Protocol 1 – Member/Officer Relations

This Protocol includes details of how expectations for Members and Officers when working together, as well as examples of information which Officers should ensure Members are informed of within their Divisions.

It also includes further details on how Members may access confidential or exempt information.

Protocol 2 – Terms of Reference for Wiltshire Pension Fund Committee and Local Pension Board

This Protocol sets out the detailed procedures and rules for the Wiltshire Pension Fund Committee and Local Pension Board.

Part 1

Last Updated 16 May 2023

Commented [EK1]: This information is and would remain published on the council's website.
<https://www.wiltshire.gov.uk/article/1533/Chief-Officers-and-Service-Areas>

Protocol 3 – Guidance for Members on Outside Bodies

This Protocol sets out the main issues Members should consider when appointed by the council to serve on an outside body, such as a trust, company, charity, or a community or other body.

Protocol 4 – Planning Code of Good Practice

This Protocol provides advice to Members on how they should conduct themselves for matters relating to planning applications and other planning issues.

It includes details on how Members may request 'call-in' of an application to be determined by a planning committee instead of by officers.

It also links to the rules on how the public may participate at those committees and the procedures to be followed at those committee meetings.

Protocol 5 – Leader's Protocol on Individual Decision Making

This Protocol details the procedure approved by the Leader of the Council for how Cabinet Members may make decisions relating to their areas of responsibility.

Protocol 6 – Corporate Complaints Procedure

This Protocol provides details of how to submit complaints regarding a council service. It clarifies what is not covered by the procedure, and that where possible the complaints team will advise of the appropriate route available to a complainant.

Protocol 7 – Media Relations Protocol

This Protocol provides details of the role of the councils Communication Team and general rules regarding publicity.

It also includes guidance regarding use of social media and webcasting of council meetings.

Protocol 8 – Monitoring Officer

This Protocol provides further details on the role of the Monitoring Officer.

Protocol 9 – Local Code of Corporate Governance

This Protocol includes a statement of principles of good governance and the council's Local Code of Corporate Governance.

Protocol 10 – Governance Reporting Arrangements

This Protocol provides a table setting out which council body or post is responsible for a particular governance areas, and other committees and bodies who may be involved in monitoring and reviewing that areas.

Protocol 11 – Arrangements for Code of Conduct Complaints

This Protocol sets out the detailed procedures and rules for the submission, assessment and determination of complaints regarding the conduct of Members of Wiltshire Council or Members of City, Town, and Parish Councils.

Protocol 12 – Wiltshire Police and Crime Panel Procedures and Panel Arrangements

This Protocol sets out the detailed procedures and rules for the Wiltshire Police and Crime Panels.