

SUMMONS

Meeting: Council

Place: Council Chamber - County Hall, Bythesea Road, Trowbridge, BA14 8JN

Date: Tuesday 9 July 2019

Time: 10.30 am

Councillors are reminded to sign the attendance book before entering the Council Chamber

Please direct any enquiries on this Agenda to Kieran Elliott of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718504 or email kieran.elliott@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225) 713114/713115.

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Bourne Hill, Salisbury
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Public Participation

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#). For assistance on these and other matters please contact the officer named above for details

PART I

Items to be considered while the meeting is open to the public

1 **Apologies**

To receive any apologies for the meeting.

2 **Minutes of Previous Meeting** (*Pages 7 - 48*)

To approve as a correct record and sign the minutes of the last meeting of Council held on 21 May 2019.

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Announcements by the Chairman**

To receive any announcements from the Chairman.

5 **Election of Leader of the Council**

Having been informed of the intention of the present Leader, Baroness Scott of Bybrook OBE, to step down, and in accordance with the adopted executive arrangements, to elect a Leader of the Council for the remaining council term, May 2021.

Nominations will be sought orally from those present at the meeting. Voting will be by way of a show of hands unless at least 10 Members request the holding of a secret ballot.

The Leader will then advise Council of the membership of his/her Cabinet and Portfolio Holders.

6 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

If you would like to make a statement at this meeting on any item on this agenda, please register to do so at least 10 minutes prior to the meeting. Up to 3 speakers are permitted to speak for up to 3 minutes each on any agenda item. Please contact the officer named above for any further clarification.

Questions

To receive any questions from members of the public received in accordance with the constitution. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named above (acting on behalf of the Executive Director) no later than 5pm on **Tuesday 2 July 2019** for a written response, **or Thursday 4 July 2019** for a verbal response. Please contact the officer named on the first page of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Councillors prior to the meeting and made available at the meeting and on the Council's website.

7 **Petitions**

No petitions have been received since the last meeting of Council.

ITEMS FOR COUNCIL

8 **Avon Mutual- Establishment of a Regional Mutual Bank** *(Pages 49 - 56)*

Report from the Executive Director.

9 **Proposed Changes to the Constitution**

9a) **Protocol 4 - Planning Code of Good Practice and Site Visit Protocol** *(Pages 57 - 110)*

A report from the Monitoring Officer is attached.

9b) **Protocol 12 - Arrangements for dealing with Code of Conduct Complaints and Part 3B - Responsibility for Functions** *(Pages 111 - 136)*

A report from the Monitoring Officer is attached.

- 9c) **Miscellaneous: Protocol 10 - Local Code of Corporate Governance, Protocol 8 - Partnership Protocol, Part 3C _ Scheme of Delegation (Executive) and Part 2 - Articles of the Constitution**
(Pages 137 - 176)

A report from the Monitoring Officer is attached.

- 10 **Electoral Review Committee Update and Terms of Reference** *(Pages 177 - 184)*

Report from the Director of Legal, Electoral and Registration Services.

COUNCILLORS' MOTIONS

There have been no notices of motion submitted for this meeting.

MINUTES OF CABINET AND COMMITTEES

- 11 **Minutes of Cabinet and Committees**

- a. The Chairman will move that Council receives and notes the minutes of Cabinet and the various Committees of the Council as listed in the [Minutes Book](#) enclosed separately.
- b. The Chairman will refer to Cabinet and each Committee in turn:
 - i. The Leader, Cabinet members and Chairmen of Committees will be invited to make any important announcements.
 - ii. Councillors will be given the opportunity to raise questions on points of information or clarification on the minutes presented.
- c. Councillors will be given an opportunity to raise general issues relating to Area Boards but not specific local issues.
- d. Councillors will be given an opportunity to raise any questions on the minutes of the Dorset and Wiltshire Fire Authority available [here](#).

OTHER ITEMS OF BUSINESS

12 **Membership of Committees** (*Pages 185 - 186*)

To determine any requests from Group Leaders for changes to committee membership in accordance with the allocation of seats to political groups.

To consider the result of the Trowbridge Drynham Byelection.

13 **Councillors' Questions**

Please note that Councillors are required to give notice of any such questions in writing to the officer named on the first page of this agenda (acting on behalf of the Executive Director) not later than 5pm on **2 July 2019**. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Councillors prior to the meeting and made available at the meeting and on the Council's website.

PART II

Items during consideration of which it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed.

None

Carlton Brand
Executive Director
Wiltshire Council
Bythesea Road
Trowbridge
Wiltshire

Terence Herbert
Executive Director
Wiltshire Council
Bythesea Road
Trowbridge
Wiltshire

Alistair Cunningham
Executive Director
Wiltshire Council
Bythesea Road
Trowbridge
Wiltshire

COUNCIL

MINUTES OF THE COUNCIL MEETING HELD ON 21 MAY 2019 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Allison Bucknell (Chairman), Cllr James Sheppard (Vice-Chairman), Cllr Phil Alford, Cllr Ben Anderson, Cllr Pat Aves, Cllr Chuck Berry, Cllr Ian Blair-Pilling, Cllr Richard Britton, Cllr Derek Brown OBE, Cllr Clare Cape, Cllr Mary Champion, Cllr Pauline Church, Cllr Ernie Clark, Cllr Richard Clewer, Cllr Mark Connolly, Cllr Christine Crisp, Cllr Anna Cuthbert, Cllr Brian Dalton, Cllr Jane Davies, Cllr Andrew Davis, Cllr Tony Deane, Cllr Christopher Devine, Cllr Bill Douglas, Cllr Mary Douglas, Cllr Peter Evans, Cllr Sue Evans, Cllr Peter Fuller, Cllr Richard Gamble, Cllr Sarah Gibson, Cllr Gavin Grant, Cllr Jose Green, Cllr Howard Greenman, Cllr Mollie Groom, Cllr David Halik, Cllr Deborah Halik, Cllr Russell Hawker, Cllr Ross Henning, Cllr Darren Henry, Cllr Mike Hewitt, Cllr Alan Hill, Cllr Sven Hocking, Cllr Ruth Hopkinson, Cllr Jon Hubbard, Cllr Chris Hurst, Cllr Peter Hutton, Cllr Hayley Illman, Cllr Simon Jacobs, Cllr Tony Jackson, Cllr George Jeans, Cllr Bob Jones MBE, Cllr Johnny Kidney, Cllr Gordon King, Cllr Edward Kirk, Cllr Jerry Kunkler, Cllr Jacqui Lay, Cllr Jim Lynch, Cllr Brian Mathew, Cllr Laura Mayes, Cllr Ian McLennan, Cllr Nick Murry, Cllr Paul Oatway QPM, Cllr Steve Oldrieve, Cllr Ashley O'Neill, Cllr Christopher Newbury, Cllr Stewart Palmen, Cllr Andy Phillips, Cllr Leo Randall, Cllr Fleur de Rhé-Philipe, Cllr Pip Ridout, Cllr Ricky Rogers, Cllr Baroness Scott of Bybrook OBE, Cllr Jonathon Seed, Cllr John Smale, Cllr Toby Sturgis, Cllr Melody Thompson, Cllr John Thomson, Cllr Ian Thorn, Cllr Tony Trotman, Cllr Bridget Wayman, Cllr Fred Westmoreland, Cllr Philip Whalley, Cllr Stuart Wheeler, Cllr Roy While, Cllr Philip Whitehead, Cllr Jerry Wickham, Cllr Christopher Williams, Cllr Graham Wright and Cllr Robert Yuill

26 Election of Chairman 2019 - 20

The Chairman opened the meeting and called for nominations for the position of Chairman for the ensuing municipal year.

Councillor James Shepherd was proposed by Councillor Alison Bucknell and seconded by Councillor Philip Whitehead.

Councillor Ruth Hopkinson was nominated by Councillor Ian Thorn and seconded by Councillor Christopher Devine.

Resolved:

That Councillor James Shepherd be elected Chairman of Wiltshire Council for the municipal year 2019 - 20.

The Chairman subsequently read out and signed the declaration of acceptance of office of Chairman of the Council witnessed by the Monitoring Officer.

27 **Election of Vice Chairman 2019 - 20**

Councillor James Sheppard in the Chair

The Chairman called for nominations for the position of Vice-Chairman of Council for 2019 - 20.

Councillor Richard Gamble was proposed by Councillor Richard Clewer, and seconded by Councillor Christopher Williams.

Councillor Ruth Hopkinson was proposed by Councillor Ian Thorn and was seconded by Councillor Christopher Devine.

Resolved:

That Councillor Richard Gamble be elected Vice Chairman of Wiltshire Council for the municipal year 2019 - 20.

The Vice Chairman subsequently read out and signed the declaration of acceptance of office of Vice Chairman of the Council witnessed by the Monitoring Officer.

28 **Apologies**

Apologies for absence were received from Councillors Trevor Carbin, Stewart Dobson, Nick Fogg, Horace Prickett, David Jenkins, John Walsh, Tom Rounds, Atiqul Hoque and Matthew Dean.

29 **Minutes of Previous Meeting**

The minutes of the Meeting held on 25 March 2019 and 26 February 2019 were presented.

Resolved:

That the minutes of the last Council meeting held on 25 March 2019 and 26 February 2019 be approved as a correct record and signed by the Chairman.

30 **Announcements by the Chairman**

The Chairman made the following announcements.

Council's attention was drawn to the Chairman's attendance at the following events

Events Attended by the Chairman from Tuesday, 26th February to Monday, 20th May, 2019:

Wednesday, 27 February, 2019	The Showmen's Guild of Great Britain Western Section Annual Luncheon, The Hilton Hotel, Swindon.
Saturday, 2 March, 2019	Royal Wootton Bassett Memorial Plaque Unveiling Ceremony to commemorate the life of Mr. Percy Miles, Former Mayor and resident of RWB.
Sunday, 3 March, 2019	Salisbury City Council Annual Charter Service, St. Thomas and St. Edmund's Church, Salisbury.
Monday, 4 March, 2019	BEM Presentation Ceremony, Salisbury Cathedral.

Sunday, 17 March, 2019	High Sheriff's Service for the Rule of Law, Malmesbury Abbey.
Thursday, 4 April, 2019	Proud to Care Awards, Market Lavington Community Hall.
Saturday, 6 April, 2019	Declaration of new High Sheriff, Mr. David Scott, DL, Devizes Town Hall.
Monday, 8 April, 2019	Visit to the Great Bustard Group Release Site, Enford, with the High Sheriff of Wiltshire, Mr. David Scott, DL, Vice-Chairman James Sheppard and Cllrs. Oatway, Henning, Clark, Green, Prickett, Thorn, Smale, Mathew, Hocking and Hewitt.
Tuesday, 23 April, 2019	Funeral of Cllr. Graham Payne, St. James' Church, Trowbridge.
Thursday, 25 April, 2019	Official opening of the recently restored WWI Chalk Hill Badge map of Australia, Compton Chamberlayne.
Tuesday, 30 April, 2019	National Armed Forces Day Event 50 day countdown photocall, County Hall.
Wednesday, 1 May, 2019	Funeral of former Chair of Wiltshire County Council, Mrs. Majorie Whitworth, Wilton Parish Church.
Thursday, 2 May, 2019	Young Voices of Trowbridge Public Speaking Competition, The Clarendon Academy, as a judge.
Thursday, 9 May, 2019	Royal Wootton Bassett Mayor Making Ceremony, St. Bartholomew & All Saints Church, RWB.
Monday, 13 May, 2019	Calne Town Council Mayor Making Ceremony, Calne Town Hall.
Thursday, 16 May, 2019	Devizes Town Council Annual Meeting and Mayoral Reception, Devizes Town Hall.

Events Attended by the Vice-Chairman from Tuesday, 26th February to Monday, 20th May, 2019:

Wednesday, 27 February, 2019	High Sheriff's Great Bustard Drinks Party, Marlborough Town Hall.
Monday, 11 March, 2019	Hosted Commonwealth Day Flag Raising Ceremony, County Hall.

Monday, 8 April, 2019

Visit to the Great Bustard Group Release Site,
Enford, with the Chairman.

The Chairman drew the meeting's attention to the sad passing of Marjorie Whitworth, who served as member for Wilton on Wiltshire County Council, and was Chairman from 1992-93.

The Chairman drew the meeting's attention to the communication from the Leader that Councillor Jerry Wickham had resigned from the Cabinet due to ill health. Council was formally informed that Councillor John Thomson would assume responsibility for Adult Social Care, Public Health and Public Protection.

The Chairman invited the Leader to make a statement

Baroness Scott of Bybrook OBE, Leader of the Council, expressed profound regret that Councillor Jerry Wickham was stepping down from his role due to ill health. The contribution made by Councillor Jerry Wickham to the transformation of Wiltshire Council was celebrated. Baroness Scott wished Councillor Jerry Wickham well, expressed her heartfelt admiration for him and reminded him that he remained part of the Wiltshire Council family.

Councillor Ian Thorn, Leader of the Liberal Democrat Group, echoed the sentiments expressed by Baroness Scott and thanked Councillor Jerry Wickham for his hard work and professionalism.

Baroness Scott of Bybrook OBE announced her decision to stand down as Leader on 9 July 2019 and went on to deliver a speech that focused upon regarding leadership as the capacity to translate vision into reality. The range and scope of services provided by Wiltshire Council, and their impact on the people and places of Wiltshire, were outlined. The changes made in becoming a Unitary authority, including the reduction from 252 councillors to 98, were referenced. The role of Area Boards in devolving finances and enabling local responses to issues ranging from health to transport was celebrated. The

value of community spirit was extolled and examples of this being realised were volunteering and the appetite for asset transfers to community bodies. Supporting vulnerable people was said to be the primary role of the Authority. The challenge of providing adult social care arising from growth in demand due to underlying demographic change was being met through, amongst other things, Area Co-ordinators who offer one-to-one support to vulnerable people. Change to infrastructure was cited as investment in ensuring that Wiltshire was a good place for families to work and live in the future. The use of, and response to, digital change was demonstrated by changes to workplace hubs, self-service for citizens and Salisbury becoming a Smart City. External validation provided by three independent reviews were cited and the Leader extolled the value of working collectively to strengthen the focus on devolution, customers and efficiency. In closing her speech, the Leader expressed she hoped the next generation of leadership at Wiltshire Council would continue to prioritise the next generation for Wiltshire.

Councillor Ian Thorn echoed the sentiments and examples in Baroness Scott of Bybrook OBE's speech and described her leadership as remarkable for managing the consequences of the financial crisis of 2008 for Wiltshire.

Councillor Ernie Clark, Leader of the Independent Group, emphasised the enduring value of the open decision making that had been the hallmark of Baroness Scott's leadership.

Councillor Ricky Rogers, Leader of the Labour Group, thanked Baroness Scott of Bybrook OBE for taking tough political decisions whilst managing Wiltshire Council's finances.

Councillor Ruth Hopkins focussed upon Baroness Scott of Bybrook OBE as luminary role model for women in politics.

31 **Declarations of Interest**

There were no declarations of interest.

32 **Public Participation**

The Chairman outlined the procedure on public participation.

There were no statements or questions from the public.

33 **Petitions**

The Chairman brought Council's attention to a report by the Head of Democratic Services that gave Council details of the three petitions received for the period since the last Council meeting.

Resolved:

That Council note the report, the petitions received and the actions being taken in relation to them, as set out in the Appendix to the report.

34 **ICT and Digital Strategy**

At the invitation of the Chairman, Cabinet Member for Finance, Procurement, ICT and Operational Assets, Councillor Phillip Whitehead, spoke to a report designed to establish a fund of £11.100m that would increase annually by 2.53%, to which bids for projects underpinning the ICT and Digital Strategy could be made. This approach to financing technological innovation was proposed to ensure adequate resourcing, to allow increased control of the integration of technology projects and to enable technology to drive change to service delivery and development.

The motion was seconded by Councillor Ian Blair-Pilling, Portfolio Holder for ICT and Digitalisation.

Councillor Ian Thorn, Leader of the Liberal Democrat Group, welcomed the pooling of finance for ICT and Digital projects.

Councillor Ricky Rogers, Leader of the Labour Group, asked if the identified financial need was not in budget due to it being newly emerging.

Councillor Phillip Whitehead stated that bringing the various ICT and Digital projects together as a transformation project enabled the proposed capitalisation.

The debate that followed addressed two aspects of strategy – one that centred upon statements of intention, and another that emphasised capacity to address emerging needs and options. The velocity of tech-led change was highlighted, as was the option of using a task group to create an agile approach to linking longer-term planning with the adaptive requirements of continuous change.

The approach was also described as enabling good governance of a continuously changing environment, rather than being one of prescriptive strategy formulation. Issues of access to technology and the value of integrating content management across a variety of community-based web services were discussed. Clarification of the monetary value of the anticipated return on investment was also sought.

Councillor Phillip Whitehead answered the debate by stating the accrual of savings was a given and that the report put the necessary governance, strategy, adaptability and procurement best practice in place. This was said to be critical to enabling the authority to use technology more productively and to look ahead to the Internet of Things.

Resolved:

To approve additional capital budget for £11.100m to create a capital budget for the replacement of line of business applications and various technological equipment not normally covered by ICT budgets;

To note that the capital financing costs for this budget based on a 5-year

annuity at 2.53% would be £2.391 million per annum. This would need to be built into 2020/2021 budget setting and corresponding savings identified.

35 **Allocation of Seats on Committees to Political Groups and Appointment of Committees**

The Chairman introduced a report on appointments to committees, and updated that, since publication, Swindon Borough Council had advised that Councillor Brian Ford would replace Councillor Tim Swinyard on the Wiltshire Pension Fund Committee and Investment Sub Committee.

The Leader moved her motion, as amended to reflect appointments from Swindon Borough Council.

The motion was seconded by Councillor John Thomson.

Councillor Ian Thorn, asked for a change to be made, that Councillor Brian Mathews be appointed to the Environment Select Committee instead of Councillor Clare Cape.

Councillor Ian Thorn also questioned the method for calculating political proportionality since one seat previously held by the Conservatives was now vacant.

The Monitoring Officer advised that proportionality would be reviewed once a Byelection had been held in July and that this was within the requirements of the legislation to ensure proportionality 'so far as is reasonably practicable' and had been an approach taken by the Council in the past.

Cllr Jon Hubbard raised objection to this approach.

The Leader advised the proposed approach was a convention however she would be open to a review of this process if considered necessary.

There was no further debate and the Chairman moved the motion go to the vote.

Resolved:

- a) To note the report and the legal requirements.**
- b) To re-appoint the following committees in accordance with their Terms of Reference:**

- Appeals Committee
- Area Planning Committees: Eastern, Northern, Southern and Western
- Audit Committee
- Children's Select Committee
- Electoral Review Committee
- Environment Select Committee
- Health Select Committee
- Health and Wellbeing Board
- Investment Sub Committee
- Licensing Committee
- Officer Appointments Committee
- Overview and Scrutiny Management Committee
- Pension Fund Committee
- Police and Crime Panel
- Staffing Policy Committee
- Standards Committee
- Strategic Planning Committee

- c) To re-appoint those Area Boards, constituted as area committees as set out in paragraphs 13 to 15 and Appendix 1 of the report presented and within the Constitution, to comprise the Unitary Councillors for that area.**
- d) To re-appoint the Local Pension Board established under the Public Service Pensions Act 2013 and consequent amendments to the Local Government Pension Scheme Regulations 2013 with the terms of reference as set out in the Constitution.**
- e) To approve a scheme of committee places which sets out the number of seats available to members of the Council and to political groups as set out below:**

Committee	Total Number of Places for Elected Members	Conservative Group Allocation (66 seats)*	Liberal Democrat Group Allocation (20 seats)	Labour Group Allocation (3 seats)	Independent Group Allocation (9 seats)
Strategic Planning	11	8	2	0	1
Area Planning Committees					
North	11	8	3	0	0
South	11	7	1	1	2
East	8	7	0	0	1
West	11	7	3	0	1
Licensing	12	8	3	0	1
Electoral Review	10	6	2	1	1
Overview and Scrutiny Management	15	10	3	1	1
Children's Select	13	9	3	0	1
Environment Select	13	8	3	1	1
Health Select	13	8	3	0	2
Standards	11	8	2	0	1
Police and Crime Panel	7	5	1	0	1
Audit	11	7	2	1	1
Appeals	8	5	2	0	1

Staffing Policy	9	6	2	1	0
Officer Appointments	5	4	1	0	0
Pension Fund	5	3	1	0	1
TOTALS:	184	124 (123.918)	37 (37.551)	6 (5.663)	17 (16.898)

- f) **To appoint councillors to serve on those committees in accordance with the agreed scheme of committee places, until the next occasion membership is reviewed under the provisions of the Local Government & Housing Act 1989.**
- g) **To appoint substitute members (to a maximum of four per group) to the committees referred to in (b) above.**
- h) **To appoint those councillors representing electoral divisions to their respective area boards as set out in the report**
- i) **To re-appoint four non-voting co-opted members until May 2021 as follows:**

Mr Richard Baxter
Mr Philip Gill MBE
Mr Michael Lockhart
Miss Pam Turner

- j) **Re-appoint the following persons as Independent Persons each for a four-year term (until 2021):**

Mr Tony Drew
Mrs Caroline Baynes
Mr Stuart Middleton

- k) **To reappoint the following non-elected members to the Children's Select Committee:**

Non-Elected Voting Members	Representing
Vacancy	Church of England
Dr Mike Thompson	Clifton Diocese Roman Catholic Church
Vacancy	Parent Governor (Secondary- maintained)
Vacancy	Parent Governor (Secondary – academy)

Vacancy	Parent Governor (Special Educational Needs)
Vacancy	Parent Governor (Primary)
Non-Elected Members	Non-Voting Representing
Maisy Humphrey (Sub Declan Kiely)	School, Children and Young People representatives
Ms Jen Jones	Further Education Representative
Miss Sarah Busby	Secondary Schools Head Teacher Representative
Miss Tracy Cornelius	Primary School Head Teacher Representative
Mr John Hawkins	School Teacher Representative

- l) **To re-appoint the following co-opted members to the Wiltshire Pension Fund Committee:**

Name	Representing
Cllr Brian Ford	Swindon Borough Councillor (as determined by Swindon Borough Council)
Cllr Steve Allsopp.	Swindon Borough Councillor (as determined by Swindon Borough Council)
Chris Moore	Employer Representative
Diane Hall	Employer Representative
Stuart Dark	Scheme Member Observer- appointed by Unison
Mike Pankiewicz	Scheme Member Observer- appointed by Unison

To reappoint the Investment Sub Committee in accordance with its Terms of reference with the following co-opted members:

Name	Representing
Cllr Brian Ford	Swindon Borough (as determined by Swindon Borough Council)
Cllr Gordon King	Wiltshire Council member of Wiltshire Pension Fund Committee.

- m) **To re-appoint the Local Pension Board under the Public Service Pensions**

Act 2013 until the expiry of the 4 year term and to re-appoint the Chairman for a further 1 year term.

Name	Representing
Howard Pearce	Independent Chairman
David Bowater	Scheme Member Representative
Barry Reed	Scheme Member Representative
Mike Pankiewicz	Scheme Member Representative
Sarah Holbrook	Employer Member Representative
Cllr Richard Britton	Employer Member Representative
Vacancy	Employer Member Representative

n) To re-appoint the following co-opted members to the Police and Crime Panel:

Name	Representing
Cllr Alan Bishtop	Swindon Borough Council (as determined by Swindon Borough Council)
Cllr Caryl Sydney Smith	Swindon Borough Council (as determined by Swindon Borough Council)
Cllr Junab Ali	Swindon Borough Council (as determined by Swindon Borough Council)
Cllr Abdul Amin	Swindon Borough Council (as determined by Swindon Borough Council)
Mamie Beasant	Independent co-optee
Anna Richardson	Independent co-optee

o) To appoint Chairmen and Vice-Chairmen of the following meetings:

Committee	Chairman	Vice-Chairman
Area Planning Committee – Eastern	Mark Connolly	Paul Oatway
Area Planning Committee – Northern	Tony Trotman	Peter Hutton
Area Planning Committee – Southern	Fred Westmoreland	Richard Britton
Area Planning Committee – Western	Christopher Newbury	Jonathon Seed
Audit Committee	Richard Britton	Stewart Dobson
Health and Wellbeing Board (Chairman only)	Baroness Scott of Bybrook OBE	NA
Licensing Committee	Peter Hutton	Jose Green
Officer Appointments	Baroness Scott of Bybrook OBE	John Thomson
Pension Fund Committee	Tony Deane	Roy While
Staffing Policy Committee	Allison Bucknell	Tony Jackson
Standards Committee	Paul Oatway	Howard Greenman
Strategic Planning Committee	Fleur de Rhé-Philippe	Derek Brown

- p) **To note that the Overview and Scrutiny Management Committee, the Scrutiny Select Committees, the Police and Crime Panel and the Area Boards will be asked to elect their respective Chairmen and Vice-Chairmen at their first meeting following the annual meeting of council.**
- q) **To note that the Appeals Committee does not meet as a formal committee. However, three members who have undergone appropriate training are drawn from its membership to form Appeal Panels to consider and determine various types of appeals. No appointment of chairman or vice-chairman to the committee is therefore necessary. Each panel when convened will elect its own chairman.**
- r) **That Council appoint the following 6 members to serve as Council representatives on the Dorset and Wiltshire Fire and Rescue Authority:**

Conservatives (4)	Liberal Democrat (1)	Independent (1)
Peter Hutton	Bob Jones	Ernie Clark
Christopher Newbury		
Paul Oatway QPM		
Pip Ridout		

36 **Proposed Changes to the Constitution**

The Cabinet Member for Housing, Corporate Services, Heritage, Arts and Tourism, Councillor Richard Clewer, outlined a report before Council that sought to update the existing Contract and Procurement Regulations.

The motion was seconded by Councillor Paul Oatway.

There were no further comments from Group leaders.

Resolved:

To approve the revised Contract and Procurement Regulations at Part 10 of the Constitution.

37 **Overview and Scrutiny Annual Report**

Councillor Graham Wright introduced the Overview and Scrutiny Annual Report and highlighted the high regard in which Wiltshire's Overview and Scrutiny function was held by other authorities before moving on to address the reports coverage of digital services, financial robustness, military and civilian integration and maximising Scrutiny's impact.

The motion was seconded by Councillor Alan Hill.

Baroness Scott of Bybrook OBE, Leader of the Council, thanked Councillor Graham Wright and Councillor Alan Hill for their work in ensuring good governance.

Councillor Ian Thorn, Leader of the Liberal Democrat Group, thanked Councillor Graham Wright and Councillor Alan Hill and expressed his hope for further engagement in Overview and Scrutiny from Councillors.

Councillor Ricky Rogers, Leader of the Labour Group thanked Councillor Graham Wright and Councillor Alan Hill for a comprehensive report.

The debate recognised the central role scrutiny played in good governance and endorsed the sense that within Wiltshire Council, this function is very strong. It highlighted the training and development opportunities that Overview and Scrutiny provides for back-bench councillors and emphasised its value in facilitating an evidence-based consensus. Hence, strong Overview and Scrutiny made for better decisions and ensured delivery remains fit for purpose.

Resolved:

To note the annual report of Overview and Scrutiny.

38 **Urgent Executive Decisions taken by Cabinet**

The Chairman moved a report which noted all urgent executive items taken by Cabinet in the last year. One such item was taken, as previously reported to the July 2018 meeting of Council.

The motion was seconded by Councillor Richard Gamble.

Resolved:

To note the report that one item had been taken under special urgency provisions in the period since the last annual meeting of Council.

39 **Minutes of Cabinet and Committees**

The Chairman moved that Council receive and note the minutes as listed in the separate Minutes Book and this was duly seconded by the Vice-Chairman.

Resolved:

To note the minutes as listed in the minutes book.

40 **Councillors' Questions**

The Chairman reported receipt of two questions for the meeting from Councillors, details of which were circulated in Agenda Supplement Two.

Councillors were then permitted to each ask supplementary questions as summarised below:

- 1) 19-31 Councillor Ian Thorn 7/3/19 Written Cost of security for 26 Feb 2019 Council.

Councillor Ian Thorn asked about the source of information that triggered the decision to arrange for additional security to Council of 26 February 2019.

In a reply to the supplementary question, Councillor Philip Whitehead answered by stating the authority's duty of care to Officers, Councillors and the public, including protesters themselves, was the reason for the security. The intelligence upon which the decision to employ additional security was the protest group's own communications on their stated aims and declared methods of protest.

- 2) 19-32 Councillor Ian Thorn 7/3/19 Written Council press releases

Councillor Ian Thorn asked why, when the media protocol states that the purpose of the authority's communications are to promote corporate policy and update the public on council meetings, there was no promotion of the decision of 26 February 2019 on responding to environmental issues.

In a reply to the supplementary question, Councillor John Thomson stated that the media protocol had been followed and if it was considered it needed changing, that would be a matter for Scrutiny.

(Duration of meeting 10:30am- 12.46 pm)

The Officer who has produced these minutes is Jim Brewster of Democratic Services, direct line 01225 718242, e-mail jim.brewster@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115

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**Appointment of Councillors to Committees
Approved by Council May 2019**

Strategic Planning Committee (11)

Conservative Group (8)	Liberal Democrat Group (2)	Labour Group (0)	Independent (1)
Fleur de Rhé-Phillipe	Sarah Gibson		Ernie Clark
Stewart Dobson	David Jenkins		
Christopher Newbury			
Tony Trotman			
Fred Westmoreland			
Derek Brown			
Andrew Davis			
James Sheppard			
Substitutes	Substitutes		Substitutes
Ian Blair-Pilling	Clare Cape		Nick Murry
David Halik	Chris Hurst		Russell Hawker
Stuart Wheeler	Ruth Hopkinson		Graham Wright
	Stewart Palmen		Chris Devine

Area Planning Committee – East (8)

Conservative Group (7)	Liberal Democrat Group (0)	Labour Group (0)	Independent (1)
Mark Connolly			Nick Fogg
Paul Oatway			
James Sheppard			
Richard Gamble			
Peter Evans			
Stewart Dobson			
Ian Blair-Pilling			
Substitutes			Substitutes
Jerry Kunkler			Ernie Clark
Anna Cuthbert			Graham Wright
Chris Williams			George Jeans

Area Planning Committee – North (11)

Conservative Group (8)	Liberal Democrat Group (3)	Labour Group (0)	Independent (0)
Tony Trotman	Chris Hurst		
Christine Crisp	Gavin Grant		
Toby Sturgis	Brian Mathew		
Howard Greenman			
Peter Hutton			
Chuck Berry			
Ashley O'Neill			
Mollie Groom			
Substitutes:	Substitutes		
Philip Whalley	Bill Douglas		
Melody Thompson	Nick Murry		
Jacqui Lay	Ruth Hopkinson		
Ben Anderson	Bob Jones		

Area Planning Committee – South (11)

Conservative Group (7)	Liberal Democrat Group (1)	Labour Group (1)	Independent (2)
Fred Westmoreland	Brian Dalton	Ian McLennan	Chris Devine
Richard Britton			George Jeans
Leo Randall			
John Smale			
Jose Green			
Mike Hewitt			
Sven Hocking			
Substitutes	Substitutes	Substitutes	Substitutes
Tony Deane	Trevor Carbin	John Walsh	Ernie Clark
Bridget Wayman			Graham Wright
Robert Yuill			

Area Planning Committee – West (11)

Conservative Group (7)	Liberal Democrat Group (3)	Labour Group (0)	Independent (1)
Christopher Newbury	Trevor Carbin		Ernie Clark
Jonathon Seed	Sarah Gibson		
Darren Henry	Stewart Palmen		
Andrew Davis			
Edward Kirk			
Pip Ridout			
Peter Fuller			
Substitutes	Substitutes		Substitutes
Toby Sturgis	David Jenkins		Russell Hawker
David Halik	Gordon King		Graham Wright
Philip Whitehead	Steve Oldrieve		George Jeans
Roy While	Jim Lynch		

Licensing Committee (12)

Conservative Group (8)	Liberal Democrat Group (3)	Labour Group (0)	Independent (1)
Peter Hutton	Ian Thorn		George Jeans
Jose Green	Trevor Carbin		
Sue Evans	Jim Lynch		
Mike Hewitt			
Pip Ridout			
Peter Evans			
Allison Bucknell			
Leo Randall			
Substitutes	Substitutes		Substitutes
Howard Greenman	Clare Cape		Ernie Clark
Anna Cuthbert	Gavin Grant		Nick Murry
Atiqul Hoque	Steve Oldrieve		Graham Wright
	Stewart Palmen		

Overview and Scrutiny Management Committee (15)

Conservative Group (10)	Liberal Democrat Group (3)	Labour Group (1)	Independent (1)
Alan Hill	Jon Hubbard	John Walsh	Graham Wright
Christine Crisp	Ruth Hopkinson		
Stewart Dobson	Gordon King		
Mary Douglas			
Howard Greenman			
John Smale			
Pip Ridout			
Tony Trotman			
Stuart Wheller			
Chuck Berry			
Substitutes	Substitutes	Substitutes	Substitutes
Roy While	Clare Cape	Ricky Rogers	Ernie Clark
Anna Cuthbert	Brian Dalton		George Jeans
Jacqui Lay	Gavin Grant		Chris Devine
	David Jenkins		

Children's Select Committee (13)

Conservative Group (9)	Liberal Democrat Group (3)	Labour Group (0)	Independent (1)
Mary Champion	Jon Hubbard		Chris Devine
Sue Evans	Chris Hurst		
Jacqui Lay	Hayley Spencer		
Deborah Halik			
Johnny Kidney			
Andrew Davis			
David Halik			
Mary Douglas			
Roy While			
Substitutes	Substitutes		Substitutes
Stewart Dobson	Pat Aves		Nick Fogg
Allison Bucknell	Clare Cape		Ernie Clark
Peter Evans	Trevor Carbin		Russell Hawker
	Jim Lynch		

Environment Select Committee (13)

Conservative Group (8)	Liberal Democrat Group (3)	Labour Group (1)	Independent (1)
John Smale	Bob Jones	Ian McLennan	Nick Murry
Tom Rounds	Brian Mathew		
Tony Jackson	Steve Oldrieve		
Peter Evans			
Jacqui Lay			
Derek Brown			
Peter Fuller			
Mike Hewitt			
Substitutes	Substitutes	Substitutes	Substitutes
Mollie Groom	Brian Dalton	Ricky Rogers	George Jeans
Jose Green	Ross Henning		Ernie Clark
Sue Evans	Clare Cape		Russell Hawker
	Stewart Palmen		

Health Select Committee (13)

Conservative Group (8)	Liberal Democrat Group (3)	Labour Group (0)	Independent (2)
Mary Champion	Gordon King		Graham Wright
Christine Crisp	Clare Cape		Andy Phillips
Pip Ridout	Gavin Grant		
Howard Greenman			
Tom Rounds			
Chuck Berry			
Mollie Groom			
Fred Westmoreland			
Substitutes	Substitutes		Substitutes
Mike Hewitt	Pat Aves		Nick Murry
Peter Fuller	Trevor Carbin		Ernie Clark
Anna Cuthbert	David Jenkins		George Jeans
Allison Bucknell	Steve Oldrieve		Russell Hawker

Standards Committee (11)

Conservative Group (8)	Liberal Democrat Group (2)	Labour Group (0)	Independent (1)
Paul Oatway	Ruth Hopkinson		Ernie Clark
Howard Greenman	Bob Jones		
Fred Westmoreland			
Alison Bucknell			
Peter Evans			
Derek Brown			
Peter Fuller			
Stuart Wheller			
Substitutes	Substitutes		Substitutes
Richard Britton	Trevor Carbin		
Peter Hutton	Chris Hurst		Graham Wright
Sue Evans	Gordon King		Nick Fogg
	Brian Mathew		George Jeans

Police and Crime Panel (7)

Conservative Group (5)	Liberal Democrat Group (1)	Labour Group (0)	Independent (1)
Richard Britton	Ross Henning		Nick Murry
Peter Hutton			
Jonathon Seed			
John Smale			
Tom Rounds			
Substitutes	Substitutes		Substitutes
Peter Evans	Sarah Gibson		Matt Dean
Sue Evans	Ruth Hopkinson		
Tony Trotman	Gordon King		
Anna Cuthbert	Jim Lynch		

Audit Committee (11)

Conservative Group (7)	Liberal Democrat Group (2)	Labour Group (1)	Independent (1)
Richard Britton	Ian Thorn	John Walsh	Andy Phillips
Stewart Dobson	Gavin Grant		
Stuart Wheeler			
Mike Hewitt			
Anna Cuthbert			
Edward Kirk			
Tony Jackson			
Substitutes	Substitutes	Substitutes	Substitutes
Roy While	Jim Lynch	Ricky Rogers	
Pip Ridout	Ross Henning		
Peter Evans	Ruth Hopkinson		
	Jon Hubbard		

Appeals Committee (8)

Conservative Group (5)	Liberal Democrat Group (2)	Labour Group (0)	Independent (1)
Allison Bucknell	Brian Dalton		Chris Devine
Paul Oatway	Bill Douglas		
Fred Westmoreland			
Stuart Wheeler			
Peter Fuller			
Substitutes	Substitutes		Substitutes
Mike Hewitt	Pat Aves		Ernie Clark
Tony Jackson	David Jenkins		Graham Wright
Jose Green	Jim Lynch		
	Brian Mathew		

Staffing Policy Committee (9)

Conservative Group (6)	Liberal Democrat Group (2)	Labour Group (1)	Independent (0)
Allison Bucknell	David Jenkins	Ricky Rogers	
Tony Jackson	Hayley Spencer		
Mike Hewitt			
Richard Clewer			
Jane Scott			
John Smale			
Substitutes	Substitutes	Substitutes	
Fleur de Rhé-Philippe	Jon Hubbard	Ian McLennan	
Peter Evans	Bob Jones		
David Halik	Gordon King		
Tony Trotman	Ian Thorn		

Officer Appointments Committee (5)

Conservative Group (4)	Liberal Democrat Group (1)	Labour Group (0)	Independent (0)
Jane Scott	Steve Oldrieve		
John Thomson			
Philip Whitehead			
Pauline Church			
Substitutes	Substitutes		
Laura Mayes	Brian Dalton		
Bridget Wayman	Jon Hubbard		
Richard Clewer	Bob Jones		
	Ian Thorn		

Pension Fund Committee (5)

Conservative Group (3)	Liberal Democrat Group (1)	Labour Group (0)	Independent (1)
Tony Deane	Gordon King		George Jeans
Roy While			
Christopher Newbury			
Substitutes	Substitutes		Substitutes
Fleur de Rhé-Philippe	Ian Thorn		Matt Dean
Derek Brown	Bob Jones		
	Sarah Gibson		
	Gavin Grant		

Electoral Review Committee (10)

Conservative Group (6)	Liberal Democrat Group (2)	Labour Group (1)	Independent (1)
Richard Clewer	Gavin Grant	Ian McLennan	Graham Wright
Stuart Wheeler	Clare Cape		
Christopher Newbury			
Ashley O'Neil			
Ian Blair- Pilling			
Jonathon Seed			
Substitutes	Substitutes	Substitutes	Substitutes
Jacqui Lay	Ruth Hopkinson	Ricky Rogers	Nicky Murry
Peter Fuller	Ian Thorn		

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Full Council Meeting Tuesday 21 May 2019 – Members' Attendance

Name	Time in	Time Out
Phil Alford	10:30	12:40
Ben Anderson	10:30	12:40
Pat Aves	10:30	12:40
Chuck Berry	08:40	12:50
Ian Blair Pilling	10:00	12:40
Richard Britton	08:20	12:40
Derek Brown	10:15	12:50
Allison Bucknell	08:40	12:35
Clare Cape	10:20	12:38
Trevor Carbin	11:20	12:40
Mary Champion	09:50	12:40
Pauline Church	10:25	12:40
Richard Clewer	09:50	10:39
Mark Connolly	08:20	12:40
Christine Crisp	08:40	12:40
Anna Cuthbert	10:00	12:30
Brian Dalton	09:20	12:40
Jane Davies	10:15	12:40
Andrew Davis	10:00	12:40
Tony Deane	10:00	12:40
Christopher Devine	09:45	12:40
Mary Douglas	09:00	12:40
Bill Douglas	10:30	12:40
Peter Evans	09:55	12:35
Sue Evans	10:00	12:35
Peter Fuller	09:45	12:50
Richard Gamble	10:00	13:00
Sarah Gibson	10:15	12:40
Gavin Grant	10:25	12:40
Jose Green	10:00	12:40
Howard Greenman	09:50	12:40
Mollie Groom	09:50	12:40
David Halik	09:55	12:50
Deborah Halik	09:55	12:38
Russel Hawker	09:50	12:40
Ross Henning	09:45	12:40
Darren Henry	10:25	12:40
Mike Hewitt	08:45	12:40
Alan Hill	08:50	12:35
Sven Hocking	09:20	12:35
Ruth Hopkinson	10:20	12:40
Jon Hubbard	10:15	12:40
Chris Hurst	10:20	12:40
Peter Hutton	09:55	12:35
Hayley Illman	10:15	12:40
Tony Jackson	10:15	12:40

Simon Jacobs	10:05	12:40
George Jeans	10:27	12:40
Bob Jones	08:45	12:40
Johnny Kidney	09:15	12:40
Gordon King	10:19	12:40
Edward Kirk	10:05	12:50
Jerry Kunkler	10:00	13:00
Jacqui Lay	10:00	12:40
Jim Lynch		12:40
Brian Mathew		12:40
Laura Mayes		12:40
Ian McLennan		12:40
Nick Murry	09:55	12:50
Christopher Newbury		12:40
Paul Oatway	10:00	12:45
Steve Oldrieve	10:10	12:40
Ashley O'Neill	10:28	12:40
Stewart Palmen	09:50	12:40
Andy Phillips	09:48	12:40
Fleur de Rhe-Philipe	10:00	12:40
Pip Ridout	09:48	12:38
Ricky Rogers	10:15	12:40
Jonathon Seed	10:10	12:40
James Sheppard	10:15	12:40
John Smale	09:55	12:40
Toby Sturgis	09:55	12:40
Melody Thompson	10:30	12:40
John Thomson	10:29	12:55
Ian Thorn		12:45
Tony Trotman	10:00	12:35
Bridget Wayman	10:25	12:40
Fred Westmoreland	10:05	12:40
Philip Whalley		12:40
Stuart Wheeler		12:40
Roy While	09:30	12:40
Philip Whitehead	10:25	12:40
Jerry Wickham	10:29	12:00
Christopher Williams	09:00	12:40
Graham Wright		12:40
Robert Yuill	10:25	12:40

21/05/2019

12:39:50

Voting ~~4/6~~ - Vote - 21/05/2019 09:04:56
4/4

ICT and Digital Strategy



Confirmation presences: 87

Yes	: 83
No	: 1
Abstained	: 1

21/05/2019

12:00:56

Voting 4/4 - Vote - 21/05/2019 12:00:38

Confirmation presences: 87

Yes	: 83
Baroness Scott of Bybrook OBE	: 1
Cllr Alan Hill (C)	: 1
Cllr Allison Bucknell (C)	: 1
Cllr Andrew Davis (C)	: 1
Cllr Andy Phillips (Ind)	: 1
Cllr Anna Cuthbert (C)	: 1
Cllr Ashley O'Neill (C)	: 1
Cllr Ben Anderson (C)	: 1
Cllr Bob Jones MBE (LD)	: 1
Cllr Brian Dalton (LD)	: 1
Cllr Brian Mathew (LD)	: 1
Cllr Bridget Wayman (C)	: 1
Cllr Chris Hurst (LD)	: 1
Cllr Christine Crisp (C)	: 1
Cllr Christopher Devine (Ind)	: 1
Cllr Christopher Newbury (C)	: 1
Cllr Christopher Williams (C)	: 1
Cllr Chuck Berry (C)	: 1
Cllr Clare Cape (LD)	: 1
Cllr Darren Henry (C)	: 1
Cllr David Halik (C)	: 1
Cllr Deborah Halik (C)	: 1
Cllr Derek Brown OBE (C)	: 1
Cllr Edward Kirk (C)	: 1
Cllr Ernie Clark (Ind)	: 1
Cllr Fleur de Rhe-Philippe (C)	: 1
Cllr Fred Westmoreland (C)	: 1
Cllr Gavin Grant (LD)	: 1
Cllr George Jeans (Ind)	: 1
Cllr Gordon King (LD)	: 1
Cllr Graham Wright (Ind)	: 1
Cllr Hayley Illman (LD)	: 1
Cllr Howard Greenman (C)	: 1
Cllr Ian Blair-Pilling (C)	: 1
Cllr Ian McLennan (Lab)	: 1
Cllr Ian Thorn (LD)	: 1
Cllr Jacqui Lay (C)	: 1
Cllr James Sheppard (C)	: 1
Cllr Jane Davies (C)	: 1
Cllr Jerry Kunkler (C)	: 1
Cllr Jim Lynch (LD)	: 1
Cllr John Smale (C)	: 1
Cllr John Thomson (C)	: 1
Cllr Johnny Kidney (C)	: 1
Cllr Jon Hubbard (LD)	: 1
Cllr Jonathon Seed (C)	: 1
Cllr Jose Green (C)	: 1
Cllr Laura Mayes (C)	: 1
Cllr Mark Connolly (C)	: 1
Cllr Mary Champion (C)	: 1
Cllr Mary Douglas (C)	: 1
Cllr Melody Thompson (C)	: 1
Cllr Mike Hewitt (C)	: 1
Cllr Nick Murry (Ind)	: 1
Cllr Pat Aves (LD)	: 1
Cllr Paul Oatway QPM (C)	: 1
Cllr Pauline Church (C)	: 1

21/05/2019

12:00:57

Voting 4/4 - Vote - 21/05/2019 12:00:38

Cllr. Peter Evans (C)	: 1
Cllr Peter Fuller (C)	: 1
Cllr Peter Hutton (C)	: 1
Cllr Philip Alford (C)	: 1
Cllr Philip Whalley (C)	: 1
Cllr Philip Whitehead (C)	: 1
Cllr Pip Ridout (C)	: 1
Cllr Richard Britton (C)	: 1
Cllr Richard Clewer (C)	: 1
Cllr Richard Gamble (C)	: 1
Cllr Ricky Rogers (Lab)	: 1
Cllr Robert Yuill (C)	: 1
Cllr Ross Henning (LD)	: 1
Cllr Roy While (C)	: 1
Cllr Russell Hawker (Ind)	: 1
Cllr Ruth Hopkinson (LD)	: 1
Cllr Sarah Gibson (LD)	: 1
Cllr Simon Jacobs (C)	: 1
Cllr Stewart Palmen (LD)	: 1
Cllr Stuart Wheeler (C)	: 1
Cllr Sue Evans (C)	: 1
Cllr Sven Hocking (C)	: 1
Cllr Toby Sturgis (C)	: 1
Cllr Tony Deane (C)	: 1
Cllr Tony Jackson (C)	: 1
Cllr Tony Trotman (C)	: 1
No	: 1
Cllr Trevor Carbin (LD)	: 1
Abstained	: 1
Cllr Stephen Oldrieve (LD)	: 1

21/05/2019
12:09:08

Voting 5/5 - Vote - 21/05/2019 12:08:55

Allocation of Seats on Committees



Confirmation presences: 87

Yes	: 69
No	: 16
Abstained	: 0

21/05/2019

12:09:12

Voting 5/5 - Vote - 21/05/2019 12:08:55

Confirmation presences: 87

Yes	: 69
Baroness Scott of Bybrook OBE	: 1
Cllr Alan Hill (C)	: 1
Cllr Allison Bucknell (C)	: 1
Cllr Andrew Davis (C)	: 1
Cllr Andy Phillips (Ind)	: 1
Cllr Anna Cuthbert (C)	: 1
Cllr Ashley O'Neill (C)	: 1
Cllr Ben Anderson (C)	: 1
Cllr Bridget Wayman (C)	: 1
Cllr Christine Crisp (C)	: 1
Cllr Christopher Newbury (C)	: 1
Cllr Christopher Williams (C)	: 1
Cllr Chuck Berry (C)	: 1
Cllr Darren Henry (C)	: 1
Cllr David Halik (C)	: 1
Cllr Deborah Halik (C)	: 1
Cllr Derek Brown OBE (C)	: 1
Cllr Edward Kirk (C)	: 1
Cllr Ernie Clark (Ind)	: 1
Cllr Fleur de Rhe-Philippe (C)	: 1
Cllr Fred Westmoreland (C)	: 1
Cllr George Jeans (Ind)	: 1
Cllr Graham Wright (Ind)	: 1
Cllr Howard Greenman (C)	: 1
Cllr Ian Blair-Pilling (C)	: 1
Cllr Ian McLennan (Lab)	: 1
Cllr Jacqui Lay (C)	: 1
Cllr James Sheppard (C)	: 1
Cllr Jane Davies (C)	: 1
Cllr Jerry Kunkler (C)	: 1
Cllr John Smale (C)	: 1
Cllr John Thomson (C)	: 1
Cllr Johnny Kidney (C)	: 1
Cllr Jonathon Seed (C)	: 1
Cllr Jose Green (C)	: 1
Cllr Laura Mayes (C)	: 1
Cllr Mark Connolly (C)	: 1
Cllr Mary Champion (C)	: 1
Cllr Mary Douglas (C)	: 1
Cllr Melody Thompson (C)	: 1
Cllr Mike Hewitt (C)	: 1
Cllr Mollie Groom (C)	: 1
Cllr Nick Murry (Ind)	: 1
Cllr Paul Oatway QPM (C)	: 1
Cllr Pauline Church (C)	: 1
Cllr Peter Evans (C)	: 1
Cllr Peter Fuller (C)	: 1
Cllr Peter Hutton (C)	: 1
Cllr Philip Alford (C)	: 1
Cllr Philip Whalley (C)	: 1
Cllr Philip Whitehead (C)	: 1
Cllr Pip Ridout (C)	: 1
Cllr Richard Britton (C)	: 1
Cllr Richard Clewer (C)	: 1
Cllr Richard Gamble (C)	: 1
Cllr Ricky Rogers (Lab)	: 1
Cllr Robert Yuill (C)	: 1

21/05/2019

12:09:12

Voting 5/5 - Vote - 21/05/2019 12:08:55

Cllr Roy While (C)	: 1
Cllr Sarah Gibson (LD)	: 1
Cllr Simon Jacobs (C)	: 1
Cllr Stewart Palmen (LD)	: 1
Cllr Stuart Wheeler (C)	: 1
Cllr Sue Evans (C)	: 1
Cllr Sven Hocking (C)	: 1
Cllr Toby Sturgis (C)	: 1
Cllr Tony Deane (C)	: 1
Cllr Tony Jackson (C)	: 1
Cllr Tony Trotman (C)	: 1
Cllr Trevor Carbin (LD)	: 1

No	: 16
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Cllr Bill Douglas (LD)	: 1
Cllr Bob Jones MBE (LD)	: 1
Cllr Brian Dalton (LD)	: 1
Cllr Brian Mathew (LD)	: 1
Cllr Chris Hurst (LD)	: 1
Cllr Clare Cape (LD)	: 1
Cllr Gavin Grant (LD)	: 1
Cllr Gordon King (LD)	: 1
Cllr Hayley Illman (LD)	: 1
Cllr Ian Thorn (LD)	: 1
Cllr Jim Lynch (LD)	: 1
Cllr Jon Hubbard (LD)	: 1
Cllr Pat Aves (LD)	: 1
Cllr Ross Henning (LD)	: 1
Cllr Ruth Hopkinson (LD)	: 1
Cllr Stephen Oldrieve (LD)	: 1

Abstained	: 0
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21/05/2019

12:13:56

Voting 6/6 - Vote - 21/05/2019 12:13:46

Changes to the Constitution

83



Confirmation presences: 87

Yes	: 83
No	: 0
Abstained	: 0

21/05/2019

12:14:02

Voting 6/6 - Vote - 21/05/2019 12:13:46

Confirmation presences: 87

Yes	: 83
Baroness Scott of Bybrook OBE	: 1
Cllr Alan Hill (C)	: 1
Cllr Allison Bucknell (C)	: 1
Cllr Andrew Davis (C)	: 1
Cllr Andy Phillips (Ind)	: 1
Cllr Anna Cuthbert (C)	: 1
Cllr Ashley O'Neill (C)	: 1
Cllr Ben Anderson (C)	: 1
Cllr Bill Douglas (LD)	: 1
Cllr Bob Jones MBE (LD)	: 1
Cllr Brian Dalton (LD)	: 1
Cllr Brian Mathew (LD)	: 1
Cllr Bridget Wayman (C)	: 1
Cllr Chris Hurst (LD)	: 1
Cllr Christine Crisp (C)	: 1
Cllr Christopher Newbury (C)	: 1
Cllr Christopher Williams (C)	: 1
Cllr Chuck Berry (C)	: 1
Cllr Clare Cape (LD)	: 1
Cllr Darren Henry (C)	: 1
Cllr David Halik (C)	: 1
Cllr Deborah Halik (C)	: 1
Cllr Derek Brown OBE (C)	: 1
Cllr Edward Kirk (C)	: 1
Cllr Ernie Clark (Ind)	: 1
Cllr Fleur de Rhe-Philippe (C)	: 1
Cllr Fred Westmoreland (C)	: 1
Cllr Gavin Grant (LD)	: 1
Cllr George Jeans (Ind)	: 1
Cllr Gordon King (LD)	: 1
Cllr Graham Wright (Ind)	: 1
Cllr Hayley Illman (LD)	: 1
Cllr Howard Greenman (C)	: 1
Cllr Ian Blair-Pilling (C)	: 1
Cllr Ian McLennan (Lab)	: 1
Cllr Ian Thorn (LD)	: 1
Cllr Jacqui Lay (C)	: 1
Cllr James Sheppard (C)	: 1
Cllr Jane Davies (C)	: 1
Cllr Jerry Kunkler (C)	: 1
Cllr Jim Lynch (LD)	: 1
Cllr John Smale (C)	: 1
Cllr John Thomson (C)	: 1
Cllr Johnny Kidney (C)	: 1
Cllr Jon Hubbard (LD)	: 1
Cllr Jonathon Seed (C)	: 1
Cllr Jose Green (C)	: 1
Cllr Laura Mayes (C)	: 1
Cllr Mark Connolly (C)	: 1
Cllr Mary Champion (C)	: 1
Cllr Mary Douglas (C)	: 1
Cllr Melody Thompson (C)	: 1
Cllr Mike Hewitt (C)	: 1
Cllr Nick Murry (Ind)	: 1
Cllr Pat Aves (LD)	: 1
Cllr Paul Oatway QPM (C)	: 1
Cllr Pauline Church (C)	: 1

21/05/2019

12:14:02

Voting 6/6 - Vote - 21/05/2019 12:13:46

Cllr Peter Evans (C)	: 1
Cllr Peter Fuller (C)	: 1
Cllr Peter Hutton (C)	: 1
Cllr Philip Alford (C)	: 1
Cllr Philip Whalley (C)	: 1
Cllr Philip Whitehead (C)	: 1
Cllr Pip Ridout (C)	: 1
Cllr Richard Britton (C)	: 1
Cllr Richard Clewer (C)	: 1
Cllr Richard Gamble (C)	: 1
Cllr Ricky Rogers (Lab)	: 1
Cllr Robert Yuill (C)	: 1
Cllr Ross Henning (LD)	: 1
Cllr Roy While (C)	: 1
Cllr Russell Hawker (Ind)	: 1
Cllr Ruth Hopkinson (LD)	: 1
Cllr Sarah Gibson (LD)	: 1
Cllr Simon Jacobs (C)	: 1
Cllr Stephen Oldrieve (LD)	: 1
Cllr Stuart Wheeler (C)	: 1
Cllr Sven Hocking (C)	: 1
Cllr Toby Sturgis (C)	: 1
Cllr Tony Deane (C)	: 1
Cllr Tony Jackson (C)	: 1
Cllr Tony Trotman (C)	: 1
Cllr Trevor Carbin (LD)	: 1
No	: 0
Abstained	: 0

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Wiltshire Council

Full Council

9 July 2019

Subject: Avon Mutual Bank – Development of a Regional Mutual Bank

Cabinet Member: Cllr Philip Whitehead - Cabinet Member for Finance, Procurement, ICT and Operational Assets

Key Decision: Key

Executive Summary

Local authorities have a role to play in shaping regional financial services as part of their policies and partnerships to support residents, develop local economies and meet their strategic policy objectives of promoting economic development, supporting small and medium-sized enterprises' (SMEs) business growth and improving financial inclusion. A growing number of local authorities are now investing in community banks, challenger banks and supporting microfinance and other initiatives outside the mainstream financial services sector to help meet their local priorities.

Wiltshire now has the opportunity to support the setting up of a regional bank for the wider Avon region, alongside the other local authorities in the region. Avon Mutual estimates that it needs to raise around £2million and it is asking Local Authorities across the region to support its establishment with capital funding before it applies for a banking license from the Financial Conduct Authority (FCA).

The Community Savings Bank Association (CSBA) was established in 2015 to apply international best practice to creating a network of 18 co-operative regional banks in the UK. The CSBA has invested in creating the IT, regulatory and operating infrastructure necessary to start a bank. Supplier agreements are in place for core banking, ATM and payments systems, accounting, regulatory and card services significantly reducing the risk and investment required to establish a regional bank.

This report was considered by Cabinet on 2 July 2019 and its decision will be reported in the Council Supplement.

Proposal

To consider the giving of a grant of £0.050m to support the funding of the initial process to accreditation by the FCA.

Reasons for Proposal

In general, the operation of Avon Mutual Bank in the County would align with strategic priorities and support the local authority's existing policy objectives with regard to social mobility, supporting vulnerable people and supporting the growth of businesses across the County. The operation of a mutually owned bank would be a means to reduce the problems of financial exclusion for households and extend the availability of loans and finance to small and micro-companies which presently struggle to access sufficient finance from mainstream banks. In addition, an initial analysis suggests that there would be social and fiscal benefits.

One of the main characteristics of financial exclusion is having no bank account and no access to the financial services which are provided through it. It should also be noted that not having a bank account will affect a person's ability to get a job, arrange accommodation, pay bills and prove their identity. In particular, those claiming Universal Credit will need to have a bank account. A consequence of not having a bank account and financial exclusion is that those households could pay a 'poverty premium' because they have to pay more for accessing basic financial products and services as well as higher costs for paying for energy and insurance. The most recent research estimates that the average cost which poor families bear in acquiring cash and credit, and in purchasing goods and services, can amount to a 'poverty premium' of around £490 a year with the most affected experiencing a poverty premium of £750 a year. To poor households these are significant sums. People on low incomes must often rely on 'sub-prime' credit or high-cost mail order at higher rates of interest because they cannot access mainstream financial services.

In terms of the impact of SMEs and the economy, only 2-3% of total bank lending in the UK goes to SMEs despite SMEs accounting for 99.9% of all businesses, 60% of employment, and 40% of annual GDP in the UK. Lower rates of SME lending correlate with higher rates of SME failure. Local regional banks with decision making autonomy and local knowledge have an advantage and thus are able to lend far more to SMEs.

Restoration of the trust in banks since the financial crisis is key to ensuring that businesses and consumers have the confidence to seek access to finance that they require to make the most of economic opportunities. The Avon Mutual Bank's model redresses this as the customers are also the shareholders thus the Board is directly accountable to the customers.

Alistair Cunningham – Executive Director, Growth, Investment and Place

Wiltshire Council

Full Council

9 July 2019

Subject: Avon Mutual Bank – Development of a Regional Mutual Bank

Cabinet Member: Cllr Philip Whitehead - Cabinet Member for Finance, Procurement, ICT and Operational Assets

Key Decision: Key

Purpose of Report

1. Local authorities have a role to play in shaping regional financial services as part of their policies and partnerships to support residents, develop local economies and meet their strategic policy objectives of promoting economic development, supporting small and medium-sized enterprises' (SMEs) business growth and improving financial inclusion. A growing number of local authorities are now investing in community banks, challenger banks and supporting microfinance and other initiatives outside the mainstream financial services sector to help meet their local priorities.
2. Wiltshire now has the opportunity to support the setting up of a regional bank for the wider Avon region, alongside the other local authorities in the region. Avon Mutual estimates that it needs to raise around £2million and it is asking Local Authorities across the region to support its establishment with capital funding before it applies for a banking license from the Financial Conduct Authority (FCA).

Background

3. Until recently it has been complex to set up a regional mutual bank. The Community Savings Bank Association (CSBA) was established in 2015 to apply international best practice to creating a network of 18 co-operative regional banks in the UK. The CSBA has invested in creating the IT, regulatory and operating infrastructure necessary to start a bank. Supplier agreements are in place for core banking, ATM and payments systems, accounting, regulatory and card services significantly reducing the risk and investment required to establish a regional bank.
4. The Avon Mutual Bank is a mission led community wealth building institution promoting sustainable and equitable prosperity for the West of England. The bank will be the first customer owned regionally focussed full service bank serving people of ordinary means, community groups, SMEs and social enterprises.
5. The business model will be based upon 9 main branches and 21 satellite branches, employing 92 FTE staff. A full range of services will be offered competing with high street banks, the main branches will act as sub regional hubs, with Branch Directors having autonomy over lending and being the anchor for local relationships and knowledge. The 21 high tech satellite branches give access to all the same services

as the main branches and operate on a 24/7 basis. It is intended that the satellite branches will be co located with community facilities. Multi-channel access to products and services by web online banking and banking app for mobile and tablet devices will be available.

Personal Banking

6. The current account offer will be fixed and transparent with a simple membership fee with no further bank charges being applied, interest will be paid to customers on whole combined balances across accounts, including the current accounts. To support more disadvantaged customers, budgeting tools will be available including analysis of expenditure and visualisations and “jam jar” functionality to improve control over finances.
7. The Bank can offer a current account without requiring a minimum income or a credit check, those customers currently excluded from current accounts with the high street banks will have access to bank accounts thus avoiding the high poverty premium as a result.

SMEs

8. Small and medium businesses deposit more than they borrow, a key advantage of Avon Mutual bank is that it pays interest on current account balances with a transparent monthly fee of £10. There are no complex additional charges such as paying in of cash and the monthly fee funds the provision of branch services which many SMEs rely upon for cash banking facilities.
9. For SMEs the ability to offer loans is important, the business model for the bank offers relationship banking and a local branch model which gives competitive advantage and development of local knowledge. It is important to note that the main credit facility for SMEs is an overdraft facility which can only be provided directly by banks rather than credit unions or loan funds.

Social Impact

10. Avon Mutual is a mission led bank with financial inclusion built into its structure and constitution, part of the bank’s ethos is to identify, target and report on their economic, social and environmental impacts. The bank will work with stakeholders to understand strategic priorities and how they can contribute to their targets and develop measures that are specific and appropriate for the needs of the region.
11. For individuals these may include reduced poverty premium, improved budgeting ability, lower debt costs and active savings.
12. In terms of SMEs these may include increased local spending, employment growth, wage growth and increased access to branches.

Safeguarding Implications

13. None

Public Health Implications

14. None

Corporate Procurement Implications

15. None

Equalities Impact of the Proposal (detailing conclusions identified from Equality Analysis, sections 4 and 5)

16. There are positive equality impacts from this initiative as this promotes financial inclusion for residents who currently do not have access to bank accounts

Environmental and Climate Change Considerations

17. None

Risk Assessment

18. There is a risk that the Mutual Bank will not achieve FCA accreditation, however this is not considered a high risk as there are already a number of successful Mutual Banks that are already in operation and the CBSA has put in place the mechanics for setting up Mutual banks.

19. As this is a grant rather than an investment there are none of the risks associated with securitisation of such investments.

Risks that may arise if the proposed decision and related work is not taken

20. Residents will continue to be disadvantaged where they are unable to access bank accounts with national banks

21. SMEs will not be able to access funding from national banks which will increase the failure rate of such organisations

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

22. There is a risk that the Mutual Bank will not achieve FCA accreditation, however this is not considered a high risk as there are already a number of successful Mutual Banks that are already in operation and the CBSA has put in place the mechanics for setting up Mutual banks.

23. As this is a grant rather than an investment there are none of the risks associated with securitisation of such investments.

Financial Implications

24. The grant of £0.050m is a one-off payment which is to be funded from the Revenue Grant Reserve.

Legal Implications

25. The local authority has the power under the 2000 Local Government Act to promote the economic and social wellbeing of the borough, enabling it to support initiatives which support economic regeneration and development.

Workforce Implications

26. There are no workforce implications

Options Considered

27. The following options have been considered:

1. No grant funding – this would risk the ability of the Mutual Bank to achieve FCA accreditation
2. Grant funding – the proposed £0.50m is in line with other Local Authorities in the region and supports the development of the Bank to FCA accredited status
3. Investment funding – this would take the form of a share purchase which would attract a financial return of 7.5%. This is not proposed as the new government regulations require securitization of any such investment of public monies which is not possible at this stage as there is no asset to securitise the investment on. This could be a consideration once FCA accreditation is successfully achieved by the Mutual Bank.

Conclusions

28. Grant funding is the appropriate type of funding at this stage to support the development of the Mutual Bank to achieve FCA accreditation

Proposals

29. To consider the giving of a grant of £0.050m to support the funding of the initial process to accreditation by the FCA.

Reasons for Proposals

30. In general, the operation of Avon Mutual Bank in the County would align with strategic priorities and support the local authority's existing policy objectives with regard to social mobility, supporting vulnerable people and supporting the growth of businesses across the County. The operation of a mutually owned bank would be a means to reduce the problems of financial exclusion for households and extend the availability of loans and finance to small and micro-companies which presently struggle to access sufficient finance from mainstream banks. In addition, an initial analysis suggests that there would be social and fiscal benefits.
31. One of the main characteristics of financial exclusion is having no bank account and no access to the financial services which are provided through it. It should also be noted that not having a bank account will affect a person's ability to get a job, arrange accommodation, pay bills and prove their identity. In particular, those claiming Universal Credit will need to have a bank account. A consequence of not having a bank account and financial exclusion is that those households could pay a 'poverty premium'

because they have to pay more for accessing basic financial products and services as well as higher costs for paying for energy and insurance. The most recent research estimates that the average cost which poor families bear in acquiring cash and credit, and in purchasing goods and services, can amount to a 'poverty premium' of around £490 a year with the most affected experiencing a poverty premium of £750 a year. To poor households these are significant sums. People on low incomes must often rely on 'sub-prime' credit or high-cost mail order at higher rates of interest because they cannot access mainstream financial services.

32. In terms of the impact of SMEs and the economy, only 2-3% of total bank lending in the UK goes to SMEs despite SMEs accounting for 99.9% of all businesses, 60% of employment, and 40% of annual GDP in the UK. Lower rates of SME lending correlate with higher rates of SME failure. Local regional banks with decision making autonomy and local knowledge have an advantage and thus are able to lend far more to SMEs.
33. Restoration of the trust in banks since the financial crisis is key to ensuring that businesses and consumers have the confidence to seek access to finance that they require to make the most of economic opportunities. The Avon Mutual Bank's model redresses this as the customers are also the shareholders thus the Board is directly accountable to the customers.

Alistair Cunningham
Executive Director – Growth, Investment and Place

Report Author: Becky Hellard, Director of Finance and Procurement

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Wiltshire Council

Full Council

9 July 2019

Proposed Changes to the Constitution – Protocol 4

Summary

This report sets out proposed changes to Protocol 4 of the Constitution.

Proposal

That Full Council approve the proposed changes to Protocol 4 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)

Proposed Changes to the Constitution – Protocol 4

Purpose of Report

1. This report asks Full Council to consider recommendations of the Standards Committee in relation to the following:
 - Protocol 4 of the Constitution: Planning Code of Good Practice

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 5 September 2018, 24 May 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 its meeting on 26 June 2019.
5. The relevant minutes of the Standards Committee and Focus Group meetings can be found at **Appendix 1**.

Main Considerations

Protocol 4 of the Constitution

6. Following the final report of the Planning Committee Systems Task Group, the Overview and Scrutiny Management Committee resolved at its meeting on 5 June 2018 to endorse a series of recommendations relating to the operation of the council's planning committees and associated matters.
7. One of those recommendations was that the arrangements in place for site visits by the Southern Area Planning Committee should be adopted across all the planning committees. This arrangement was not consistent with the arrangements as set out in Protocol 4 of the Constitution, and the matter was referred to the Focus Group, with proposed wording to give effect to the recommendation agreed with the Chairman of the Planning Committee Systems Task Group and the Cabinet Member for Spatial Planning, Development Management and Property.
8. At its meeting on 5 September 2018 the Focus Group considered the proposal and were broadly content with the wording., However it was felt that sections of the main protocol needed revision and that, therefore, any change should await a wider review of the protocol as a whole to ensure it was comprehensive, consistent and cohesive.

9. The Focus Group therefore met on 24 May 2019 and 14 June 2019 to discuss a proposed revision of the Protocol. The Chairmen of all Area Planning Committees and the Strategic Planning Committee, and the Cabinet Member for Spatial Planning, Development Management and Property, were invited to attend the meeting to discuss any proposals.
10. The proposed changes include:
 - updates to reflect legislative and procedural changes;
 - enhancing guidance to support and assist members in discharging their planning responsibilities;
 - updating the site visit rules;
 - simplifying the public participation arrangements; and
 - providing greater emphasis on matters that must be considered when making determinations.
11. The Focus Group over its meetings asked for a series of changes including:
 - to provide greater clarity on the applicability of the Code in relation to member involvement in enforcement matters;
 - consistent referencing;
 - clarity in relation to what constituted a material interest and relevant non-pecuniary interests;
 - advice to be taken by members before participating in a personal capacity;
 - strengthening of sections on predetermination and bias, and how this related to meetings with parties to the development; and
 - highlighting that a refusal by a member to attend relevant planning training could render decisions of a committee open to potential successful legal challenge.
12. As a great deal of the Protocol has been retained but re-ordered, a schedule of the proposed changes is set out at **Appendix 2**. The protocol itself would be reformatted and renumbered in accordance with the Standards Committee's request for standardisation of presentation of the Constitution. The public speaking note would not form part of the main Protocol.

Safeguarding Implications

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

Equalities Impact of the Proposal

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

Risk Assessment

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

Financial Implications

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

Legal Implications

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

Public Health Impact of the Proposals

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

Environmental Impact of the Proposals

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

Proposal

20. **That Full Council approve the revisions to Protocol 4 of the Constitution.**

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

None

Appendices

Appendix 1 – Minutes extracts of the Constitution Focus Group: 5 September 2018, 24 May 2019 and 14 June 2019 and Standards Committee on 26 June 2019.

Appendix 2 – Revised Protocol 4 – Schedule of changes

APPENDIX 1A - CONSTITUTION FOCUS GROUP

MINUTES EXTRACT OF THE CONSTITUTION FOCUS GROUP MEETING HELD ON 5 SEPTEMBER 2018 AT THE RUDMAN ROOM - COUNTY HALL, TROWBRIDGE, BA14 8JN.

33 Protocol 4: Planning Code of Good Practice

The Focus Group considered a report detailing proposed changes to Protocol 4 in relation to Site Visits, following a recommendation endorsed at Overview and Scrutiny Management Committee, accepted by the Cabinet Member. The Cabinet Member and the Chairman of the Planning Committee Systems Task Group, who had proposed the change in procedure to allow site visits to be arranged prior to a committee meeting, had both approved the proposed wording.

The Focus Group considered the proposal, and after discussion were happy with the proposed wording subject to removing references to site visits being made 'very exceptionally'. However, it was also felt that sections of the wider protocol were in contradiction with each other, and therefore any proposed changes to the section on site visits should await a wider review of the whole protocol to ensure all parts were consistent.

Resolved:

To request that a review of the entirety of Protocol 4 take place before any changes to the Site Visit arrangements be recommended.

MINUTES EXTRACT OF THE CONSTITUTION FOCUS GROUP MEETING HELD ON 24 MAY 2019 AT NORTH WILTSHIRE ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN

23 Protocol 4 of the Constitution

The Focus Group considered proposed revisions to Protocol 4 of the Constitution, the Planning Code of Good Practice, to improve clarity, enhance procedures and provide improved guidance and protection for members.

The Cabinet Member for Spatial Planning, Development Management and Property had been invited to the meeting, along with the Chairmen of the Strategic Planning Committee and all Area Planning Committees.

The Focus Group considered all the changes in turn, and made comments including but not limited to the following:

- The need for clarity on the applicability of the Code in relation to member involvement with enforcement matters, and a separate procedure for enforcement for the assistance of members;
- Consistent use of 'material' interest rather than 'significant' interest, which was not clear;
- Consistent wording in relation to interests and relevant non-spousal persons;
- It was requested further wording on members speaking in a personal capacity be drafted, in respect of seeking advice before doing so, noting the legal position, and potential contradiction with government guidance;
- Additional wording for nominated stand in for planning call-in and other matters in relation to death or incapacity;
- Requested redrafting on predetermination and bias to strengthen and clarify the position;
- Requested redrafting on sections relating to members meeting parties and referral of any information to planning officers;
- That the Scheme of delegation would need to be reassessed to ensure it aligns with Protocol 4 where necessary;
- Further wording in relation to training, recognising it was not legally possible to prevent someone being appointed to a committee without training, even though this would render decisions of that committee open to potential challenge.
- To ensure substitute members are also invited on site visits

It was agreed these and further changes would be circulated to the Focus Group and planning committee chairmen, and considered at the next meeting.

Resolved:

To consider a further draft of Protocol 4 electronically and at the next meeting.

MINUTES EXTRACT OF THE CONSTITUTION FOCUS GROUP MEETING HELD ON 14 JUNE 2019 AT SALISBURY ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

30 **Protocol 4: Planning Code of Good Practice**

The Focus Group received a revised version of Protocol 4 following their consideration and comments at the meeting on 24 May 2019. The Cabinet Member and Chairmen of the planning committees had been invited to attend the meeting.

The Focus Group made additional comments requesting that ongoing training also be stated to be mandatory within the constitution along with initial training as currently stated. It was noted that Full Council could appoint any member to a committee, but that the lack of proper training of a member could open the

council up to legal challenge, and the Monitoring Officer would need to consider the matter carefully in such a situation, and that Group leaders needed to bear this in mind.

Changes were also sought to avoid confusion between discussions between members and others before an application was submitted, and formal pre-application discussions with planning officers. There were also clarifications sought on when members should seek guidance from the Monitoring Officer, how to draw attention to rules on pecuniary or other relevant interests and the need to provide policy reasons when refusing applications.

The Focus Group agreed a briefing should be made available to all members on the proposals.

Resolved:

To recommend Standards Committee endorse the proposed changes to Protocol 4 to Full Council.

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APPENDIX 1B - STANDARDS COMMITTEE

MINUTES EXTRACT OF THE STANDARDS COMMITTEE MEETING HELD ON 26 JUNE 2019 AT KENNET ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

28 Recommendations from the Constitution Focus Group

Kieran Elliott, Senior Democratic Services Officer, presented a report detailing a series of constitutional changes recommended by the Constitution Focus Group.

It was noted that as a result of changes to the legal status of the Swindon and Wiltshire Local Enterprise Partnership, and subsequent decision by the Leader of the Council and their counterpart in Swindon Borough Council, the Joint Strategic Economic Committee terms of reference and authority would be removed from the Constitution and reported to Full Council. This would affect Part 3C Scheme of Delegation (Executive Arrangements) and Part 2 Schedule 1, Committee Structure.

Details were also reported on the ongoing work to update the formatting and numbering of the Constitution to ensure consistent presentation, under the authority delegated to the Monitoring Officer under Article 15.3.2 of Part 2 of the Constitution.

The Committee then discussed the series of changes proposed in relation to Protocol 12, Part 3B, and associated documents in relation to arrangements for dealing with Code of Conduct complaints. This followed an initial report to the Committee at its meeting on 1 May 2019.

The Committee agreed that the proposals to revise the procedure so that the Review Sub-Committee was replaced with a standing Assessment Sub-Committee, which would consider all Code of Conduct complaints, would enhance the role of Members in the process and provide a more efficient process. Queries were raised in relation to the need for complainants to provide sufficient information for a complaint to be considered, and that indicated timescales for stages of the process could be extended by the Monitoring Officer, that this would be limited and only if particular circumstances of the case justified it. It was also noted that, if approved by Full Council, it was recommended the changes come into effect from 1 January 2020 in order for town and parish councils to be informed, and to organise future meetings.

After approving the above changes for onward recommendation, the Committee considered the proposed revisions to Protocol 4 of the Constitution, Planning Code of Good Practice. It was noted that the revision process had begun following a recommendation relating to site visit procedures from an overview

and scrutiny task group. The Focus Group had considered the overall protocol was also in need of review and considered revisions to the entire protocol.

It was explained that all planning committee chairmen and the relevant Cabinet Member had been invited to attend the meetings of the Focus Group which had considered the revised protocol to contribute to its development.

Details were provided of proposed revisions, including additional detail on member responsibilities, bias and predetermination, planning committee training, legislative and procedural updates and other changes.

The Committee discussed the proposed revisions at length, in particular in relation to declaration of non-pecuniary interests and at what level these should be declared and whether the member should at that point seek advice on whether to participate or vote upon an application. Some members considered that reference to material interests in an application lacked appropriate definition, whereas others considered the phrase had an accepted ordinary meaning indicating that not all interests should require a member seeking advice or not participating, but that a certain level of interest would require this. After debate, it was agreed to retain the wording as detailed in the agenda papers.

At the conclusion of discussion, it was,

Resolved:

- 1) To recommend Full Council approve the revisions to Protocol 12 and Part 3B of the Constitution in relation to the arrangements for dealing with Code of Conduct complaints, such revised arrangements to take effect from 1 January 2020 after town and parish councils have been informed of the changes.**
- 2) That, subject to Council's approval of the revised arrangements, the Standards Committee adopt the proposed revisions to the Assessment Criteria and Assessment Sub-Committee procedure.**
- 3) To recommend Full Council approve the proposed revisions to Protocol 4 of the Constitution.**
- 4) To note the changes to Part 3C of the Constitution which are expected to be reported to the next meeting of Full Council in relation to the Joint Strategic Economic Committee.**
- 5) To note the ongoing updates to the Constitution by the Monitoring Officer under Article 15.3.2 of Part 2 delegated authority.**

Protocol 4 – Schedule of proposed amendments

Original Wording	Proposed Wording	Comment
<p>1. Why a ‘Code of Good Practice’ is required</p> <p>1.1. As a local councillor you will inevitably be involved in planning matters; as a councillor representing your division’s constituents; as a councillor responsible for overseeing the planning framework for Wiltshire, or as a councillor responsible for deciding planning applications at an area or strategic planning committee. You will have a crucial role to play in both making the planning system work and ensuring the best possible outcomes for the community, both now and in the future.</p> <p>1.2. The key purpose of planning is to manage development in the public interest. However, concerns are sometimes expressed about the probity of councillors meeting developers, applicants and interest groups and then taking decisions on an impartial basis. The aim of this code of good practice is to ensure that in the planning process in</p>	<p>1. The purpose of this Code of Good Practice is to give advice to Members that will preserve the integrity of the Planning system as open and fair to all parties, whilst avoiding rigid and overbearing procedural rules</p>	<p>Excess wording removed to make the point more succinct</p>

Wiltshire there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way. Your role as a member of the council is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons. This Code of Good Practice has been prepared to help and guide you in this task.

2. When the Code of Good Practice applies

2.1. This code applies to councillors at all times when involving themselves in the planning process. This includes not just the taking part in the planning committee meetings of the council, but on less formal occasions, such as meetings with officers, the public, parish/town/city councils and preapplication and consultation meetings. It applies equally to planning enforcement matters or site-specific policy issues as it does to planning applications.

2.2. If you have any doubts about the application of this Code or Wiltshire Council's Code of Conduct for

2. When the Code of Good Practice applies

2.1 This code applies at all times when Members are involved in the planning process, including

- As a Member representing your division's constituents
- As a Member responsible for overseeing the planning framework for Wiltshire; or
- As a Member responsible for

Bullet points added for ease of reference

<p>Members to your own circumstances, and in particular where you may have a disclosable pecuniary interest in any planning matter, you should seek advice early, from the Monitoring Officer or one of his/her staff, and preferably well before any meeting takes place.</p> <p>2.3. This code is based upon the 'Model Members Planning Code' adopted by the Association of Council Secretaries and Solicitors in 2003 (updated in 2007). The Model Code was produced following consultation with the Standards for England, the Local Government Ombudsman and the Audit Commission but has been updated to take account of the clarification of the predetermination rules and the new standards regime introduced by the Localism Act 2011.</p> <p>3. Relationship to Wiltshire Council's Members Code of Conduct</p> <p>3.1. The Members' Code of Conduct must be complied with at all times when you are acting in your capacity as a member or co-opted member.</p>	<p>deciding planning applications at an area or strategic planning committee</p> <ul style="list-style-type: none"> • Planning enforcement matters • Involvement in local and neighbourhood plans • Occasional involvement in appeals <p>https://www.local.gov.uk/Pas-probity-planning</p> <p>3. Relationship to Wiltshire Council's Members' Code of</p>	<p>Link added for ease of reference</p>
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<p>This Planning Code of Good Practice seeks to explain and supplement the Members' Code of Conduct for the purposes of planning. It provides helpful guidance for members. However, you are advised that if you do not abide by this Code of Good Practice, you may put the council at risk of proceedings on the legality of the related decision or a complaint of maladministration to the Local Government Ombudsman, and yourself at risk of a complaint under the Members' Code of Conduct.</p> <p>3.2. In the event of a conflict between this Planning Code of Good Practice and the Members' Code of Conduct the latter will prevail.</p>	<p>Conduct</p> <p>3.1 The Members' Code of Conduct must be complied with at all times when you are acting in your capacity as a Member. This Planning Code of Good Practice constitutes guidance for Members of Planning Committees. However, you are advised that if you do not abide by this Code of Good Practice, you may put the Council at risk of proceedings on the legality of any related decision or a complaint of maladministration to the Local Government Ombudsman, and yourself at risk of a complaint under the Members' Code of Conduct. http://www.wiltshire.gov.uk/complaints-members-code-of-conduct</p> <p>3.2 In the event of a conflict between this Planning Code of Good Practice and the Members' Code of Conduct the latter will prevail.</p> <p>If you have any doubts about the application of this Code or Wiltshire Council's Code of Conduct for Members to your</p>	<p>Emphasis on guidance status of protocol rather than a supplement to the code of conduct</p> <p>Link added for ease of reference</p> <p>Note re advice from Monitoring Officer. Link to note from PAS on member interests</p>
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	<p>own circumstances, and in particular where you may have a disclosable pecuniary interest in any planning matter, you should seek advice early from the Monitoring Officer or one of his/her staff, and preferably well before any meeting takes place.</p> <p>https://www.local.gov.uk/sites/default/files/documents/members-interests-bias-an-533.pdf</p>	
<p>4. Development proposals and interests under the Members' Code of Conduct</p> <p>4.1. It is a fundamental point of principle that those who have a significant interest in the outcome of a planning decision should not take part in the decision making process, for example, Members may wish to make their own planning proposals, such as extending their own property. Members should disclose the existence and nature of their interest at any relevant meeting, including informal meetings or discussions with officers and other</p>	<p>4. Development proposals and interests under the Members' Code of Conduct</p> <p>4.1 It is a fundamental point of principle that those who have a material interest in the outcome of a planning decision should not take part in the decision-making process. Members should disclose the existence and nature of their interest at any relevant meeting, including informal meetings or discussions with officers and other Members. Such interests should also be declared at the start of the meeting.</p>	<p>Wording about members' own planning applications removed as this is inserted at 4.4 below</p>

<p>members. Such interests should be declared at the start of the meeting.</p> <p>4.2 The requirements for the registration and declaration of interests are set out in Wiltshire Council's Members' Code of Conduct and in the underlying legislation contained in the Localism Act 2011, and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. You should be aware that failure to comply with the requirements relating to disclosable pecuniary interests without reasonable excuse could result in prosecution.</p> <p>4.3 If you have a disclosable pecuniary interest in any planning matter you must not participate in any discussion of the matter or vote on it at the meeting of the Committee unless you have obtained a dispensation from the Standards Dispensation Sub-Committee. In addition you should:</p> <ul style="list-style-type: none"> • Consider employing an agent to act on your behalf in dealing with officers and any public speaking at Committee (although you may 	<p>In the event of a member having any material interest or the application concerns a property in the vicinity of their own property then the member should seek guidance from the Monitoring Officer</p> <p>4.2 The requirements for the registration and declaration of interests are set out in Wiltshire Council's Members' Code of Conduct and in the underlying legislation contained in the Localism Act 2011, and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. http://www.legislation.gov.uk/uksi/2012/1464/made</p> <p>4.3 If you have a disclosable pecuniary interest in any planning matter you must not participate in any discussion of the matter or vote on it at the meeting of the Committee unless you have obtained a dispensation from the Standards Dispensation Sub-Committee. In addition, you should:</p>	<p>Link to DPI regulations. Note that interests also apply to spouses, civil partners and people living together a husband and wife. In addition WC's own guidance in 3D of the Constitution goes further than the DPI regulations by also including other family members</p>
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<p>participate as and to the same extent as a member of the public);</p> <ul style="list-style-type: none"> • Ask another elected member to represent division views¹; • Not participate in the processing of the application or the making of any decision on the matter by the Council; • Not seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment because of your position as a councillor • Withdraw from the meeting in your capacity as a councillor when business relating to your interest is being considered. <p>Your proposal will not be dealt with by officers under delegated powers if a valid planning objection to it is received. Where this happens it will be reported to a committee for a decision.</p> <p>¹ It is acceptable for councillors to nominate a substitute(s) to undertake their planning responsibilities, including</p>	<p>4.3.1 Consider employing an agent to act on your behalf in dealing with officers and any public speaking at Committee (although you may participate as and to the same extent as a member of the public);</p> <p>4.3.2 Ask another elected member to represent division views;</p> <p>4.3.3 Not participate in the processing of the application or the making of any decision on the matter by the Council;</p> <p>4.3.4 Not seek or accept any preferential treatment or place yourself in a position that could lead the public to think you are receiving preferential treatment because of your position as a Member.</p> <p>4.3.5 Withdraw from the meeting in your capacity as a Member when business relating to your interest is being considered.</p> <p>http://www.wiltshire.gov.uk/part_03 <u>C -</u></p>	<p>Points reordered</p>
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application 'call-in', if they have a conflict of interest or during periods of absence such as holidays or illness. In the case of death, the Chairman will nominate a stand in.

[scheme of delegation planning . pdf](#)

4.4 It is acceptable for councillors to nominate an alternative member to undertake their planning responsibilities, including application 'call-in', if they have a conflict of interest or during periods of absence such as holidays or illness. In the case of death or incapacity the group leader will nominate a stand in in consultation with the relevant Chairman.

5. Your role as a Member of the Planning Authority [NB taken from para 1.2 of the existing code]

5.1 To ensure that planning decisions are made openly, impartially, with sound judgment and for justifiable planning reasons.

Link attached for ease of reference

Moved from a footnote.

		<p>Added as a standalone para</p>
<p>5. Bias and Predetermination [NB this has been moved to Section 9 in the amended document]</p> <p>5.1 A planning decision may be challenged and ruled unlawful on the ground of bias. The test is whether a fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the member was biased. In particular, under the Council's Code of Conduct for Members, bias would occur if you place yourself under a financial or other obligation to third parties that</p>	<p>6. The purpose of the Planning system [NB this is a new para]</p> <p>6.1 Planning has a positive and proactive role to play at the heart of local government in Wiltshire:</p> <ul style="list-style-type: none"> • It helps the Council to stimulate growth whilst looking after important environmental assets. • It can help translate goals into action • It balances social, 	<p>Added as a standalone para</p>

might seek to influence you in the performance of your official duties.

5.2 The integrity of and public support for the planning process relies on members of planning committees making decisions that are open, transparent and above board. To participate in decision-making on planning matters, it is essential that you do not have a closed mind and that you make your final decision only when you have seen and heard all the evidence and arguments presented, including the Officer's report and representations on both sides. The Localism Act has helpfully clarified the rules on predetermination. Predetermination occurs where someone has a closed mind so that they are unable to apply their judgment fully and properly to the issue requiring a decision. This can lead to legal challenges and decisions being set aside.

The Act makes it clear that a member is not deemed to have had a closed mind on an issue just because they have indicated what view they have taken or may take before the issue is decided. A

economic and environmental needs to achieve sustainable development.

6.2 Planning decisions are based on balancing many competing interests and making an informed judgement against a local policy (ie local plan and neighbourhood plan) and national policy framework. The decision-making process is open and transparent. Decisions can be controversial. The risk of controversy and conflict are heightened by:

- the openness of a system which invites public opinion before taking decisions and
- the legal nature of the development plan and decision notices.

In other words, members have to take into account not only relevant planning policy when making decisions but they also have to be aware of the

member is not, for example, prevented from participating in discussion of an issue or voting on it if they have campaigned on the issue or made public statements about their approach to it.

The general position, however, remains that, whatever their views, members must approach their decision-making with an open mind in the sense that they must have regard to all material considerations and must be prepared to change their views if persuaded that they should.

5.3 If you are a member of a Wiltshire Council planning committee and also a member of a parish, town or city council, you can still take part in debates on planning proposals at parish/town/city council meetings, provided that:

- You make it clear **at the meeting** that any views you express are based on the limited information before you only and that you will not in any way commit yourself as to how you or others may vote when the proposal comes before the

legal framework in which the planning system operates.

7. How the Planning system works [NB this is a new para]

- Planning applications registered by the Council are uploaded to the planning pages of the Council's web site, including details of the plans and reports submitted by applicants; representations received by the Council and consultation responses.
- Each week, a list of applications that have been registered by the Council in the week leading up to publication ('the weekly list') is sent to members. This contains a description of the proposal, including its location and the name of the Planning Officer handling the application.
- The Council receives over

Brief rundown of procedure

<p>Wiltshire Council Planning Committee;</p> <ul style="list-style-type: none"> You make it clear that you must reserve judgement and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that parish, as and when it comes before the Committee and you hear all of the relevant information; When the development proposal comes up for consideration at a Wiltshire Council Planning Committee, you should disclose your interest regarding your membership or role at the town/city or parish council. <p>6. Contact with applicants, developers and objectors [NB see paragraph 10 of the amended document]</p> <p>6.1. As a community leader and local representative you will want to be involved in relevant public meetings, pre-application discussions and policy</p>	<p>5,000 planning applications each year. To deal with this workload as efficiently and effectively as possible, the vast majority of these are dealt with by planning officers under delegated powers.</p> <p>The Scheme of Delegation to Officers (Part D3 of the Constitution) http://www.wiltshire.gov.uk/p_art_03_c_-_scheme_of_delegation_planning.pdf is part of the Council's Constitution and sets out the remits of the Strategic Planning Committee and Area Planning Committees and the rules relating to referring applications to a planning committee.</p> <p>- However, as a Member, you can request that a planning application in your division be referred to a planning committee and not be dealt with under delegated powers. This is known as a 'call-in' and is dealt with in Section 12.2 –</p>	
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<p>development. You can involve yourself as a councillor in discussions with developers and others about planning matters provided you keep to the following guidelines:</p> <ul style="list-style-type: none"> • Where developers organise a public exhibition or display of their proposals, it is acceptable for you to visit to examine the proposals and ask questions of the developers to ensure that you are fully informed of the nature of the proposals. You may feed in your own and your local community's concerns and issues and engage in discussion. However, irrespective of any position adopted in advance of a planning meeting you must have and be seen to have an open mind at the point of decision-making and base your decision on the information available at that time. • Pre-application meetings with developers or prospective applicants may be a positive way of engaging the developer to seek to ensure that community needs are met. However, if approached, you should refer any requests for such a meeting to an officer of the 	<p>12.6 below. There are a few exceptions, such as tree applications, that cannot be called-in and these are set out the scheme of Delegation [link]</p> <p>8. Procedure if the application is decided at committee [link to committee procedure]</p> <p>9. Bias and Predetermination [NB this is para 5 in the existing protocol]</p> <p>9.1 Members of a planning committee need to avoid any appearance of bias or of having predetermined their views before taking a decision on a planning application. This is because a planning decision may be challenged and ruled unlawful on the ground of bias. The test is</p> <p><i>whether a fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the Member was biased.</i></p>	<p>Link to list of applications that can't be called in</p> <p>Rundown of order of procedure at committee,</p>
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Development Service. The officer(s) will then organise the meeting and ensure that those present are advised from the start that the discussions will not bind the authority to any particular course of action and that the meeting is properly recorded.

- Refer those who approach you for planning, procedural or technical advice to officers;
- Advise those looking for policy guidance to examine the policies in adopted local plans and the Local Development Framework;
- Avoid meeting developers alone or putting yourself in a position where you appear to favour a person, company or group.

7. Lobbying and councillors **[NB see para 11 of proposed amendment]**

7.1. Lobbying is recognised as a normal and proper part of the political process. However, it is important for members to protect their impartiality and integrity in planning matters. You will not breach this Code of Good Practice

In particular, under the Council's Code of Conduct for Members, bias would occur if you place yourself under a financial or other obligation to third parties that might seek to influence you in the performance of your official duties.

9.2 The integrity of and public support for the planning process relies on members of planning committees making decisions that are open, transparent and above board. To participate in decision-making on planning matters, it is essential that you ***do not have a closed mind and that you make your final decision only when you have seen and heard all the evidence and arguments presented, including the Officer's report and representations on both sides.***

9.3 The Localism Act sets out the rules on predetermination. <http://www.legislation.gov.uk/ukpga/2011/20/section/25/enacted>

Predetermination occurs where someone has a closed mind so that

Link to Section 25 Localism Act 2011

by listening to or receiving viewpoints from residents or other interested parties provided that you make it clear that your final position will be determined at the end of the planning process when you are aware of all of the material considerations. Councillor's attention is drawn to the following advice:

- Do not place yourself under a financial or other obligation to any person involved or affected by a planning proposal;
- Pass a copy of any lobbying correspondence that you receive to the relevant Development Control Area Team Manager or the case officer at the earliest opportunity;
- Do not pressurise or lobby officers for a particular recommendation;
- Promptly refer to the Development Control Area Team Manager any offers made to you of planning gain or constraint of development, through a Section 106 Planning Obligation or otherwise;

they are unable to apply their judgment fully and properly to the issue requiring a decision. This could, for example, occur where a member clearly expresses an intention to vote in a particular way before a meeting. This can lead to legal challenges and planning decisions being set aside.

9.4 The Act makes it clear that a member is not deemed to have had a closed mind on an issue where they make it clear that they are willing to listen to all considerations presented at the committee before deciding on how to vote. A member may not, for example, be automatically prevented from participating in discussion of an issue or voting on it if they have made public statements about their approach to it. Advice should be sought from the Monitoring Officer in these circumstances.

9.5 The general position, however, remains that, whatever their views, Members must approach their decision-making with an open mind in the sense that they must have regard to all **material**

<p>• Inform the Monitoring Officer where you feel that you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality) who will in turn advise the appropriate officers to follow the matter up.</p> <p>• Political Groups should never dictate how Members should vote on a planning issue and members should not excessively lobby fellow councillors regarding concerns or views, nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.</p> <p>7.2. Can I remain a member of an amenity society when it makes representations on planning matters? [NB – please see para 11.3 of the proposed guidance]</p> <p>There are many general interest groups who concentrate on issues beyond particular planning proposals. These include bodies such as the National Trust; CPRE; Wiltshire Archaeology and Natural History Society; Ramblers</p>	<p>considerations (a summary of these can be found at https://www.planningportal.co.uk/aqs/faq/4/what-are-material-considerations)</p> <p>and must be prepared to change their views in light of all the information presented at the meeting if persuaded that they should.</p> <p>9.6 If you are a Member of a Wiltshire Council planning committee and also a Member of a parish, town or city council, you can still take part in debates on planning proposals at parish/town/city council meetings, provided that:</p> <p>9.6.1 You make it clear at the parish/town or city council meeting that any views you express are based on the limited information before you only and that you will not in any way commit yourself as to how you or others may vote when</p>	<p>Link to short summary of what constitutes a material consideration</p>
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Association; local civic societies. It is acceptable to be members of these societies, provided that an interest is declared when that organisation has made representations on a particular proposal and you make it clear that you have reserved judgement and the independence to make up your own mind on each separate proposal. However, if you become a member of or lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals, you will have to ensure that you still have an open mind and will again have regard to all material considerations at the time any decision is made.

8. The role of officers [NB – see para 14 of amended document]

8.1. Officers and members work together to deliver the outcomes that seek to deliver the outcomes that seek to deliver the right development at the right place at the right time, whilst protecting the built and natural environment. It is therefore essential that there is mutual trust and understanding

the proposal comes before a Wiltshire Council planning committee;

9.6.2 You make it clear that you must reserve judgement and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that parish, as and when it comes before the Committee and you hear all of the relevant information;

9.6.3 When the development proposal comes up for consideration at a Wiltshire Council Planning Committee, you should disclose your interest regarding your membership or role at the town/city or parish council.

10. Discussions and contact with applicants, developers and

between officers and members. Officers will advise and assist members in their formulation of planning advice and the determination of applications and will provide:

- Impartial and professional advice;
- Committee reports that include a clear and accurate analysis of the issues

in the context of the relevant development plan and other material considerations; the substance of the representations and views of those who have been consulted and a clear recommendation of action.

Officers will process and determine applications in accordance with the council's code of Conduct for Officers and the Royal Town Planning Institute's Code of Professional Conduct.

9. Decision making [NB – see para 12 of amended document]

9.1 By law, the council has to make decisions in accordance with the Development Plan unless material planning considerations indicate

objectors [NB this is para 6 of the existing protocol]

10.1 Discussions between a potential applicant and the Council can benefit both parties and are encouraged as a way of gathering information. They are not to be seen as a means of influencing members. Whilst potential applicants may seek the professional advice of planning officers in relation to relevant planning policies and material planning considerations, on major applications (sites of ten houses or developments of above 1000 square metres floorspace) officers will always encourage potential applicants to discuss their proposals with the local parish, town or city council before submitting a planning application. Members have an important role to play in such pre-application discussions, bringing your local knowledge and expertise along with an understanding of community views.

10.2 As a community leader and local representative, you may want to be involved in relevant public meetings

otherwise. The National Planning Policy Framework is a material planning consideration.

9.2. As a member, you can request that the relevant planning committee considers a planning application in your division and not be dealt with under delegated powers (although there are a few exceptions, such as tree applications, set out in the Scheme of Delegation). To call-in an application, you need to do this in writing, (an electronic proforma is available for electronic submission), and send it to the relevant area team manager or case officer handling the application. Requests must be received within 21

days of the circulation of the weekly list (but there are some exceptions set out in detail in the Scheme of Delegation to Officers – Part 3B of the Constitution). The proforma must record planning reasons why the committee should deal with the application. (It would be helpful if councillors would contact the case officer prior to call-in to discuss the planning issues involved and whether a call-in is necessary.)

and discussions to help make sure that issues of local concern don't come to light for the first time at a planning committee meeting. You can involve yourself as a Member in discussions with developers and others about planning matters provided you keep to the following guidelines, which also apply to officers:

10.2.1 Where developers organise a public exhibition, or display of their proposals, or arrange a meeting with a parish, town or city council to which you are invited

You can:

- visit/attend to examine the proposals
- ask questions of the developers to ensure that you are fully informed of the nature of the proposals.
- feed in your own and your local community's concerns and issues
- engage in discussion

Following receipt of a request, officers will confirm the action to be taken and keep the member informed when they are ready to make a recommendation.

9.3. While there is a strong presumption that the Division Member's views on call in should prevail, if another Member (i.e. one from a neighbouring division which is affected by the development) thinks an application should go to committee and this is contrary to the view of the local Division Member, it will be open to that member to discuss the application with the Chairman of the committee. Having discussed the application and considered the possible impacts the Chairman will then have the ability to ask for the application to proceed to committee for determination. In the rare event that the application is in the Chairman's own division, the adjoining member can discuss the application with the Director of the service.

9.4 Councillors should arrive at meeting with an open mind and make a decision only after due

provided that you always make it clear that any views you express are personal and provisional and will not bind the Council to making a particular decision if an application is subsequently submitted.

Irrespective of any position adopted in advance of a planning committee meeting you must have and be seen to have an open mind at the point of decision-making and base your decision on the information available at that time

10.2.2 Where developers or prospective applicants approach you for an individual meeting.

You can attend an informal meeting subject to the following caveats:

- avoid giving separate advice on the development plan or material considerations
- avoid being drawn into

consideration of all the information reasonably required to make that decision including any matters reported at the meeting. If you feel that there is insufficient information before you, you should request that further information. If necessary, defer or, if the grounds are adequate, refuse the proposal.

9.5 Site Visits – Councillors will be expected to be familiar with the site and issues surrounding the decision when they arrive at a committee meeting. It is acceptable to visit the site and, if necessary, surrounding properties that may be affected by the proposal, as an individual councillor before the meeting, although councillors should not enter onto a site without the consent of the owner. On no account should councillors express a view on the merits of the application to anyone, including the applicant, owner or any third party. With regard to the Strategic Committee, for major and controversial applications arrangements will exceptionally be made for organised site visits where these are considered necessary.

- negotiations;
- refer those who approach you for planning, procedural or technical advice to officers;
- Advise those looking for policy guidance to examine the policies in adopted local plans, Neighbourhood Plans and the Local Development Framework. These are all available on the Council's website <http://www.wiltshire.gov.uk/planning-policy>
- Avoid putting yourself in a position where you appear to favour a person, company or group.

11 Lobbying and Members [NB – this is para 7 of the existing protocol]

11.1 Lobbying is a normal and proper part of the political process. Those who may be affected by a planning decision will often seek to influence it through an approach to their Division Member or to a member of the planning committee. However, it is important for Members to protect their impartiality and integrity in

Link to Council planning policy

The committee reports and officer presentations should provide ample information for councillors to determine applications. Very exceptionally, councillors at a committee may feel that a site visit is appropriate to assess the implications of the development. In these cases, reasons for the site visit will be provided and consideration of the application should be deferred pending the visit. (The site visit will be arranged by officers and although the owner's permission will be required, there should be no dialogue with members of the public or applicant/owner during the visit.) The application will then be re-listed on the following agenda.

9.6. Public Speaking at Meetings
 [NB see para 12.11 of amended document]

The council has an established procedure in respect of public participation at planning meetings. This should be complied with. In particular, it is not permissible during meetings for members of the public to communicate with councillors

planning matters. **This Code of Good Practice recognises the value of listening to or receiving viewpoints from residents or other interested parties provided that you make it clear that your final position will be determined at the end of the planning process when you are aware of all of the material considerations.**

11.2 Members' attention is drawn to the following advice:

- **Do not** place yourself under a financial or other obligation to any person involved or affected by a planning proposal.
- **Consider** referring any correspondence that you receive to the relevant Development Management Team Leader or the case officer at the earliest opportunity;
 - **Do not** put pressure on or lobby officers for a particular recommendation or decision
 - **Do not** do anything which compromises or is likely to compromise the officer's impartiality or professional integrity;

debating the proposal either orally or in writing, as this may give the appearance of bias.

Consultees and members of the public who wish to speak at a planning meeting, either in favour of or against an application will be asked to register with Democratic Services. Notification can be given in advance of the meeting, but not before the agenda has been published, by contacting the Democratic Services Officer identified on the agenda. However it should be noted that the Democratic Services Officer must receive registrations in person at least ten minutes prior to the meeting; registration will take place on a first come first served basis and if someone fails to register in person the opportunity to speak will be offered to someone else if appropriate. If a large number of speakers wish to speak on an application, Democratic Services will advise them to coordinate their speakers.

Town/parish/city councils will have an individual four minute

- **Do** promptly refer to the relevant Development Management Area Team Leader any offers made to you of planning gain or constraint of development, through a Section 106 Planning Obligation or otherwise; <https://www.gov.uk/guidance/planning-obligations>
- **Do** Inform the Monitoring Officer where you feel that you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality) who will in turn advise the appropriate officers to follow the matter up.
- Planning decisions cannot be made on a party political basis. Political groups should never dictate how Members should vote on a planning issue and Members should not excessively lobby fellow Members regarding concerns or views, nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.

Link to planning obligations section in National Planning Policy Guidance

representation slot should they wish to speak. Only one representative per council should speak and it is important that the spokesperson expresses the formal views of their council, and not their own individual thoughts. If an application is near the boundary with an adjacent parish, each affected council will have a four minute slot. Any additional time will be at the committee chairman's discretion.

There will be a maximum of three members of the public permitted to speak in objection to an application and three members of the public permitted to speak in support of an application. Where a committee member with a disclosable pecuniary interest wants to participate in their private capacity as a member of the public (as they are entitled to do) they will need to secure one of the 'public slots'.

Each speaker will be allotted 3 minutes to address the committee and an audible 30 second warning may sometimes be given before the end of the three minutes.

Can I remain a member of an amenity society when it makes representations on planning matters? [NB – this is 7.2 of the existing protocol]

11.3 There are many general interest groups who concentrate on issues beyond particular planning proposals. These include bodies such as the National Trust; CPRE; Wiltshire Archaeology and Natural History Society; Ramblers Association; local civic societies. It is acceptable to be members of these societies, provided that:

- an interest is declared when that organisation has made representations on a particular proposal
- you make it clear that you have reserved judgement and the independence to make up your own mind on each separate proposal

However, if you lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals, you should seek the advice of the

<p>In the case of particularly controversial or large scale applications the chairman of the committee will have discretion over these timings and will be able to allow more speakers. It is imperative, however, in the interests of natural justice that any increase in time allowance is applied equally between those speaking for and against.</p> <p>9.7 Decisions Contrary to Officer Recommendation</p> <p>There will be occasions when councillors wish to make a decision that conflicts with the planning officer's recommendation. In these circumstances, members proposing, seconding or supporting such a decision must clearly identify and understand the planning reasons leading to this decision and must give the planning officer an opportunity to explain the implications of it. The reasons for the decision must be given prior to the vote and be recorded. If an application is to be approved, councillors should set out any particular conditions they would like</p>	<p>Monitoring Officer about any decisions to be made affecting that organisation.</p> <p>12 Decision making</p> <p>12.1 By law, the council has to make decisions in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan includes the Wiltshire Core Strategy and any made Neighbourhood Plans. The National Planning Policy Framework (NPPF) sets out Government planning policy and is also a material planning consideration. https://www.gov.uk/government/publications/national-planning-policy-framework--2</p> <p>Call-in</p> <p>12.2 The Council receives over 5,000 planning applications each year. To deal with this workload as efficiently and effectively as possible, the vast majority of these</p>	<p>Difference between membership of an amenity group and leadership/representation of lobby group</p> <p>Link to NPPF</p>
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imposed which will be in addition to the 'standard' conditions for that type of development which will be added by officers. An opportunity must be given to the planning officer to comment on conditions suggested by members and if necessary, the application should be deferred to the next available meeting to enable proper consideration to be given to the wording needed to achieve members' objectives or members may delegate to the officers the imposition of suitable conditions.

Reasons for refusal against officer advice must be planning related, clear and convincing. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge or appeal. Where councillors think they could have concerns about any given recommendation at committee, officers will be happy to discuss the application beforehand to explore the options which may be open to the Members.

In cases where councillors have overturned a recommendation and

are dealt with by Planning Officers under delegated powers. However, as a Member, you can request that a planning application in your division be referred to a planning committee and not be dealt with under delegated powers. This is known as a 'call-in'. There are a few exceptions, such as tree applications, that cannot be called-in and these are set out in the Scheme of Delegation (Part 3D of the Constitution).
http://www.wiltshire.gov.uk/part_03_c_-_scheme_of_delegation_planning_.pdf

12.3 Before deciding whether to call-in any application, you should seek to discuss the matter with the Planning Officer handling the application, or in their absence, with one of the Area Team Leaders overseeing applications in your division. If you are in agreement with their likely course of action, it will seldom be necessary for the application to be placed before a planning committee. If you are not in agreement, then you will need to

[link to scheme of delegation](#)
NB check 3D

the applicant lodges an appeal with the Planning Inspectorate which will be dealt with by way of hearing or public inquiry, Members should be prepared to defend that decision. This defence should be made in person or, at the Member's discretion in writing. Where Members attend and give evidence as part of the council's 'official team,' e.g., they are supported by counsel (as opposed to turning up to speak on an individual basis,) a Rule 6 statement will be required which usually has to be submitted nine weeks before the appeal hearing/inquiry. (Members may of course also be called upon to support the council's case on appeal where the decision has been made in line with the officer recommendation.)

10. Training [NB See para 13 of the amended document]

Planning is a complex area, but one that generates a great deal of interest amongst local residents and is at the heart of much of the activity of the council. Great care needs to

activate the call-in procedure. While you may be requested by an agent, applicant or parish council to call an application to committee, it is important to carefully consider each request on its planning merits and discuss with the planning officer **before** agreeing to a call-in.

12.4 To call-in an application, you need to complete the on-line call-in form

<http://thewire.wiltshire.council/index/councillors-area/planning-app-to-be-considered-by-committee.htm>

The proforma must record the planning reasons why the committee should deal with the application. Link to call-in form

12.5 Requests to call-in an application **must be received within 21 days of the circulation of the weekly list** on which the application is recorded, although there are some very limited exceptions to this time limit detailed in the Scheme of Delegation, for example the time limit is 15 days for applications for

be taken over procedural matters and to ensure that consideration of applications takes place in a clear and open manner and that decisions are based on sound planning principles. For these reasons, it is mandatory for all elected councillors of Wiltshire Council to have training in planning matters prior to sitting on a planning committee. All elected councillors will be able to attend this training and it will be arranged immediately after each election. For those elected at by-elections, similar training will be made available.

11. The order of events at committee meetings

Meetings will normally commence at 6 p.m. and the applications will be determined in the order in which they appear in the agenda unless the chairman has valid reasons for changing the order. Officer will try and ensure that applications which are likely to attract large numbers of the public appear early in the agendas. If the order is changed, this will be announced at the start of each meeting.

Permissions in Principle [\[link\]](#). The reason for this is that the Government lays down strict time limits for the determination of planning applications, and if these are exceeded applicants may appeal to the Secretary of State, taking the matter out of the hands of the Council. As applications may be amended during the consultation process, often dealing with issues that have been raised, Members may withdraw their call-in at any time up until a committee agenda is published containing a report on the called-in application. Once a report on an application has been published on a committee agenda, the committee will proceed to determine the application (unless the application is withdrawn by the applicant or their agent before the meeting takes place). Members can request to be kept advised as to the date when the application will be put before a planning committee for determination.

12.6 While there is a strong presumption that the Division Member's views on call in should

The usual procedure will be:

- a) The planning officer will introduce each item and set out any representations, amended plans or material considerations which have been received or come to light in the period between the publication of the agenda and the committee meeting.
- b) Committee Members will then ask the officer to clarify any points/ask technical questions.
- c) Members of the public who wish to make representations opposing the application will then be invited to do so. (up to 3 minutes each)
- d) Members of the public/applicant/agent (in this order) who wish to make representations in support of the application will then be invited to do so.
- e) Consultees who wish to make representations will be invited to do so. (up to 3 minutes each)

prevail, if another Member (i.e. one from a neighbouring division which is affected by the development) thinks an application should go to committee and this is contrary to the view of the local Division Member, it will be open to that member to discuss the application with the **Head of Development Management**

12.7 Members should arrive at meeting with an open mind and make a decision only after due consideration of all the information reasonably required to make that decision including any matters reported at the meeting.

12.8 Members should expect to receive officer reports that are accurate and include the substance of any objections and consultation responses. The reports should contain a clear assessment of the proposal against the relevant policies of the development plan and any other material planning considerations, with a written recommendation for

f) The town/city or parish council representative, if present, will then be invited to make representations. (up to 4 minutes each)

g) The division member will be invited to make representations².

h) The planning officer will then have an opportunity to respond to comments or provide clarification of any points raised.

i) The chairman will then normally ask if anyone is prepared to move the officer recommendation or propose an alternative motion. Once a motion has been seconded it will be open to the councillors to debate it and ask further questions of officers if required and determine the issue. The rules of debate as detailed in Part 4 of the Constitution will apply.

² Any division member, be they a member of the committee or not is welcome to attend committee meetings and make representations on any application within their division. Councillors who are part of the committee will have voting rights but those who are not can speak, but are not eligible to vote. Division members who are not on the committee may be invited to

a decision to be made. If the report's recommendation is contrary to the provisions of the development plan, the material considerations that justify the departure must be clearly stated. If you feel that there is insufficient information before you to make an informed decision, you should request such further information. In the absence of such further information it may be necessary for the application to be deferred or even refused.

[Site Visits \(see Appendix 1 – Wiltshire Council Planning Site Visit Protocol\)](#)

12.9 Members will be expected to be familiar with the site and the issues surrounding the application when they arrive at a committee meeting. It is acceptable to visit the site and surrounding properties that may be affected by the proposal, as an individual Member before the meeting, although Members should not enter onto a site without the consent of the owner. **On no account should Members express a view on the**

participate in any debate at the chairman's discretion.

merits of the application to anyone, including the applicant, owner or any third party. The Head of Development Management may, after consultation with the chairman of the relevant committee, arrange for an organised site visit **before the committee meeting** by the committee where this is considered necessary for major and/or controversial applications, or other exceptional circumstances.

12.10 The committee reports and officer presentations should provide ample information for Members to determine applications. If there has been no organised site visit prior to the meeting, Members at a committee may, exceptionally, feel that a site visit is appropriate to assess the implications of the development. In these cases, Members must give reasons for the site visit before consideration of the application for deferral pending the visit. The site visit will be arranged by officers and although the owner's permission will be required, there

	<p>should be no dialogue with members of the public or applicant/owner during the visit. The application will then be re-listed on the following agenda.</p> <p>Public Speaking at Meetings</p> <p>https://cms.wiltshire.gov.uk/documents/s134074/Public%20Participation%20FAQ.pdf</p> <p>12.11 The council has an established procedure in respect of public participation at planning meetings. This should be complied with in the interests of equity. In particular, it is not permissible during meetings for members of the public to communicate with members either orally or in writing once debate has commenced, as it could be seen as seeking to influence a member improperly and may give the appearance of bias.</p> <p>Decisions Contrary to Officer Recommendation</p> <p>12.12 Planning committees can,</p>	
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	<p>and often do, make a decision which is different from the officer recommendation. Sometimes this will relate to conditions, or sometimes it will change the outcome, from an approval to a refusal or vice versa. This will usually reflect a difference in the assessment of how a policy has been complied with, or different weight ascribed to material considerations.</p> <p>12.13 If a member is concerned about an officer recommendation, it may be helpful to discuss their areas of difference and the reasons for that with officers in advance of the committee meeting. A better mutual understanding of each other's reasons may avoid misunderstandings at the meeting.</p> <p>12.14 In circumstances where members are proposing a decision contrary to the officer recommendation, members should be prepared to give a full explanation of their planning reasons, including reference to relevant policies, for not agreeing with the officer's recommendation.</p>	
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	<p>This is because the applicant and members of the public should be clear about why a decision has been made. The reasons for the decision must be given prior to the vote and be recorded in the minutes.</p> <p>12.15 The Planning Officer should also be given an opportunity to explain the implications of any contrary decision, including an assessment of any reasons put forward for refusal, or conditions suggested for approval. Where a refusal is proposed, this may include an assessment of a likely appeal outcome and chances of a successful award of costs against the Council, should one be made. In exceptional circumstances, the application may be deferred to the next available meeting to enable proper consideration to be given to the wording needed to achieve members' objectives or members may delegate to the officers the imposition of suitable conditions. Reasons for refusal against officer advice must be:</p> <ul style="list-style-type: none">• planning related,	
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	<ul style="list-style-type: none">• clear• evidence based. <p>This is because at any subsequent appeal, should one be lodged, a Planning Inspector will carefully scrutinise the reasons and the evidence relied upon.</p> <p>12.16 In cases where members have overturned a recommendation and the applicant lodges an appeal, most appeals will be defended by the Planning Officers employed by the Council. However, there may be rare cases at hearings or public inquiries where planning officers are unable to defend the reasons put forward by members and no external professional can be called upon. In these circumstances, members may be required to defend that decision, appearing as the Council's witness. Officers will assist and support but may not be able to give evidence. This is because if they have taken a different stance on the application leading up to the decision, cross examination of them as witnesses at any subsequent appeal will weaken the Council's case.</p>	
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13 Training [NB this is para 10 of the existing protocol]

13.1 Planning is a complex area, but one that generates a great deal of interest amongst local residents and is at the heart of much of the activity of the Council. Great care needs to be taken over procedural matters and to ensure that consideration of applications takes place in a clear and open manner and that decisions are based on sound planning principles.

13.2 For these reasons, it is mandatory for all elected members of Wiltshire Council to undergo training in planning matters prior to sitting on a planning committee. All elected members will be able to attend this training and it will be arranged immediately after each election. For those elected at by-elections, similar training will be made available.

13.3 The legislation surrounding planning matters is often subject to change. Officers will provide ongoing training, which is also mandatory, including updates through written

	<p>briefings, e-learning and training events and will be happy to answer questions that members may raise on planning matters</p> <p>14 The role of officers [NB this is para 8 of the existing protocol]</p> <p>14.1 Officers and members work together to deliver the right development at the right place at the right time, whilst protecting the built and natural environment. It is therefore essential that there is mutual trust and understanding between officers and members. Officers will advise and assist members in their formulation of planning advice and the determination of applications and will provide:</p> <ul style="list-style-type: none">• Impartial and professional advice;• Committee reports that include a clear and accurate analysis of the issues in the	
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	<p>context of the relevant development plan and other material considerations</p> <ul style="list-style-type: none">• Details of the representations and views of those who have been consulted and• a clear recommendation of action.	
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APPENDIX 1 – SITE VISIT PROTOCOL

Appendix 1 to Protocol 4

Wiltshire Council Planning Site Visit Protocol – NB updated in accordance with current best practice

1. Arranging the visit

- 1.1 When members have decided in committee that they would like to visit a site, they will be asked to agree a time and date at the end of the meeting. If this is not possible, a schedule for the visit will be agreed between the chairman and officers.
- 1.2 Democratic services will then notify the applicant or their agent of the time and date of the site visit and seek authority for councillors and offices to visit the site. Where the application site is on private land, the applicant or agent will be requested to be in attendance only to facilitate access.
- 1.3 All members of the relevant committee (including any substitutes) will be invited to attend the site visit as will the local division member should he or she not be on the committee. Where a proposal would have a significant impact on an adjoining division, the adjoining division member will similarly be invited to attend.
- 1.4 On occasion, officers of other services such as highways or drainage may be invited (by the Head of Development Management or the relevant Area Team Leader) to attend a site visit to clarify factual matters.
- 1.5 Councillors are reminded that they have no right of entry to private land except by permission of the owner and that they and officers should not enter a private site until all are present and an officer has made contact with the landowner/operator/applicant.
- 1.6 In the unlikely event that the landowner will not give permission to enter a private site, the site will have to be viewed from public highway.

2. Conduct of the visit

- 2.1 The purpose of the site visit is to enable councillors to familiarise themselves with the site and its surroundings in order to understand the planning issues related to the proposal more clearly when considering the application at committee.
- 2.2 While it may be necessary for an applicant or his agent to be present on the site (e.g. to provide access or for safety reasons), discussions between members and the applicant or their agent or any third party should be avoided and they will be advised that lobbying of councillors is unacceptable.
- 2.3 At the request of the chairman, and after taking a note of the members present for the site visit, the planning officer will describe the proposal to councillors and will display and/or circulate appropriate plans or drawings of the proposal. (It is expected that councillors will already be familiar with the planning officer's report) The planning officer will indicate matters of fact in relation to the proposal and surrounding land which councillors should take into account when the application is brought back before them for determination.
- 2.4 Questions by councillors should be addressed to the planning officer and be of a factual nature, for example, distances to adjoining or objectors' properties; the landscape features to be retained; the status of any nearby heritage assets. If it is necessary to seek information from the applicant or agent on site this will be done by an officer.
- 2.5 At no time during the site visit should councillors debate or comment on the planning merits or otherwise of a proposal. The application will be debated in public at a subsequent planning committee meeting.

2.6 On occasion, it may be helpful to members to view the site from a neighbouring property. This should only be done where consent has been obtained by officers from the landowner concerned and again, at no time should councillors debate or comment on the planning merits of the proposal.

2.7 The role of the local division member at the site visit will be limited to drawing attention to features of the site and its surroundings that he/she considers relevant to the committee's understanding of the site, its surroundings and the proposal. The local member will not be permitted to make representations on the merits or otherwise of the application.

3. General

3.1 Councillors should avoid being separated; it is essential that they should not allow themselves to be lobbied at the site visit or enter into a debate about the application with any third party, including applicant, agent, supporters or objectors, as this could create a perception of bias.

3.2 Councillors should ensure that they have seen all aspects of the site suggested by the accompanying officer or the chairman during the visit.

3.3 Councillors will not make any decision at the site visit and individual members should keep an open mind about the merits or otherwise of the proposal to which the site visit relates.

3.4 The application will usually be the first item on the agenda of the following Planning Committee meeting where the decision will be made.

4. Record of the visit

4.1 A record of the visit will be retained on the planning application file. The record will include the timetable for the meeting, attendees and what matters were viewed on site.

5. Notes

5.1 Officers will identify relevant health and safety issues for all site visits. All health and safety instructions, as issued by the site owner/operator must be strictly followed.

5.2 Where appropriate, protective clothing e.g. visibility jackets, hard hats will be provided for councillors on arrival at the site. Councillors should, however, be aware of the need to wear appropriate footwear.

5.3 In the interests of sustainability and highway safety, it is recommended that car-sharing opportunities be used where practical to minimise travelling and parking.

Planning Committee Meeting Procedure and Public Speaking

Agenda Order

1. Applications will be determined in the order they appear on the agenda unless the Chairman, with the agreement of the Committee, has valid reasons for changing the order.
2. Officers will seek to ensure that applications which are likely to attract large numbers of attendees appear earlier in the agenda.
3. If the order is changed, this will be announced at the start of the meeting.

Meeting Procedure

4. In the interests of fairness, consistency and transparency, the procedure below should be complied with by each planning committee. Members of the public in particular should note that it is not permissible during meetings to communicate with members debating the proposal either orally or in writing, as this may give the appearance of bias. Any participation in the meeting should be as set out below.
5. For each application the planning officer will introduce the application and the key issues involved, as well as the reasoning behind the recommendation as set out in their report. They will also set out any representations, amended plans or material considerations which have been received or come to light in the period between the publication of the agenda and the committee meeting.
6. Committee Members may then ask the officer to clarify any points/ask technical questions.
7. Members of the public who wish to make representations opposing the application will then be invited to do so. Up to three speakers will be invited for up to three minutes each.
8. Members of the public who wish to make representations in support of the application will then be invited to do so. This section includes the applicant, the agent, and any other professionals employed by the applicant. Up to three speakers will be invited for up to three minutes each.
9. Statutory Consultees who wish to make representations will then be invited to do so for up to three minutes each, whether in support or in objection to the application.
10. The parish council representative for the area in which the applications sits, if present, will then be invited to make a representation of up to four minutes. This must be the formal view of the parish council, not an individual representation. If the application is on the edge of several parishes which are directly affected, the Chairman may allow other parishes, to a maximum of three total, to speak for up to four minutes each. Other members of a parish council may register to speak, but would need to utilise a public speaking slot.

11. The unitary division member for the application will then be invited to make a representation for up to five minutes at Chairman's discretion. The Chairman may allow a neighbouring or any other member of the council to make a representation at this time if they consider it appropriate.
12. The planning officer will then have an opportunity to respond to comments or provide clarification of any points raised by the public or members.
13. The Committee will then debate the application. The first member to speak will be expected to move a proposal for deliberation. The rules of debate as detailed in Part 4 of the Constitution will apply.

General Public Participation

14. In the case of all public speaking categories, speakers must register with Democratic Services no later than 10 minutes before the start of the meeting. Public are encouraged to contact Democratic Services sooner in order to register, but not prior to the publication of the agenda.
15. If more than three persons wish to speak on an application, they will be listed on a first come first served basis, and if at the registration deadline a speaker does not confirm their attendance in person, the opportunity to speak will be offered to someone else if appropriate. Prior to the meeting speakers will be advised to coordinate themselves and, regardless of order of registration, if they are in agreement any chosen three may speak in whichever order they wish. In the absence of agreement, the Chairman will take the speakers in the order as registered.
16. While the Chairman of a committee has discretion over the timings and number of speakers in the case of controversial or large-scale applications, in the interests of natural justice it is imperative that any increase is applied equally between those speaking for and against the application.
17. No contributions from the public will be accepted outside the public speaking slots detailed above.

Questions and Petitions

18. Submitted questions and petitions on non-determined planning applications are excluded from the usual council procedures at Part 4 of the Constitution. This means that any questions or petitions in relation to an agenda item at a meeting will be logged by planning officers as a representation and addressed in their introduction of the item.

Wiltshire Council

Full Council

9 July 2019

Proposed Changes to the Constitution (Standards)

Summary

This report sets out proposed changes to Part 3B and Protocol 12 of the Constitution.

Proposal

That Full Council approve the proposed changes to Part 3B and Protocol 12 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)

Proposed Changes to the Constitution (Standards)

Purpose of Report

1. This report asks Full Council to consider recommendations of the Standards Committee in relation to the following:
 - Protocol 12 of the Constitution: Arrangements for dealing with Code of Conduct Complaints and Part 3B of the Constitution: Responsibility for Functions

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 20 March 2019, 10 April 2019, 24 May 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 its meeting on 26 June 2019.
5. The relevant minutes of the Standards Committee and Focus Group meetings can be found at **Appendix 1**.

Main Considerations

Protocol 12 of the Constitution and Part 3B of the Constitution

6. At its meeting on 23 January 2019 the Standards Committee requested the Constitution Focus Group to oversee a review of the procedures relating to code of conduct complaints in response to concerns expressed to the Committee regarding the timeliness of dealing with complaints under the process. This also followed a review of the processes adopted by other local authorities in handling of code of conduct complaints. The arrangements operated by Wiltshire Council were last reviewed in February 2017.
7. Following a meeting between officers, the Chairman and Vice-Chairman and the council's Independent Persons on 12 March 2019, and initial meetings of the Focus Group, an update on the proposed new procedure was considered by the Standards Committee on 1 May 2019.
8. In reviewing the arrangements there was a focus on streamlining the complaints process to make it more efficient and effective, as well as reduce the risk of delays. The Focus Group noted the purpose of the multiple stages of review in the existing

procedure to ensure member involvement in the process of officers determining complaints made against elected members.

9. The Focus Group noted arrangements in other authorities where assessments of complaints were determined by a member sub-committee. The advantage of such an approach was it was felt to enhance the role of members in the process by ensuring involvement for all complaints, not merely those which were requested for review, and would therefore obviate the need for a review stage.
10. Such an approach was also felt to be more administratively efficient, as rather than a series of ad hoc sub-committees a standing assessment sub-committee would be regularly scheduled and known in advance to all members of the committee and supporting officers. At present, the uncertainty of whether reviews may be received leads to clusters of complaints being reviewed that must be dealt with on separate dates at short notice, which can result in delays due to availability constraints of members, officers and Independent Persons. It would also provide greater certainty to complainants and subject members as to when their complaint would be determined.
11. The Focus Group therefore recommended that the Review Sub-Committee becomes an Assessment Sub-Committee. This sub-committee would meet on a monthly basis and receive a report and recommendation from the Monitoring Officer on all complaints that have been received. As the Monitoring Officer is already responsible for preparing a decision notice for all complaints, this should not add to the workload of the team.
12. The Sub-Committee would consist of five elected members to be appointed by the Standards Committee on an annual basis, with all members and substitute members of the Standards Committee being able to serve as substitutes for the Sub-Committee. It is proposed the sub-committee comprises five members because, with monthly meetings considering all complaints, the possibility of conflicts of interest or absence would be higher. A membership of five would ensure a core group of experienced members, while allowing for regular substitution to enable all members and substitute members of the Standards Committee to contribute from time to time, as well as leaving sufficient members to sit on any Hearing Sub-Committee that may be required. The Sub-Committee may also include up to 2 non-voting co-opted members.
13. In terms of participation from subject members and complainants, the Focus Group recommends retaining the procedure as exists for the Review Sub-Committee where each party may make a three-minute statement before the determining sub-committee. The procedure would require parties relating to one complaint to be heard separately from any other complaint.
14. It was also recommended that any investigation report finding no breach should be taken before the Assessment Sub-Committee to formally confirm no further action, rather than this being a determination of the Monitoring Officer.
15. Additional changes to the Protocol are proposed:
 - to emphasise the requirement of complainants to provide sufficient information for a complaint to be taken forward
 - to slightly increase the length of time for an investigation;

- to provide that only in exceptional circumstances should a complaint against a member who has subsequently resigned be taken forward; and
 - to provide greater clarity in the interpretation of some provisions.
16. For the avoidance of doubt, the existing sub-committees of the Standards Committee are not subject to the requirements of political balance. This would also apply to the Assessment Sub-Committee.
 17. In considering the recommendations, the Standards Committee considered that the proposed changes will enhance member involvement; improve administrative efficiency; be more open and transparent; and provide greater clarity.
 18. To implement these changes there would need to be amendments to Protocol 12 of the Constitution, which sets out the arrangements for dealing with Code of Conduct complaints, and Part 3B of the Constitution, which contains the terms of reference of the Standards Committee and its sub-committees.
 19. The proposed changes to Protocol 12 are listed at **Appendix 2**. The proposed changes to Part 3B are listed at **Appendix 3**. Both may be reformatted and renumbered in accordance with the Standard Committee's request for standardisation of presentation of the Constitution.
 20. The Standards Committee has approved changes to the Assessment Criteria by which complaints are assessed, and the procedure for the Assessment Sub-Committee, should Council approve the constitutional changes.
 21. In order to allow sufficient time to organise any new meetings within the council's committee calendar, and to advise Parish and Town Councils of the changes, if agreed, it is recommended that the revised approach should take effect from January 2020, with the Standards Committee appointing membership to the Sub-Committee in late 2019, and thereafter following the Annual Meeting of Full Council.

Safeguarding Implications

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

Equalities Impact of the Proposal

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

Risk Assessment

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

Financial Implications

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

Legal Implications

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

Public Health Impact of the Proposals

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

Environmental Impact of the Proposals

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

Proposal

29. **That Full Council approve the revisions to Protocol 12 and Part 3B of the Constitution in relation to the arrangements for dealing with Code of Conduct complaints, such revised arrangements to take effect from 1 January 2020 after town and parish councils have been informed of the changes.**

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

None

Appendices

Appendix 1 - Minutes of the Constitution Focus Group: 5 September 2018, 20 March 2019, 10 April 2019, 24 May 2019 and 14 June 2019 and of the Standards Committee on 26 June 2019.

Appendix 2 – Revised Protocol 12

Appendix 3 – Revised Part 3B

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APPENDIX 1A - CONSTITUTION FOCUS GROUP

MINUTES EXTRACT OF THE CONSTITUTION FOCUS GROUP MEETING HELD ON 20 MARCH 2019 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

9 Protocol 12: Arrangements for dealing with Code of Conduct complaints

As requested by the Standards Committee the Focus Group discussed the arrangements for dealing with Code of Conduct complaints, in particular in relation to delays in processing complaints and the extent to which these were resourcing issues or a consequence of the process itself and if a more efficient and effective arrangement was possible and preferred.

After a lengthy discussion it was agreed to explore proposal to replace the two opportunities for review sub-committees in the process with standing, regularly scheduled assessment sub-committees. This would enhance the role of members in determining the outcome of all complaints, not only those which were requested to be reviewed, would provide clarity for public and members on dates for decisions, and be administratively simpler.

It was requested these and other amendments in relation to strengthening the requirement to submit details by certain timescales or else a complaint should fall, should be brought back for consideration at a future meeting.

MINUTES EXTRACT OF THE CONSTITUTION FOCUS GROUP MEETING HELD ON 10 APRIL 2019 AT SALISBURY ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

16 Assessment Sub-Committees

The Focus Group discussed proposals raised at the last meeting to replace the existing review sub-committee procedure with assessment sub-committees, which would determine all code of conduct complaints after receiving and considering a recommendation from the Monitoring Officer, rather than the Monitoring Officer making the decision, which could be reviewed.

The Focus Group discussed potential aspects to the new procedure with a view to receiving revised drafts of all relevant documentation at its next meeting. Issues discussed involved pre-assessment management and screening of complaints against jurisdictional matters outlined in the arrangements such as a complaint being out of time, how these should be reported to the Assessment Sub-Committee for decision, and the stages and time frames for any investigation.

It was agreed that complainants and subject members should receive the opportunity to make a statement at any Assessment Sub-Committee on initial assessment, but that they should not when the Sub-Committee received the outcome of an investigation report upheld by the Monitoring Officer, on the grounds that all parties at that point had received ample opportunity for comment.

Other matters agreed were that Independent Persons would attend the Sub-Committee and not be required to consult with the Monitoring Officer as the latter formed their recommendation, that the membership of the Sub-Committee would be appointed by the Standards Committee and that timeframes for responses to various stages should be adhered to as rigidly as was practicable and reasonable.

Resolved:

To receive draft revisions to appropriate documentation implementing the proposed changes at the next meeting

MINUTES EXTRACT OF THE CONSTITUTION FOCUS GROUP MEETING HELD ON 24 MAY 2019 AT NORTH WILTSHIRE ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

24 **Protocol 12 of the Constitution**

The Focus Group considered proposed changes to Protocol 12 of the Constitution, arrangements for dealing with Code of Conduct complaints, and associated documents such as the procedure for sub-committees and assessment criteria. Further to previous meetings these changes would establish an assessment sub-committee to undertake decisions in respect of complaints rather than the present system of ad hoc review sub-committees.

The Focus Group agreed that all investigation reports would receive a recommendation from the Monitoring Officer to the Assessment Sub-Committee to determine. Other wording changes were agreed, subject to that amendment.

Resolved:

To request the Standards Committee recommend the proposed changes to Full Council.

MINUTES EXTRACT OF THE CONSTITUTION FOCUS GROUP MEETING HELD ON 14 JUNE 2019 AT SALISBURY ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN

31 **Protocol 12: Arrangements for dealing with Code of Conduct complaints**

The Focus Group considered the final version of the revised Protocol 12 and associated documentation to give effect to the new assessment sub-committee process that had been agreed previously. Further amendments were suggested

in relation to requests of extension to the process being unnecessary as this was already possible under the arrangements, and there were other changes to make clear that comments would be received by the investigating officer on their report, who would make changes or incorporate them, prior to providing the report to the monitoring officer.

Resolved:

To recommend Standards endorse the proposals to Full Council.

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APPENDIX 1B - STANDARDS COMMITTEE

MINUTES EXTRACT OF THE STANDARDS COMMITTEE MEETING HELD ON 26 JUNE 2019 AT KENNET ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

28 Recommendations from the Constitution Focus Group

Kieran Elliott, Senior Democratic Services Officer, presented a report detailing a series of constitutional changes recommended by the Constitution Focus Group.

It was noted that as a result of changes to the legal status of the Swindon and Wiltshire Local Enterprise Partnership, and subsequent decision by the Leader of the Council and their counterpart in Swindon Borough Council, the Joint Strategic Economic Committee terms of reference and authority would be removed from the Constitution and reported to Full Council. This would affect Part 3C Scheme of Delegation (Executive Arrangements) and Part 2 Schedule 1, Committee Structure.

Details were also reported on the ongoing work to update the formatting and numbering of the Constitution to ensure consistent presentation, under the authority delegated to the Monitoring Officer under Article 15.3.2 of Part 2 of the Constitution.

The Committee then discussed the series of changes proposed in relation to Protocol 12, Part 3B, and associated documents in relation to arrangements for dealing with Code of Conduct complaints. This followed an initial report to the Committee at its meeting on 1 May 2019.

The Committee agreed that the proposals to revise the procedure so that the Review Sub-Committee was replaced with a standing Assessment Sub-Committee, which would consider all Code of Conduct complaints, would enhance the role of Members in the process and provide a more efficient process. Queries were raised in relation to the need for complainants to provide sufficient information for a complaint to be considered, and that indicated timescales for stages of the process could be extended by the Monitoring Officer, that this would be limited and only if particular circumstances of the case justified it. It was also noted that, if approved by Full Council, it was recommended the changes come into effect from 1 January 2020 in order for town and parish councils to be informed, and to organise future meetings.

After approving the above changes for onward recommendation, the Committee considered the proposed revisions to Protocol 4 of the Constitution, Planning Code of Good Practice. It was noted that the revision process had begun following a recommendation relating to site visit procedures from an overview

and scrutiny task group. The Focus Group had considered the overall protocol was also in need of review and considered revisions to the entire protocol.

It was explained that all planning committee chairmen and the relevant Cabinet Member had been invited to attend the meetings of the Focus Group which had considered the revised protocol to contribute to its development.

Details were provided of proposed revisions, including additional detail on member responsibilities, bias and predetermination, planning committee training, legislative and procedural updates and other changes.

The Committee discussed the proposed revisions at length, in particular in relation to declaration of non-pecuniary interests and at what level these should be declared and whether the member should at that point seek advice on whether to participate or vote upon an application. Some members considered that reference to material interests in an application lacked appropriate definition, whereas others considered the phrase had an accepted ordinary meaning indicating that not all interests should require a member seeking advice or not participating, but that a certain level of interest would require this. After debate, it was agreed to retain the wording as detailed in the agenda papers.

At the conclusion of discussion, it was,

Resolved:

- 1) To recommend Full Council approve the revisions to Protocol 12 and Part 3B of the Constitution in relation to the arrangements for dealing with Code of Conduct complaints, such revised arrangements to take effect from 1 January 2020 after town and parish councils have been informed of the changes.**
- 2) That, subject to Council's approval of the revised arrangements, the Standards Committee adopt the proposed revisions to the Assessment Criteria and Assessment Sub-Committee procedure.**
- 3) To recommend Full Council approve the proposed revisions to Protocol 4 of the Constitution.**
- 4) To note the changes to Part 3C of the Constitution which are expected to be reported to the next meeting of Full Council in relation to the Joint Strategic Economic Committee.**
- 5) To note the ongoing updates to the Constitution by the Monitoring Officer under Article 15.3.2 of Part 2 delegated authority.**

Protocol 12

Arrangements for dealing with Code of Conduct Complaints under the Localism Act 2011

1 Context

- 1.1 These arrangements are made under Section 28 of the Localism Act 2011. They set out the process for dealing with a complaint that an elected or co-opted member of Wiltshire Council or of a parish, town or city council within its area has failed to comply with their Code of Conduct.
- 1.2 ~~An overview~~ ~~A flowchart~~ of the complaints process is attached at ~~Annex Schedule 2~~.
- 1.3 These arrangements are subject to the Council's Procedure for dealing with vexatious complainants ~~(link)~~.
- 1.4 The Monitoring Officer will determine as a preliminary issue whether a complaint relates to the Code of Conduct and is to be dealt with under these arrangements.
- 1.5 The Monitoring Officer will encourage complainants to explore whether the matter can be resolved without the need to submit a formal complaint under this process.

Commented [EK1]: More appropriate description

Commented [EK2]: For consistent referencing

Commented [EK3]: For ease of access

2 Interpretation

- 2.1 'Member' means a member or a co-opted member of Wiltshire Council, or of a parish, town or city council within its area, against whom a complaint has been made under the Code of Conduct.
- 2.2 ~~'Complainant' means the individual who has submitted a complaint against a Member.~~ ~~'Complainant' does not include a body/corporate.~~
- 2.3 'Council' means Wiltshire Council.
- 2.4 'Investigating Officer' means the person appointed by the Monitoring Officer to undertake an investigation of an allegation of misconduct by a Member.
- 2.5 'The Monitoring Officer' is a senior officer of the authority who has statutory responsibility for maintaining the register of members' interests and who is responsible for administering the arrangements for dealing with complaints of member misconduct. It includes any officer nominated by the Monitoring Officer to act on his or her behalf in that capacity.

Commented [EK4]: Was not previously defined

Commented [EK5]: Moved to be next to definition of complainant

- 2.6 'Independent Person' means a person appointed under Section 28(7) of the Localism Act:
- a. whose views must be sought and taken into account before a decision is made on an allegation of member misconduct under these arrangements;
 - b. who may be consulted by the Member about the complaint.
- 2.7 In order to avoid any conflict of interest at least two Independent Persons will be allocated to each complaint, one to advise and assist the Monitoring Officer or the Assessment Sub-Committee and the Hearing Sub-Committee (as appropriate), and the other to be available for consultation by the Member.
- 2.8 'Parish Council' means a parish, town or city council within the area of Wiltshire Council.
- 2.9 'Code of Conduct' means the code of conduct for members which the Council and Parish Councils are required to adopt under Section 27 of the Localism Act 2011.
- 2.10 'Days' means working days.
- 2.11 'Parties' includes the Complainant, Member and the Investigating Officer.
- 2.12 The 'Hearing Sub-Committee' is a sub-committee of the Council's Standards Committee appointed to determine complaints of member misconduct under these arrangements.
- 2.13 The 'ReviewAssessment Sub-Committee' is a sub-committee of the Council's Standards Committee appointed to undertake the initial assessment of complaints and consideration of investigation reports review a decision of the Monitoring Officer under sections 4 and 6 of these arrangements respectively. The sub-committee shall operate in accordance with procedural arrangements agreed by the Standards Committee.
- 2.14 'Valid receipt' means formal receipt of complaint and any information required from the Council, if any, for processing of that complaint.
- 2.15 The 'assessment criteria' means the criteria approved by Standards Committee and Council for the assessment of complaints by officers or members, and which is attached with guidance to the code of conduct at this link.
- 2.16 Where a complaint is made against a member of a Parish Council the Clerk to the Parish Council will be notified of the complaint and kept informed of the progress and outcome of the matter.
- 2.17 Documents sent by post will be deemed to have been received by the Parties on the seventhsecond day after the date of posting.

Commented [EK6]: IP to be involved for Assessment Sub-Committee, MO consideration of Investigation report and Hearing

Commented [EK7]: To reflect that Assessment Sub now making the determination to investigate

Commented [EK8]: To ensure any complaint is properly logged

Commented [EK9]: Not previously defined

Commented [EK10]: In line with court procedure rules

3 Making a Complaint

- 3.1 A complaint against a Member under the Code of Conduct should be made in writing on the Council's standard form (available from the Council's web-site [at this link](#) and from council offices) and addressed to the Monitoring Officer (County Hall, Trowbridge, BA14 8JN / governance@wiltshire.gov.uk) and must be made within 20 days of the date on which the complainant became or ought reasonably to have become aware of the matter giving rise to the complaint. Any timescales for processing the complaint will run from valid receipt by council officers.
- 3.2 If the complaint does not meet the requirements of the assessment criteria eg the complaint is out of time or insufficient evidence has been provided, then the complaint will be not be taken forward for assessment.
- 3.3 The Monitoring Officer will acknowledge receipt of the complaint within 5 days of receiving it, and will send a copy to the Member.
- 3.4 The Member will be invited to submit a written response to the complaint within 10 days of the date on which it is sent to them. No adverse inference should be drawn from a lack of response as there is no statutory requirement to respond, although this is recommended to assist the process and assessment.
- 3.5 At any time during the complaints process the Member may seek advice and assistance in connection with the complaint from a friend or professional legal adviser, in confidence, and/or consult the Independent Person designated for that purpose.
- 3.6 Anonymous complaints will not be accepted for assessment unless the Monitoring Officer is satisfied that there would otherwise be a serious risk to the Complainant's personal safety, in which case the Monitoring Officer will decide how the complaint should be taken forward.

4. Initial Assessment

- 4.1 The Monitoring Officer will review the complaint within 5 days of receiving the Member's response and, after consultation with the Independent Person, will decide whether it merits formal investigation prepare a recommendation for the Assessment Sub-Committee.
- 4.2 In reaching this decision recommendation the Monitoring Officer will have regard to the Standards Committee's assessment criteria.

~~4.3 The Monitoring Officer will inform the Parties of his or her decision and the reasons for it in writing.~~

Commented [EK11]: For ease of access

Commented [EK12]: To ensure complaint is properly logged. Read in conjunction with 3.2

Commented [EK13]: To ensure complainants submit necessary information with their complaint

Commented [EK14]: To recognise not all subject members will respond

Commented [EK16R15]: MO no longer undertaking assessment

Commented [EK17]: As above

4.3 The Monitoring Officer may seek to resolve the complaint informally, without the need for a formal ~~investigator decision by the Assessment Sub-committee~~. This may involve mediation or other suitable action, including training or an apology by the Member.

Commented [EK18]: As above

4.4 ~~When the matter is referred informally for informal resolution the Monitoring Officer will identify the time the complaint will be suspended for under paragraph 4.1~~

Commented [EK19]: To ensure that departure from standard arrangements under paragraph 11 is for a set period and not open ended

4.5 Where the Member or the Council make a reasonable offer of local resolution, but the Complainant is not willing to accept that offer, the Monitoring Officer may take this into account in deciding whether the complaint requires formal ~~investigation-determination~~.

Commented [EK20]: MO deciding if to progress the complaint to assessment sub, not for inv

4.6 If the complaint identifies potential criminal conduct by any person, the Monitoring Officer may notify the Police or other regulatory agencies. ~~The usual timescales for accepting a complaint may be disapplied in such cases.~~

Commented [EK21]: To recognise necessary time delays in this situation

4.7 ~~If the complaint is not determined by alternative resolution or referral to the police or other regulatory agencies, the recommendation of the Monitoring Officer on whether the complaint merits formal investigation shall be taken to a meeting of the Assessment Sub-Committee.~~

4.8 ~~The Complainant or the Member may request a review of the Monitoring Officer's decision at the initial assessment stage.~~

4.9 ~~A review will be determined by a Review Sub-Committee who The Assessment Sub-committee may decide:~~

- a. to dismiss the complaint or take no further action on the complaint;
- b. to refer the complaint to the Monitoring Officer for investigation or other suitable action, including mediation.

5 Investigation

5.1 If the Monitoring Officer decides that a complaint merits formal investigation, they will appoint an Investigating Officer within ~~25~~ days of the decision to investigate and inform the Parties of the appointment.

Commented [EK22]: More realistic timescale. Agreed at last meeting

5.2 The Investigating Officer will investigate the complaint in accordance with guidelines produced by the Monitoring Officer. They will send a copy of the investigation report, including all documents relied upon as evidence, to the Parties, in confidence, within ~~30~~ days of the notification of the Investigating Officer's appointment.

Commented [EK23]: As above

~~5.3~~ The Parties will be invited to submit any written comments on the report to the ~~Monitoring Investigating~~ Officer within 10 days of the date on which the report is sent to them. ~~The Member may request an extension, of this timescale. This provides a total of 45 days from the beginning of the investigation in paragraph 5.2 to receipt of any comments on the investigation report. The Investigating Officer will then amend their report or incorporate any comments within it as appropriate, before submitting it to the Monitoring Officer.~~

Commented [EK1]: Unnecessary as covered under para 11

Consideration of Investigating Officer's Report

6.1 The Monitoring Officer will, as soon as reasonably practicable, review the Investigating Officer's report ~~and any comments submitted by the Parties~~, in consultation with the Independent Person.

Commented [EK2]: Comments incorporated into report

6.2 If the Monitoring Officer is not satisfied that the investigation has been conducted properly, they may ask the Investigating Officer to reconsider their report and findings.

Commented [EK3]: Moved from 6.3

6.3 Where the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct and the Monitoring Officer is satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will ~~after consultation with the Independent Person, inform the parties report prepare a recommendation to the Assessment Sub-Committee with a recommendation~~ that no further action is required.

6.4 The Assessment Sub-committee may decide:

a) to dismiss the complaint or take no further action on the complaint, as recommended;

b) to refer the complaint to the Hearing Sub-Committee or seek alternative resolution.

6.5 The decision of the Assessment Sub-Committee at this stage shall be final.

~~6.5 The Complainant may request a review of a decision by the Monitoring Officer, following consideration of the Investigating Officer's report, to dismiss the complaint.~~

~~6.6 A review will be determined by the Review Sub-Committee who may decide:~~

~~a. To dismiss the complaint;~~

~~b. To refer the complaint for hearing by the hearing sub-committee.~~

~~c. To refer the complaint to the Monitoring Officer to seek alternative resolution.~~

Commented [EK26]: No longer any reviews

~~6.6 Where the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct the Monitoring Officer will, after consulting the Independent Person, either refer the matter for hearing before the Hearing Sub-Committee or seek an alternative resolution.~~

Moved from 6.4

7. Alternative Resolution

7.1 ~~Following receipt of an investigation report~~, where the Monitoring Officer, in consultation with the Independent Person, considers that the matter can reasonably be resolved without the need for a hearing, they will consult with the Parties to seek to agree a fair resolution which also helps to ensure higher standards of conduct for the future.

Commented [EK28]: To make clear this section applies post investigation

7.2 Alternative resolution may involve mediation and may include the Member

accepting that their conduct was unacceptable and offering an apology, and/or other remedial action by the Council or the Parish Council as the case may be. If the Member complies with the suggested resolution, the Monitoring Officer will report the matter to the ~~Standards Committee~~ Assessment Sub-Committee, and the relevant Parish Council where appropriate, for information, but will take no further action.

7.3 The Member may elect to proceed to a hearing rather than accept alternative resolution.

8. Hearing

8.1 If the Monitoring Officer, after consultation with the Independent Person, considers that alternative resolution is not appropriate or, after exploring the possibility, concludes that it is unlikely to be achieved they will refer the matter to the Hearing Sub-Committee to conduct a local hearing to determine the complaint. A hearing will be held within 20 days of the date on which the Monitoring Officer refers the matter to the Hearing Sub-Committee for determination, subject to the Member's right to request an extension of time.

8.2 The Member may be represented at the hearing by a friend or legal representative.

8.3 The Hearing Sub-Committee, supported by the Monitoring Officer, will conduct a pre-hearing review to identify the issues, areas of agreement and disagreement, and to give directions for the efficient conduct of the hearing. This may either be conducted in writing or by a meeting with the Parties.

8.4 The Monitoring Officer will notify the Parties in writing of the directions for the hearing.

8.5 The Sub-Committee may exclude the press and public from the hearing where it appears likely that confidential or exempt information will be disclosed and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.

8.6 At the hearing, the Investigating Officer will present their report, call such witnesses as they consider necessary and make representations to substantiate their conclusion that the Member has failed to comply with the Code of Conduct.

8.7 The Complainant will have the right to make a statement in support of their complaint.

8.8 The Members of the Hearing Sub-Committee and the Member may ask questions of the Investigating Officer and any witnesses called.

8.9 The Member will have an opportunity to give their evidence, to call witnesses and to make representations as to why they consider that they did not fail to comply with the Code of Conduct.

8.10 The Members of the Hearing Sub-Committee and the Investigating Officer will have the opportunity to ask questions of the Member and any witnesses called.

Commented [EK29]: More appropriate to refer to Assessment sub

- 8.11 The Parties may each make a concluding statement.
- 8.12 The Members of the Hearing Sub-Committee will then withdraw, with the Independent Person, to consider the case, taking advice from the Independent Person and, where necessary, from the Monitoring Officer on law and procedure.
- 8.13 The Hearing Sub-Committee may conclude that the Member did not fail to comply with the Code of Conduct, and so dismiss the complaint.
- 8.14 If the Hearing Sub-Committee concludes that the Member did fail to comply with the Code of Conduct, the Chairman will inform the Parties of this finding and the Hearing Sub-Committee will then consider what action, if any, should be taken as a result of the breach.
- 8.15 The Investigating Officer and the Member will be invited to make representations on the question of sanctions.
- 8.16 The Hearing Sub-Committee will, after consulting the Independent Person, determine what action, if any, to take (or recommend in the case of a parish councillor) in respect of the matter.

9. Sanctions

- 9.1 The Council has delegated to the Hearing Sub-Committee such of its powers to take action in respect of individual members of the Council as may be necessary to promote and maintain high standards of conduct. The Hearing Sub-Committee may therefore impose (or, in the case of a parish, town or city councillor, recommend) one or more of the sanctions set out in [Annex Schedule 1](#).

Commented [EK30]: For consistency

10. Decision

- 10.1 At the end of the hearing, the Chairman will announce the decision of the Hearing Sub-Committee in summary form.
- 10.2 The Monitoring Officer will send the Parties, and where appropriate the relevant Parish Council, a formal decision notice, which will be published on the Council's web-site and made available for public inspection.

11. Revision of and departure from these arrangements

- 11.1 The Council may by resolution agree to amend these arrangements, and has delegated to the Monitoring Officer, ~~the Review Assessment~~ Sub- Committee and the Hearing Sub-Committee the right to depart from these arrangements where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter.

Reviews

~~12.1 Any request for a review must be made in writing to the Monitoring Officer within 5 days of the receipt of his/her decision and must set out the grounds for the review.~~

~~12.2 A review request will be determined by the Review Sub-Committee after consulting the Independent Person, within 14 days of receipt of the request.~~

12. Appeals

- 12.1 There is no right of appeal for the Complainant or the Member against a decision of the Assessment or Hearing Sub-Committees.

13. Confidentiality

- 13.1 All information regarding the complaint will remain confidential until determined otherwise by the Monitoring Officer, ~~ReviewAssessment~~ Sub- Committee or Hearing Sub-Committee.

Commented [EK31]: New procedure

Commented [EK32]: As above

Commented [EK33]: As above

Schedule Annex 1

Commented [EK34]: For consistency

Sanctions

Censure

- Censure and report to the Council or relevant Parish Council; and/or

Removal from Committees, Sub-Committees, Cabinet and Outside Bodies

- Recommend to the Member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that the Member is removed from any Committee or Sub-Committee of the Council;
- Recommend to the Leader of the Council that the Member is removed from the Cabinet, or removed from particular portfolio responsibilities;
- Remove the Member from any or all outside appointments to which they has been appointed or nominated by the Council or relevant Parish Council.

Training

- Instruct the Monitoring Officer to arrange training for the Member.

Publish

- Publish its findings in respect of the Member's conduct in the minutes of the Council or relevant Parish Council.

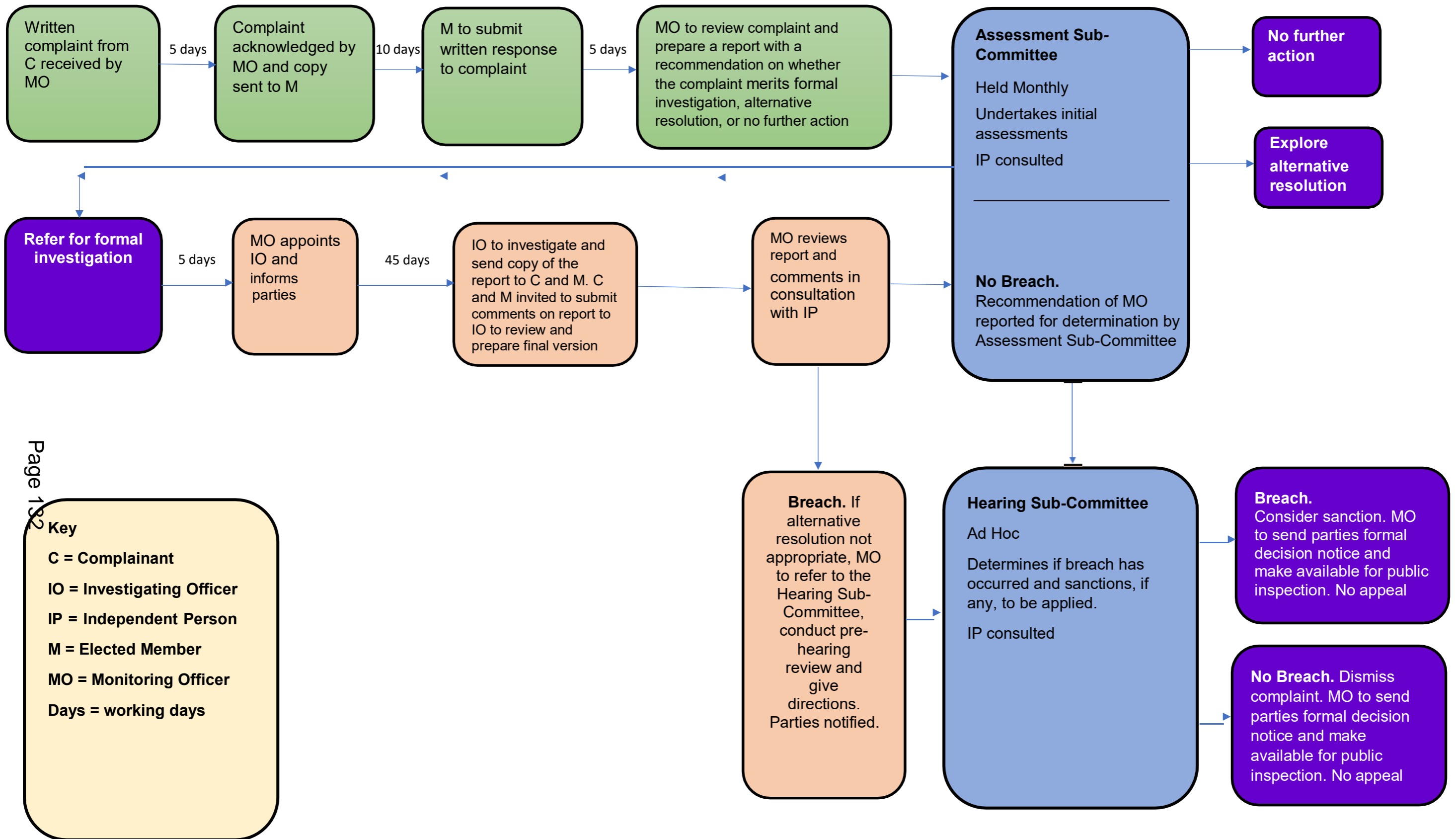
Note:

In the case of R v Broadland District Council ex parte Lashley the Court of Appeal recognised that it was within the Council's powers to take action that was calculated to facilitate and was conducive or incidental to, the council's functions (1) of maintaining its administration and internal workings in a state of efficiency and (2) of maintaining and furthering the welfare of its employees.

This may enable a Hearing Sub-Committee to impose restrictions on a member for the purpose of securing the efficient and effective discharge of the Council's functions. These might, for instance, include the withdrawal of certain facilities, such as a computer, e-mail and/or internet access, or exclusion from certain parts of the council's premises, provided that the measures do not interfere with the democratic process. However, this may not be used as a punitive measure nor, in particular, to justify the suspension or disqualification of a member.

Legal advice will need to be taken on the extent to which this potential option may be available in the particular circumstances of each case.

Protocol 12 Schedule 2 – Flowchart of arrangements for dealing with Code of Conduct Complaints under the Localism Act 2011



Key

- C = Complainant**
- IO = Investigating Officer**
- IP = Independent Person**
- M = Elected Member**
- MO = Monitoring Officer**
- Days = working days**

Standards Committee Terms of Reference

Composition

- 2.5.1 This Committee will comprise up to 13 elected Members, other than the Leader or any other Member of the Cabinet, and up to 8 co-opted non-voting Members, 50% of whom shall be serving town, parish or city Members from within the Council's area who are not Members or officers of the Council.
- 2.5.2 Appointments to the Committee will be made annually by the Council having regard to the rules on political proportionality.
- 2.5.3 The term of office for co-opted non-voting Members will normally be 4 years.
- 2.5.4 Co-opted non-voting Members will be eligible for re-appointment for additional terms.
- 2.5.5 Substitutes will be permitted in accordance with Part 4 of the Constitution.

Roles and Function

- 2.5.6 The Standards Committee is responsible for:
- promoting and maintaining high standards of conduct by elected and co-opted Members and officers;
 - assisting the elected and co-opted Members to observe the Members' code of conduct;
 - advising the Council on the adoption or revision of the Members' code of conduct and the arrangements for dealing with Member complaints of misconduct which the Council is required to make under Section 28 of the Localism Act 2011;
 - monitoring and advising the Council about the operation of its code of conduct in the light of best practice and any changes in the law;
 - advising, and, through the Member Development Group, arranging to train elected and co-opted Members on matters relating to the Members' code of conduct and ensuring that Members are aware of the standards expected of them under the code;
 - granting dispensations to elected and co-opted Members from requirements relating to interests;
 - overseeing the operation of the Council's arrangements for dealing with misconduct complaints against Members and co-opted Members of Wiltshire Council, and parish, town and city Members in Wiltshire;
 - overview of the whistle blowing policy;
 - overview of corporate complaints handling and Ombudsman investigations;
 - reviewing the implementation of recommendations made by the Ombudsman;
 - oversight of the Constitution.

Standards Sub-Committees

- 2.5.7 The Standards Committee has the power to appoint such sub-committees as may from time to time be necessary for the efficient discharge of its functions. In particular, the Committee will appoint:

- An Assessment Sub-Committee to determine what action to take in respect of Member complaints under the Council's arrangements;
- A Hearing Sub-Committee to determine what action to take where an investigation into a Member's conduct requested by the Assessment Sub-Committee has indicated a breach of the Code of Conduct has occurred;
- ~~A Review Sub-Committee to determine requests for review under the Council's arrangements;~~
- A Dispensation Sub-Committee to determine requests for dispensation from the requirements relating to interests.

Commented [EK1]: New procedure

2.5.8 For the avoidance of doubt decisions of all Sub-Committees will be made by a simple majority of the elected Wiltshire Council Members present.

Commented [EK2]: Moved from further below as it applies to all three

Assessment Sub-Committee

2.5.9 As it shall consider multiple complaints this Sub-Committee shall comprise 5 elected Members from among the Standards Committee and its substitutes, in case of conflicts arising. The Standards Committee will appoint the members annually, along with a Chairman and Vice-Chairman for the Sub-Committee. The Sub-Committee may include up to 2 non-voting co-opted Members of the Standards Committee on an ad-hoc basis. All other members and substitutes of the Standards Committee will serve as substitutes for the Sub-Committee.

Commented [EK3]: Enables all members to participate as conflicts will be more common, while retaining administrative efficient of known membership and dates of meetings

2.5.10 The above Sub-Committee is not subject to the requirements of political balance, but is subject to a requirement of a maximum of 4 elected Members from any political group. The co-opted members serving on the Sub-Committee will be determined by the proper officer, who in this instance would be a Democratic Services Officer on behalf of the Monitoring Officer.

Commented [EK4]: Max of four to recognise if those subbed out due to conflicts or unavailability can be subbed by members of any political group, and do not inadvertently lead to all five being from the same group

2.5.11 The above Sub-Committee shall meet on a monthly basis and make decisions on all Code of Conduct complaints in accordance with the Council's arrangements under Protocol 12(link).

2.5.12 Members, including co-opted members, may not serve on the Hearing Sub-Committee for a complaint they have previously considered on the Assessment Sub-Committee.

Commented [EK5]: Which means if a standing member of assess sub committee is subbed, as should be common, they could serve on such a hearing

Hearing Sub-Committee and Dispensation Sub-Committee

2.5.13 In each case the above Sub-Committees shall comprise 3 elected Members from whom a chairman will be elected. The Sub-Committees may include up to 2 non-voting co-opted Members of the Standards Committee, one of whom shall be a parish, town or city council representative where the complaint concerns a parish, town or city.

Commented [EK6]: Moved as only applies to these two, not assess

Commented [EK7]: To not restrict use of co-opted members

2.5.14 The above Sub-Committees are not subject to the requirements of political balance, but are subject to the requirement of a maximum of 2 elected Members from any political group. The composition of any sub-committee will be determined by the proper officer, who in this instance would be a Democratic Services Officer on

behalf of the Monitoring Officer on the basis of Member availability, drawing from the Membership of the Committee and its substitutes.

Commented [EK8]: Moved as relates specifically to these two subs

2.5.15 The Hearing Sub-Committee shall make decisions where an investigation into a Code of Conduct Complaint makes a finding of a breach, in accordance with the Council's arrangements under Protocol 12.

Commented [EK9]: For clarity

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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)

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

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APPENDIX 1A - CONSTITUTION FOCUS GROUP

MINUTES EXTRACT OF THE CONSTITUTION FOCUS GROUP MEETING HELD ON 10 APRIL 2019 AT SALISBURY ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

19 **Protocol Updates**

The Focus Group noted that the Audit Committee would be considering proposals in relation to partnership working and corporate governance, which would replace Protocol 8 and update Protocol 10 respectively.

Resolved:

Subject to the decision of the Audit Committee, that the Standards Committee recommend Council remove Protocol 8 of the Constitution and update the number of other protocols accordingly, and approve the changes to Protocol 10.

MINUTES OF THE CONSTITUTION FOCUS GROUP MEETING HELD ON 14 JUNE 2019 AT SALISBURY ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

34 **Part 3C: Scheme of Delegation (Executive)**

The Focus Group noted the report that it was intended by the Leaders of Swindon Borough Council and Wiltshire Council to disband the Joint Strategic Economic Committee in the light of the new legal status of the Swindon and Wiltshire Local Enterprise Partnership. It was noted that the Leader would make changes to the scheme of delegation accordingly, and that this would be reported to Full Council.

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APPENDIX 1B - STANDARDS COMMITTEE

MINUTES EXTRACT OF THE STANDARDS COMMITTEE MEETING HELD ON 1 MAY 2019 AT KENNET ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

18 **Recommendations from the Constitution Focus Group**

A report was received from the Monitoring Officer outlining proposed changes to the Constitution as recommended by the Constitution Focus Group.

Part 10 of the Constitution was in relation to procurement and contract regulations. This had been updated to further simplify the regulations and clarify processes to be followed including the correction of now out of date information and the responsibilities of roles within the Council. The Focus Group had considered the changes appropriate and necessary, and the Committee was content to recommend the proposals for adoption by Full Council.

Protocol 8 was in relation to partnership working, but after review was recommended to be removed as it was not fit for purpose, sitting outside and at odds with the council's present commercial policy and approach. The Audit Committee was in agreement with the approach of removing the document, to be replaced by a partnership working framework to be adopted by Cabinet, which was felt to be a more appropriate level for the framework to be approved.

Protocol 10, which would become Protocol 9 after the partnership protocol was removed, related to the Code of Corporate Governance. The document had not been reviewed since 2010, and a revised version had been prepared to reflect Chartered Institute of Public Finance and Accountancy guidance. Both the Constitution Focus Group and Audit Committee had agreed the new protocol.

At the conclusion of discussion, it was,

Resolved:

To recommend Council approve the revised Part 10 and Protocol 10 of the Constitution and remove Protocol 8 of the Constitution.

MINUTES EXTRACT OF THE STANDARDS COMMITTEE MEETING HELD ON 26 JUNE 2019 AT KENNET ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

28 **Recommendations from the Constitution Focus Group**

Kieran Elliott, Senior Democratic Services Officer, presented a report detailing a series of constitutional changes recommended by the Constitution Focus Group.

It was noted that as a result of changes to the legal status of the Swindon and Wiltshire Local Enterprise Partnership, and subsequent decision by the Leader of the Council and their counterpart in Swindon Borough Council, the Joint Strategic Economic Committee terms of reference and authority would be removed from the Constitution and reported to Full Council. This would affect Part 3C Scheme of Delegation (Executive Arrangements) and Part 2 Schedule 1, Committee Structure.

Details were also reported on the ongoing work to update the formatting and numbering of the Constitution to ensure consistent presentation, under the authority delegated to the Monitoring Officer under Article 15.3.2 of Part 2 of the Constitution.

The Committee then discussed the series of changes proposed in relation to Protocol 12, Part 3B, and associated documents in relation to arrangements for dealing with Code of Conduct complaints. This followed an initial report to the Committee at its meeting on 1 May 2019.

The Committee agreed that the proposals to revise the procedure so that the Review Sub-Committee was replaced with a standing Assessment Sub-Committee, which would consider all Code of Conduct complaints, would enhance the role of Members in the process and provide a more efficient process. Queries were raised in relation to the need for complainants to provide sufficient information for a complaint to be considered, and that indicated timescales for stages of the process could be extended by the Monitoring Officer, that this would be limited and only if particular circumstances of the case justified it. It was also noted that, if approved by Full Council, it was recommended the changes come into effect from 1 January 2020 in order for town and parish councils to be informed, and to organise future meetings.

After approving the above changes for onward recommendation, the Committee considered the proposed revisions to Protocol 4 of the Constitution, Planning Code of Good Practice. It was noted that the revision process had begun following a recommendation relating to site visit procedures from an overview and scrutiny task group. The Focus Group had considered the overall protocol was also in need of review and considered revisions to the entire protocol.

It was explained that all planning committee chairmen and the relevant Cabinet Member had been invited to attend the meetings of the Focus Group which had considered the revised protocol to contribute to its development.

Details were provided of proposed revisions, including additional detail on member responsibilities, bias and predetermination, planning committee training, legislative and procedural updates and other changes.

The Committee discussed the proposed revisions at length, in particular in relation to declaration of non-pecuniary interests and at what level these should be declared and whether the member should at that point seek advice on whether to participate or vote upon an application. Some members considered

that reference to material interests in an application lacked appropriate definition, whereas others considered the phrase had an accepted ordinary meaning indicating that not all interests should require a member seeking advice or not participating, but that a certain level of interest would require this. After debate, it was agreed to retain the wording as detailed in the agenda papers.

At the conclusion of discussion, it was,

Resolved:

- 1) **To recommend Full Council approve the revisions to Protocol 12 and Part 3B of the Constitution in relation to the arrangements for dealing with Code of Conduct complaints, such revised arrangements to take effect from 1 January 2020 after town and parish councils have been informed of the changes.**
- 2) **That, subject to Council's approval of the revised arrangements, the Standards Committee adopt the proposed revisions to the Assessment Criteria and Assessment Sub-Committee procedure.**
- 3) **To recommend Full Council approve the proposed revisions to Protocol 4 of the Constitution.**
- 4) **To note the changes to Part 3C of the Constitution which are expected to be reported to the next meeting of Full Council in relation to the Joint Strategic Economic Committee.**
- 5) **To note the ongoing updates to the Constitution by the Monitoring Officer under Article 15.3.2 of Part 2 delegated authority.**

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APPENDIX 2A - AUDIT COMMITTEE

MINUTES EXTRACT OF THE AUDIT COMMITTEE MEETING HELD ON 17 APRIL 2019 AT KENNET ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

26 **Governance of Partnership Working**

Ian Gibbons, Director, Legal, Electoral & Registration Services & Monitoring Officer, introduced the report which proposed a framework for governing the council's partnership arrangements. The framework had a risk based approach which aligned with business priorities.

The Chairman welcomed the report.

It was noted that the recommendation should be reworded to 'To ask the Standards Committee to'.

28 **Local Code of Corporate Governance**

It was noted that the revised draft suggested that quarterly reviews of the Local Code of Governance should take place and a member of the Audit Committee was invited to join. The Chairman agreed to email all of the committee members after the meeting due to some members being absent.

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APPENDIX 2B - CABINET

MINUTES EXTRACT OF THE CABINET MEETING HELD ON 26 MARCH 2019 AT KENNET ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

40 SWLEP Governance Framework Update

Cllr Pauline Church presented a report which provided an update on the changes to the governance arrangements to the Swindon and Wiltshire Local Enterprise Partnership (SWLEP) and seeking approval to implement the necessary changes required.

Cllr Church explained that the Government undertook a review of Local Enterprise Partnerships (LEPs) in 2018. One of the key recommendations to come out of this review was that LEPs should have a legal personality. Another recommendation from the review is that LEPs should have a secretariat independent of local authorities and other organisations that is answerable to the LEP Board.

The SWLEP Board took the decision in September 2018 to establish the LEP as a company limited by guarantee with the objective of being fully incorporated by 1st April 2019. The SWLEP has since incorporated on 14 January 2019.

In response to questions from Cllr Thorn about (i) the Articles of Association; (ii) Representation on the Board; (iii) conflicts of interest; (iv) role of the Accountable Body; and (v) scrutiny function, Cllr Church and officers confirmed (i) that the issues with the Articles of Association have now been resolved; (ii) and (iii) the Leader of the Council would no longer be a member of the Accountable Body as her inclusion in the membership would generate a number of conflicts of interest. The Leaders position would be taken by the appropriate Cabinet member; (iv) the Local Authority would continue to receive funding from the Government, the Accountable Body would be responsible for proposing schemes and how the funding is allocated and the Council's Section 151 officer would be responsible for the oversight and monitoring of the proposals; (v) it is proposed that democratic accountability would change the current structures to form a Joint Scrutiny Task Group comprising four elected Councillors from each of the two Unitary Authorities to perform all overview and scrutiny functions on behalf of both the Councils and the SWLEP.

Cllr Hill explained that he had been involved in the scrutiny of the current LEP for the past three years and he confirmed that further discussions were taking place about the future scrutiny function and process.

Cllr Britton, Chairman of the Audit Committee, reminded the Cabinet that the Audit Committee had a responsibility for partnerships and there was a requirement to seek a separation between the work of the Audit Committee and the Task Group.

In response to questions from Cllr Wickham about (i) the vote of the current LEP towards the new structures; (ii) the TUPE of employees to the new structure; (iii) the membership of the new SWLEP Board; (iv) The quality and level of scrutiny going forward, Cllr Church confirmed that (i) the vote to move towards employing the new LEP structures was unanimous agreed by the LEP; (ii) officers are currently located at the LEP office environment although employed by Wiltshire Council; (iii) the Leaders of the two Authorities would no longer be members of the new SWLEP Board, their places would be taken by appropriate Cabinet Members; (iv) there were no plans to reduce the scrutiny role and this would be maintained at the highest level.

The Leader of the Council reported that she had had discussions with the LEP about their responsibility for any future redundancy payments for employee's subject to TUPE, and had received confirmation that this was in hand.

Resolved:

- 1. Confirm the continuing role of the Council as Accountable Body to the SWLEP to be exercised in accordance a revised SWLEP Governance Framework and Accountable Body Agreement to reflect new guidance from Central Government and the SWLEP's incorporation as a company limited by guarantee.**
- 2. Approve in principle the transfer of any assets pertaining to SWLEP activities to the new SWLEP Ltd company on terms to be agreed and set out in a Business Transfer Agreement.**
- 3. Approve in principle the transfer of SWLEP staff to the incorporated SWLEP under TUPE and the commencement of formal consultation with the Unions and affected staff. [This meets the objectives of the SWLEP Board; it is in line with Government objectives of LEPs having their own identity; and the staff identified already operate at arm's length from the Council.]**
- 4. To agree that the Cabinet Member for Economic Development, supported by the Corporate Director Growth, Investment and Place will represent the Council on the Board of Directors.**
- 5. To authorise the Corporate Director for Growth, Investment and Place, after consultation with the Cabinet Member for Economic Development and Salisbury Recovery, the Director of Finance and Procurement and the Director of Legal and Democracy to finalise the terms of the Accountable Body Agreement and Business Transfer Agreement, to execute these documents on behalf of the Council, and to take such other action as is necessary to protect**

the interests of the Council; and the Council in its role as Accountable Body; and secure the transfer of business and staff to the new company.

Reason for Decision:

The Swindon and Wiltshire Local Enterprise Partnership, as a result of guidance from central Government, took the decision in September to establish the LEP as a company limited by guarantee with the objective of being fully incorporated by 1st April 2019.

This change has implications for the Council in its role both as a partner of the SWLEP and as the Accountable Body for the SWLEP.

This includes updates to the formal agreements and documentation between the SWLEP and the Council, the requirement to transfer some assets and liabilities to the new SWLEP company and has potential implications for the employment status of staff employed to carry out SWLEP activity.

This report therefore requests Cabinet to approve in principle a set of actions relating to the transfer of responsibilities and to delegate authority to the Corporate Director for Growth, Investment and Place after consultation with the relevant Cabinet Member, Director of Finance and Procurement and Director of Legal and Democracy, to implement the necessary changes and authorise the formal agreements required.

MINUTES EXTRACT OF THE CABINET MEETING HELD ON 11 JUNE 2019 AT KENNET ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

77 Partnership Working Framework

Cllr Richard Clewer, Cabinet Member for Housing, Corporate Services, Arts, Heritage and Tourism presented the report which recommended a partnership working framework for use by Councillors and officers when considering Wiltshire Council's engagement in partnerships.

Cllr Clewer explained that the intention was for the proposed framework to replace the existing Partnership Protocol with Council being asked to approve its removal from the Constitution.

The Cabinet heard from Cllr Wright, Chairman of the Overview and Scrutiny Management Committee, who confirmed that he and Cllr Hill had received a briefing on the Framework and supported the proposal.

Cllr Williams also supported the proposal and was pleased that the Framework recognised the value of the Wiltshire Compact and is consistent with the fulfilment of its obligations.

Resolved:

- 1. Recommends that full council approve the removal of the Partnership Protocol in the Council's Constitution**
- 2. Agrees, upon removal of the Partnership Protocol, the adoption of a new Partnership Working Framework as set out in the appendix to the report.**
- 3. Agrees that any subsequent minor amendments to the Partnership Working Framework are delegated to the Monitoring Officer in consultation with the appropriate Cabinet Member.**

Reason for Decision:

To strengthen and improve the Council's arrangements for governing partnership working to enable the Council to deliver the priorities in its Business Plan, including in particular 'working with our partners as an innovative and effective council'

78 **Local Code of Corporate Governance**

Cllr Richard Clewer, Cabinet Member for Housing, Corporate Services, Arts, Heritage and Tourism presented the report which proposed a new local code of conduct.

Resolved:

- 1. That Full Council be recommended to approve the revised local code of corporate governance.**
- 2. That Cabinet approve the proposed process for developing the Annual Governance Statement for 2019.**

Reason for Decision:

Councils are required to develop and maintain an up-to-date local code of governance. Wiltshire's existing code is based on CIPFA guidance which has been updated. A new draft is attached based on the revised principles. This will have to be adopted by full council to replace the current constitution's protocol 10.

It is proposed that progress on delivery against the code is reviewed by officers on a quarterly basis and that this informs the future development of the Annual Governance Statement for consideration by Audit Committee and Cabinet in due course.

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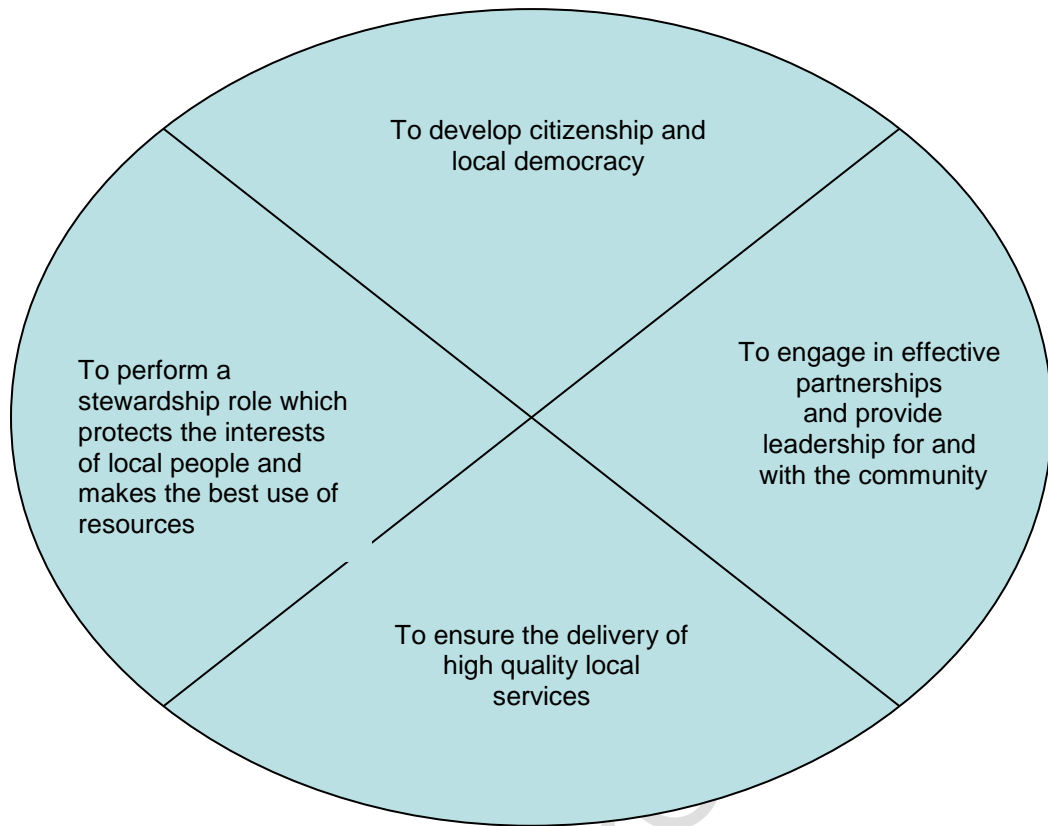
This document is under review

Code of Corporate Governance

1. Wiltshire Council is committed to delivering high quality services to Wiltshire residents. One of the ways it can ensure it meets that commitment is by adopting sound corporate governance. Corporate governance is about ensuring that we are doing the right things, in the right way, for the right people in an honest, open and accountable manner. It includes promotion of the right attitudes to governance, as well as the systems and processes for the direction and control of the council and the ways in which we account to, engage with, and lead the communities of Wiltshire.
2. This 'Code of Corporate Governance' underpins good governance by providing a framework for ensuring sound decision-making, supported by effective processes. The code is based on the CIPFA/SOLACE framework 'Delivering Good Governance in Local Government'.
3. Every year the chief executive and the leader of the council are required to sign an annual governance statement to the effect that:
 - a code of Corporate Governance has been adopted;
 - a Corporate Governance Framework is in place;
 - the framework has been reviewed and is operating effectively;
 - action is being taken to address any weaknesses identified from the review of the Corporate Governance Framework.
4. In order to ensure that the Annual Governance Statement is evidence-based and effective, the council has established a steering group of officers with responsibility for oversight of compliance with this code - the Corporate Assurance Steering Group.
5. The remit of the Corporate Assurance Steering Group is to:
 - consider the extent to which the council complies with the principles and elements of good governance set out in this code;
 - identify systems, processes and documentation that provide evidence of compliance;
 - identify the individuals and committees responsible for monitoring and reviewing the systems, processes and documentation identified;
 - identify the issues that have not been addressed in the council and consider how they should be addressed;
 - identify the individuals who would be responsible for undertaking the actions that are required;
 - prepare and publish the council's annual governance statement.

The steering group reports to the council's Audit Committee.

6. The council is committed to delivering on six key principles of corporate governance. These are:
 - focusing on the purpose of the council and on outcomes for the community and creating and implementing a vision for the local area; engaging with local people and other stakeholders to ensure robust public accountability;
 - ensuring that members and officers work together to achieve a common purpose with clearly defined functions and roles;
 - promoting high standards of conduct and behaviour, and establishing and articulating the council's values to members, staff, the public and other stakeholders;
 - taking informed, risk based and transparent decisions which are subject to effective scrutiny;
 - developing the capacity of members and officers to be effective in their roles;
 - engaging with local people and other stakeholders to ensure robust public accountability;
7. Each of these principles gives rise to a number of requirements, which in turn translate into a range of actions and sources of evidence of the effectiveness of the principles. The principles are supplemented by a range of internal controls, checks and balances which, as a whole, form the council's assurance framework.
8. The Assurance Framework is the working document that provides an evidence-based source of information about the efficacy of this Code of Corporate Governance, and forms a regularly updated appendix to the code. It identifies the key assurance systems and processes, states how compliance with each of those requirements can be evidenced, and assigns accountability for each element to a named officer. In this way, the framework is open, transparent and accountable. The framework draws together the overarching responsibilities of the council, which are:



9. This Code of Corporate Governance and the supporting Assurance Framework will, together, provide a sound basis to enable the council to draw together the many strands of assurance required by a large and complex authority into a coherent, accessible and transparent governance plan.

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Protocol 9

Local Code of Corporate Governance

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- 5. [Certification](#) 6

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PROTOCOL 9

LOCAL CODE OF CORPORATE GOVERNANCE

1. Delivering Good Governance

1.1 The Delivering Good Governance in Local Government Framework, published by CIPFA in association with SOLACE, sets the standard for local authority governance in the UK. The concept underpinning the framework is to support local government in taking responsibility for developing and shaping an informed approach to governance, aimed at achieving the highest standards in a measured and proportionate way. The purpose of the Framework is to assist authorities individually in reviewing and accounting for their own unique approach, with the overall aim to ensure that:

- 1.1.1 Resources are directed in accordance with agreed policy and according to priorities
- 1.1.2 There is sound and inclusive decision making
- 1.1.3 There is clear accountability for the use of those resources in order to achieve desired outcomes for service users and communities

1.2 Governance is a term used to describe the arrangements (including political, economic, social, environmental, administrative, legal, and other arrangements) put in place to ensure that the intended outcomes for stakeholders are defined and achieved.

1.3 Good governance enables the Council to effectively achieve its intended outcomes, whilst acting in the public interest at all times.

1.4 The Delivering Good Governance in Local Government Framework sets out seven core principles of governance as detailed in the diagram below. Wiltshire Council is committed to these principles of good governance and confirms this through the adoption, monitoring and development of this document - the Council's Local Code of Corporate Governance.

1.5 Our Local Code is underpinned by the Delivering Good Governance in Local Government Framework and comprises policies, procedures, behaviours and values by which the Council is controlled and governed. These key governance areas, and how the Council provides assurance that it is complying with these, are set out in more detail within its Governance Assurance Framework.

1.6 The Council recognises that establishing and maintaining a culture of good governance is as important as putting in place a framework of policies and procedures. The Council expects councillors and officers to uphold the highest

standards of conduct and behaviour and to act with openness, integrity and accountability in carrying out their duties.

2. Principles of Good Governance

2.1 The principles of good governance describe the outcomes this Code is attempting to deliver, and reflect those set out in the Framework:

- 2.1.1 Behaving with integrity, demonstrating strong commitment to ethical values and respecting the rule of law
- 2.1.2 Ensuring openness and comprehensive stakeholder engagement
- 2.1.3 Defining outcomes in terms of sustainable, economic, social and environmental benefits
- 2.1.4 Determining the interventions necessary to optimize the achievement of the intended outcomes
- 2.1.5 Developing the Council's capacity, including the capability of its leadership and the individuals within it
- 2.1.6 Managing risks and performance through robust internal control and strong public financial management
- 2.1.7 Implementing good practices in transparency, reporting and audit, to deliver accountability

2.2 Further information on the way in Wiltshire Council considers its commitment to these principles is set out at the end of this document.

3. Status

3.1 Regulation 6(1)(a) of the Accounts and Audit Regulations 2015 require an authority to conduct a review at least once in a year of the effectiveness of its systems of internal control and include a statement reporting on the review with any published Statement of Accounts. This is known as an Annual Governance Statement.

3.2 The Accounts and Audit Regulations 2015 stipulate that the Annual Governance Statement must be prepared in accordance with proper practices in relation to accounts. Therefore a local authority in England shall provide this statement in accordance with Delivering Good Governance in Local Government Framework (2016) and this section of the Code.

4. Monitoring and Review

4.1 The Council will monitor its governance arrangements for their effectiveness in practice and will review them on a continuing basis to ensure that they are up to date. This process of review will form the basis for the production of the Annual Governance Statement. In order to ensure that the Annual Governance Statement is evidence-based and effective, the council has established a steering group of officers with responsibility for oversight of compliance with this code - the Corporate Governance Officers Group.

4.2 The council is committed to delivering on the seven key principles of corporate

governance. Each of these principles gives rise to a number of requirements, which in turn translate into a range of actions and sources of evidence of the effectiveness of the principles. The principles are supplemented by a range of internal controls, checks and balances which, as a whole, form the council's assurance framework (appendix 1). The council will maintain an evidence-base of information about the efficacy of this Code of Corporate Governance. This will identify the key assurance systems and processes, state how compliance with each of those requirements can be evidenced and assign accountability for each element to a named officer.

- 4.3 The assurance framework includes reference to the Senior Information Risk Owner who provides an annual report to the Audit Committee on information governance arrangements. The Public Sector Equality Duty also features and is a key duty which we have to demonstrate we are meeting in our decision making. Undertaking equality analysis is a systematic and thorough way of finding out whether a policy or service affects different groups of people in different ways and such analysis needs to be embedded as part of the normal policy making and political decision-making process.
- 4.4 This Code of Corporate Governance and the supporting assurance framework will, together, provide a sound basis to bring together the many strands of assurance required by a large and complex authority into coherent and transparent governance arrangements. Drawing on this, on an annual basis, the Executive Directors and Leader of the Council will publish an Annual Governance Statement which will:
- 4.4.1 provide a meaningful but brief overview of governance in a readable style
 - 4.4.2 assess how the Council has complied with this Local Code of Corporate Governance
 - 4.4.3 provide an opinion on the effectiveness of the Council's arrangements
 - 4.4.4 provide details of how continual improvement in the systems of governance will be achieved
 - 4.4.5 include agreed actions dealing with significant governance issues and indicate how previous actions have been resolved

5. Certification

- 5.1 We hereby endorse our commitment to this Local Code of Corporate Governance and will ensure that the Council continues to review, evaluate and develop the Council's Governance arrangements to ensure continuous improvement of the Council's systems.

Cllr	Alistair Cunningham	Carlton Brand	Terence Herbert
Leader of the Council	Executive Director	Executive Director	Executive Director

Statement of Principles of Good Governance

Principles, Behaviours and Actions

Principle 1 – Behaving with integrity, demonstrating strong commitment to ethical values and respecting the rule of law

Local government organisations are accountable not only for how much they spend, but also for how they use the resources under their stewardship. This includes accountability for outputs, both positive and negative, and for the outcomes they have achieved. In addition, they have an overarching responsibility to serve the public interest in adhering to the requirements of legislation and government policies. It is essential that, as a whole, they can demonstrate the appropriateness of all their actions and have mechanisms in place to encourage and enforce adherence to ethical values and to respect the rule of law.

Behaving with integrity

- Ensuring members and officers behave with integrity and lead a culture where acting in the public interest is visibly and consistently demonstrated thereby protecting the reputation of the Council.
- Ensuring members take the lead in establishing specific standard operating principles or values for the Council and its staff and that they are communicated and understood. These should build on the Seven Principles of Public Life (the Nolan Principles).
- Leading by example and using the above standard operating principles or values as a framework for decision making and other actions.
- Demonstrating, communicating and embedding the standard operating principles or values through appropriate policies and processes which are reviewed on a regular basis to ensure that they are operating effectively.

Demonstrating strong commitment to ethical values

- Seeking to establish, monitor and maintain the Council's ethical standards and performance.
- Underpinning personal behaviour with ethical values and ensuring they permeate all aspects of the Council's culture and operation.
- Developing and maintaining robust policies and procedures which place emphasis on agreed ethical values.
- Ensuring that external providers of services on behalf of the Council are required to act with integrity and in compliance with ethical standards expected by the Council.

Respecting the rule of law

- Ensuring members and staff demonstrate a strong commitment to the rule of the law as well as adhering to relevant laws and regulations.
- Creating the conditions to ensure that the statutory officers, other key post holders, and members, are

Principles, Behaviours and Actions

able to fulfil their responsibilities in accordance with legislative and regulatory requirements.

- Striving to optimise the use of the full powers available for the benefit of citizens, communities and other stakeholders.
- Dealing with breaches of legal and regulatory provisions effectively.
- Ensuring corruption and misuse of power are dealt with effectively.

Principle 2 – Ensuring openness and comprehensive stakeholder engagement

Local government is run for the public good, organisations therefore should ensure openness in their activities. Clear, trusted channels of communication and consultation should be used to engage effectively with all groups of stakeholders, such as individual citizens and service users, as well as institutional stakeholders.

Openness

- Ensuring an open culture through demonstrating, documenting and communicating the Council’s commitment to openness.
- Making decisions that are open about actions, plans, resource use, forecasts, outputs and outcomes. The presumption is for openness. If that is not the case, a justification for the reasoning for keeping a decision confidential should be provided.
- Providing clear reasoning and evidence for decisions in both public records and explanations to stakeholders and being explicit about the criteria, rationale and considerations used. In due course, ensuring that the impact and consequences of those decisions are clear.
- Using formal and informal consultation and engagement to determine the most appropriate and effective interventions/ courses of action.

Engaging comprehensively with institutional stakeholders

- Effectively engaging with institutional stakeholders to ensure that the purpose, objectives and intended outcomes for each stakeholder relationship are clear so that outcomes are achieved successfully and sustainably
- Developing formal and informal partnerships to allow for resources to be used more efficiently and outcomes achieved more effectively.
- Ensuring that partnerships are based on
 - trust

Principles, Behaviours and Actions

	<ul style="list-style-type: none"> - a shared commitment to change - a culture that promotes and accepts challenge among partners <p>and that the added value of partnership working is explicit.</p>
Engaging with individual citizens and service users effectively	<ul style="list-style-type: none"> ▪ Establishing a clear policy on the type of issues that the Council will meaningfully consult with or involve communities, individual citizens, service users and other stakeholders to ensure that service (or other) provision is contributing towards the achievement of intended outcomes. ▪ Ensuring that communication methods are effective and that members and officers are clear about their roles with regard to community engagement. ▪ Encouraging, collecting and evaluating the views and experiences of communities, citizens, service users and organisations of different backgrounds including reference to future needs. ▪ Implementing effective feedback mechanisms in order to demonstrate how views have been taken into account. ▪ Balancing feedback from more active stakeholder groups with other stakeholder groups to ensure inclusivity. ▪ Taking account of the impact of decisions on future generations of tax payers and service users.
Principle 3 – Defining outcomes in terms of sustainable, economic, social and environmental benefits	
<p>The long-term nature and impact of many of local government’s responsibilities mean that it should define and plan outcomes and that these should be sustainable. Decisions should further the Council’s purpose, contribute to intended benefits and outcomes, and remain within the limits of authority and resources. Input from all groups of stakeholders, including citizens, service users, and institutional stakeholders, is vital to the success of this process and in balancing competing demands when determining priorities for the finite resources available.</p>	
Defining outcomes	<ul style="list-style-type: none"> ▪ Having a clear vision, which is an agreed formal statement of the Council’s purpose and intended outcomes containing appropriate performance indicators, which provide the basis for the Council’s overall strategy, planning and other decisions. ▪ Specifying the intended impact on, or changes for, stakeholders including citizens and service users. It could be immediately or over the course of a year or longer.

Principles, Behaviours and Actions

	<ul style="list-style-type: none"> ▪ Delivering defined outcomes on a sustainable basis within the resources that will be available. ▪ Identifying and managing risks to the achievement of outcomes. ▪ Managing service users' expectations effectively with regard to determining priorities and making the best use of the resources available.
Sustainable economic, social and environmental benefits	<ul style="list-style-type: none"> ▪ Considering and balancing the combined economic, social and environmental impact of policies and plans when taking decisions about service provision. ▪ Taking a longer-term view with regard to decision making, taking account of risk and acting transparently where there are potential conflicts between the Council's intended outcomes and short-term factors such as the political cycle or financial constraints. ▪ Determining the wider public interest associated with balancing conflicting interests between achieving the various economic, social and environmental benefits, through consultation where possible, in order to ensure appropriate trade-offs. ▪ Ensuring fair access to services.
Principle 4 – Determining the interventions necessary to optimise the achievement of the intended outcomes	
<p>Local government achieves its intended outcomes by providing a mixture of legal, regulatory, and practical interventions. Determining the right mix of these courses of action is a critically important strategic choice that local government has to make to ensure intended outcomes are achieved. They need robust decision-making mechanisms to ensure that their defined outcomes can be achieved in a way that provides the best trade-off between the various types of resource inputs while still enabling effective and efficient operations. Decisions made need to be reviewed continually to ensure that achievement of outcomes is optimised.</p>	
Determining interventions	<ul style="list-style-type: none"> ▪ Ensuring decision makers receive objective and rigorous analysis of a variety of options indicating how intended outcomes would be achieved and associated risks. Therefore ensuring best value is achieved however services are provided. ▪ Considering feedback from citizens and service users when making decisions about service improvements or where services are no longer required in order to prioritise competing demands within limited resources available including people, skills, land and assets and bearing in mind future impacts.
Planning interventions	<ul style="list-style-type: none"> ▪ Establishing and implementing robust planning and control cycles that cover strategic and operational plans, priorities and targets.

Principles, Behaviours and Actions

	<ul style="list-style-type: none"> ▪ Engaging with internal and external stakeholders in determining how services and other courses of action should be planned and delivered. ▪ Considering and monitoring risks facing each partner when working collaboratively, including shared risks. ▪ Ensuring arrangements are flexible and agile so that the mechanisms for delivering goods and services can be adapted to changing circumstances. ▪ Establishing appropriate key performance indicators (KPIs) as part of the planning process in order to identify how the performance of services and projects is to be measured. ▪ Ensuring capacity exists to generate the information required to review service quality regularly. ▪ Preparing budgets in accordance with objectives, strategies and the medium term financial plan. ▪ Informing medium and long term resource planning by drawing up realistic estimates of revenue and capital expenditure aimed at developing a sustainable funding strategy.
<p>Optimising achievement of intended outcomes</p>	<ul style="list-style-type: none"> ▪ Ensuring the medium term financial strategy integrates and balances service priorities, affordability and other resource constraints. ▪ Ensuring the budgeting process is all-inclusive, taking into account the full cost of operations over the medium and longer term (including for contracted out delivery). ▪ Ensuring the medium term financial strategy sets the context for ongoing decisions on significant delivery issues or responses to changes in the external environment that may arise during the budgetary period in order for outcomes to be achieved while optimising resource usage. ▪ Ensuring the achievement of 'social value' through service planning and commissioning.

Principle 5 – Developing the Council's capacity, including the capability of its leadership and the individuals within it

Local government needs appropriate structures and leadership, as well as people with the right skills, appropriate qualifications and mind-set, to operate efficiently and effectively and achieve their intended outcomes within the specified periods. A local government organisation must ensure that it has both the capacity to fulfil its own mandate and to make certain that there are policies in place to guarantee that its management has the operational capacity for the organisation as a whole. Because both individuals and the environment in which an authority operates will change over time, there will be a continuous need to develop its capacity as well as the skills and experience of the leadership of individual staff members. Leadership in local government entities is strengthened by the

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participation of people with many different types of backgrounds, reflecting the structure and diversity of communities.

Developing the Council's capacity

- Reviewing operations, performance and use of assets on a regular basis to ensure their continuing effectiveness.
- Improving resource use through appropriate application of techniques such as benchmarking and other options in order to determine how resources are allocated so that defined outcomes are achieved effectively and efficiently.
- Recognising the benefits of partnerships and collaborative working where added value can be achieved.
- Developing and maintaining an effective workforce plan to enhance the strategic allocation of resources.

Developing the capability of the Council's leadership and other individuals

- Developing protocols to ensure that elected and appointed leaders negotiate with each other regarding their respective roles early on in the relationship and that a shared understanding of roles and objectives is maintained.
- Publishing a statement that specifies the types of decisions that are delegated and those reserved for the collective decision making of the governing body.
- Ensuring the leader and the Executive Directors have clearly defined and distinctive leadership roles within a structure whereby the Executive Directors leads in implementing strategy and managing the delivery of services and other outputs set by members and each provides a check and a balance for each other's authority.
- Developing the capabilities of members and senior management to achieve effective leadership and to enable the Council to respond successfully to changing legal and policy demands as well as economic, political and environmental changes and risks by:
 - ensuring members and staff have access to appropriate induction tailored to their role and that ongoing training and development matching individual and organisational requirements is available and encouraged
 - ensuring members and officers have the appropriate skills, knowledge, resources and support to fulfil their roles and responsibilities and ensuring that they are able to update their knowledge on a continuing basis
 - ensuring personal, organisational and system-wide development through shared learning,

Principles, Behaviours and Actions

including lessons learnt from governance weaknesses both internal and external

- Ensuring that there are structures in place to encourage public participation.
- Taking steps to consider the leadership's own effectiveness and ensuring leaders are open to constructive feedback from peer review and inspections.
- Holding staff to account through regular performance reviews which take account of training or development needs.
- Ensuring arrangements are in place to maintain the health and wellbeing of the workforce and support individuals in maintaining their own physical and mental wellbeing.

Principle 6 – Managing risks and performance through robust internal control and strong public financial management

Local government needs to ensure that the organisations and governance structures that it oversees have implemented, and can sustain, an effective performance management system that facilitates effective and efficient delivery of planned services. Risk management and internal control are important and integral parts of a performance management system and crucial to the achievement of outcomes. Risk should be considered and addressed as part of all decision making activities. A strong system of financial management is essential for the implementation of policies and the achievement of intended outcomes, as it will enforce financial discipline, strategic allocation of resources, efficient service delivery, and accountability. It is also essential that a culture and structure for scrutiny is in place as a key part of accountable decision making, policy making and review. A positive working culture that accepts, promotes and encourages constructive challenge is critical to successful scrutiny and successful delivery. Importantly, this culture does not happen automatically, it requires repeated public commitment from those in authority.

Managing risk

- Recognising that risk management is an integral part of all activities and must be considered in all aspects of decision making.
- Implementing robust and integrated risk management arrangements and ensuring that they are working effectively.
- Ensuring that responsibilities for managing individual risks are clearly allocated.

Managing performance

- Monitoring service delivery effectively including planning, specification, execution and independent post implementation review.
- Making decisions based on relevant, clear objective analysis and advice pointing out the implications and risks inherent in the Council's financial, social and environmental position and outlook.

Principles, Behaviours and Actions

	<ul style="list-style-type: none"> ▪ Ensuring an effective scrutiny or oversight function is in place which provides constructive challenge and debate on policies and objectives before, during and after decisions are made thereby enhancing the Council's performance and that of any organisation for which it is responsible. ▪ Providing members and senior management with regular reports on service delivery plans and on progress towards outcome achievement. ▪ Ensuring there is consistency between specification stages (such as budgets) and post implementation reporting (e.g. financial statements).
Robust internal control	<ul style="list-style-type: none"> ▪ Aligning the risk management strategy and policies on internal control with achieving objectives. ▪ Evaluating and monitoring risk management and internal control on a regular basis. ▪ Ensuring effective counter fraud and anti-corruption arrangements are in place. ▪ Ensuring additional assurance on the overall adequacy and effectiveness of the framework of governance, risk management and control is provided by the internal auditor. ▪ Ensuring an audit committee or equivalent group/ function, which is independent of the executive and accountable to the governing body: <ul style="list-style-type: none"> – provides a further source of effective assurance regarding arrangements for managing risk and maintaining an effective control environment – that its recommendations are listened to and acted upon
Managing data	<ul style="list-style-type: none"> ▪ Ensuring effective arrangements are in place for the safe collection, storage, and use and sharing of data, including processes to safeguard personal data. ▪ Ensuring effective arrangements are in place and operating effectively when sharing data with other bodies. ▪ Reviewing and auditing regularly the quality and accuracy of data used in decision making and performance monitoring.
Strong public financial management	<ul style="list-style-type: none"> ▪ Ensuring financial management supports both long term achievement of outcomes and short-term financial and operational performance. ▪ Ensuring well-developed financial management is integrated at all levels of planning and control, including management of financial risks and controls.

Principles, Behaviours and Actions

Principle 7 – Implementing good practices in transparency, reporting, and audit to deliver effective accountability

Accountability is about ensuring that those making decisions and delivering services are answerable for them. Effective accountability is concerned not only with reporting on actions completed, but also ensuring that stakeholders are able to understand and respond as the organisation plans and carries out its activities in a transparent manner. Both external and internal audit contribute to effective accountability.

<p>Implementing good practice in transparency</p>	<ul style="list-style-type: none"> ▪ Writing and communicating reports for the public and other stakeholders in a fair, balanced and understandable style appropriate to the intended audience and ensuring that they are easy to access and interrogate. ▪ Striking a balance between providing the right amount of information to satisfy transparency demands and enhance public scrutiny while not being too onerous to provide and for users to understand.
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<p>Implementing good practices in reporting</p>	<ul style="list-style-type: none"> ▪ Reporting at least annually on performance, value for money and stewardship of resources to stakeholders in a timely and understandable way. ▪ Ensuring members and senior management own the results reported. ▪ Ensuring robust arrangements for assessing the extent to which the principles contained in this Framework have been applied and publishing the results on this assessment, including an action plan for improvement and evidence to demonstrate good governance (the annual governance statement). ▪ Ensuring that this Framework is applied to jointly managed or shared service organisations as appropriate. ▪ Ensuring the performance information that accompanies the financial statements is prepared on a consistent and timely basis and the statements allow for comparison with other, similar organisations.
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<p>Assurance and effective accountability</p>	<ul style="list-style-type: none"> ▪ Ensuring that recommendations for corrective action made by external audit are acted upon. ▪ Ensuring an effective internal audit service with direct access to members is in place, providing assurance with regard to governance arrangements and that recommendations are acted upon. ▪ Welcoming peer challenge, reviews and inspections from regulatory bodies and implementing recommendations. ▪ Gaining assurance on risks associated with delivering services through third parties and that this is evidenced in the annual governance statement.
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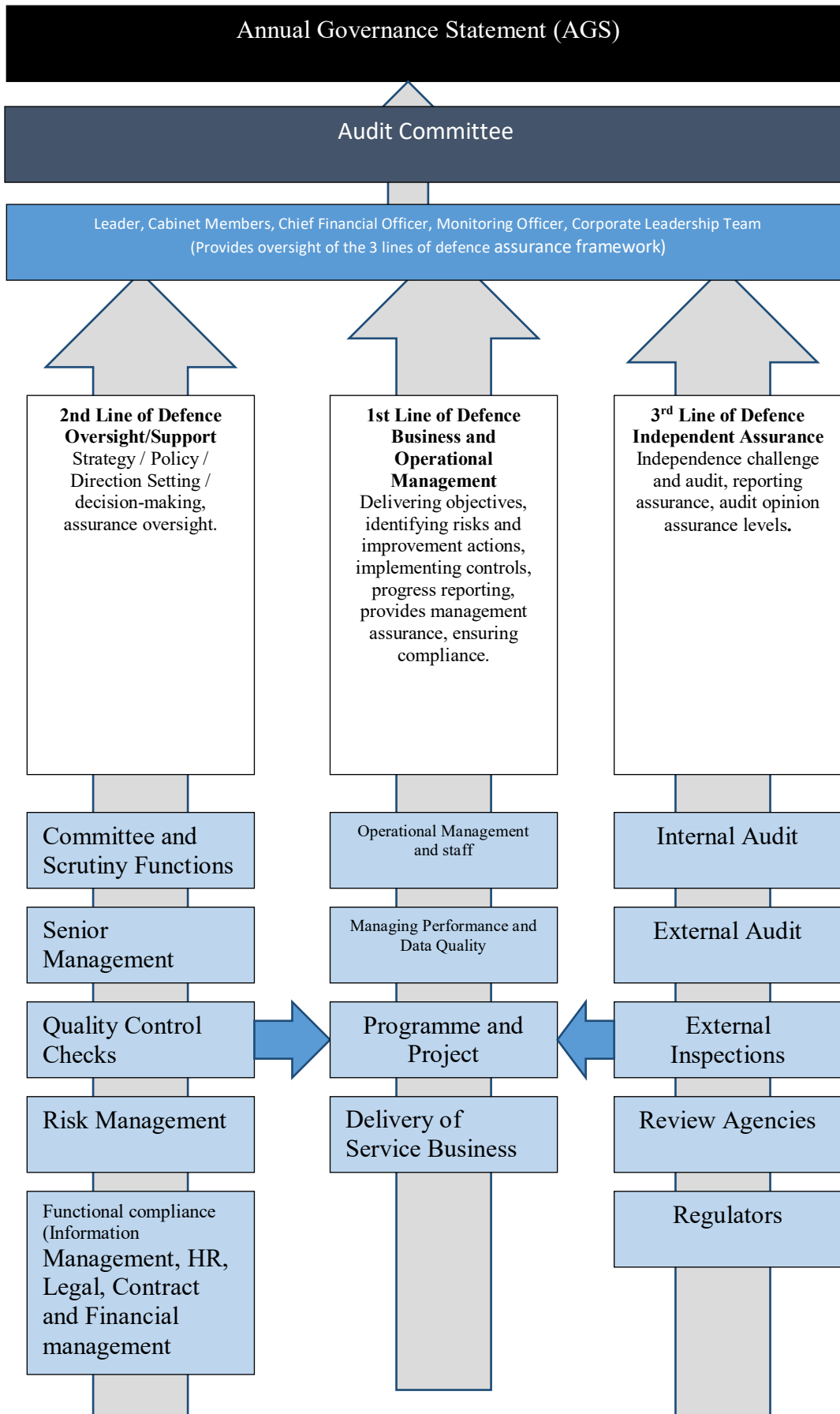
Principles, Behaviours and Actions

- Ensuring that when working in partnership, arrangements for accountability are clear and the need for wider public accountability has been recognised and met.

Version Control

Version	Prepared/Reviewed By	Date	Approved By	Date
2019 V1	David Bowater	March 2019		

Appendix 1



Wiltshire Council

Full Council

9 July 2019

Electoral Review Committee Update: Additional Consultation Response to the Local Government Boundary Commission for England and Preparation for Future Community Governance Reviews

Executive Summary

The Electoral Review Committee (“The Committee”) was established by Full Council at its meeting on 17 October 2017 to progress the Council’s responses to the Local Government Boundary Commission for England’s Electoral Review of Wiltshire Council.

The Local Government Boundary Commission for England (“The Commission”), having determined that the council size should remain at 98 councillors, and following submissions from the council and others, published draft recommendations setting out a proposed pattern of electoral divisions, to which the Council responded on 25 March 2019.

The Commission has since announced an additional period of consultation on revised draft recommendations, rather than publish its final recommendations. As there has not been sufficient time for the Committee to prepare a response for Full Council to consider, and as a result of the limited timescale for provision of a response, it is requested that Full Council delegate preparation and approval of a response to the Committee.

The Committee’s terms of reference would also need to be amended in order to have authority to prepare for future Community Governance Reviews.

Proposal

- 1) That Council delegates the preparation and approval of a response to the latest consultation of the Local Government Boundary Commission for England to the Electoral Review Committee, to include approval of any final consequential changes to the submission documentation to the Director of Legal, Electoral and Registration Services after consultation with the Chairman of the Electoral Review Committee.
- 2) To approve amendments to the Terms of Reference of the Electoral Review Committee as detailed in **Appendix A**, and include them within Part 3B of the Constitution.

Reason for Proposals

To ensure the Council provides a submission to the Local Government Boundary Commission for England to its consultation.

To enable the Electoral Review Committee to organise and administer Community Governance Reviews on behalf of the Council.

Ian Gibbons - Director of Legal, Electoral and Registration Services

Wiltshire Council

Full Council

9 July 2019

Electoral Review Committee Update: Additional Consultation Response to the Local Government Boundary Commission for England and Preparation for Future Community Governance Reviews

Purpose

1. To request Council to delegate responsibility for approval of a draft response to the Local Government Boundary Commission for England (“The Commission”) regarding the latest consultation on its new set of draft recommendations setting out a proposed pattern of electoral divisions to the Electoral Review Committee.
2. To request Council to amend the Terms of Reference of the Electoral Review Committee to prepare for oversight of any future Community Governance Reviews.

Background

3. On 15 September 2017 Wiltshire Council (“The Council”) was notified by the Local Government Boundary Commission for England (“the Commission”) of its intention to carry out an electoral review of the Council in its 2018/19 work programme.
4. On 17 October 2017 Council established the Electoral Review Committee (‘the Committee’) to progress the Council’s response to the review, and to formulate recommendations on any submissions to be made to the Commission during the review process.
5. Following two submissions from the Council, on 28 August 2018 the Commission announced that it was minded to agree a council size of 98 councillors, noting its decision was taken ‘*in the context of the Area Boards and their importance to the Council’s decision-making process*’.
6. A consultation on a pattern of divisions was therefore launched to run from 28 August - 5 November 2018. The Council, following consideration of evidence by the Committee, approved a submission on a proposed pattern of divisions at its meeting on 16 October 2018.
7. A consultation on [draft recommendations](#) from the Commission was launched from 5 February - 15 April 2019. The Council, following consideration of evidence by the Committee, approved a submission in response at its meeting on 25 March 2019.
8. The Commission was due to announce its final recommendations on 2 July 2019. These would have been either approved or rejected by Parliament, and would not have been amendable. However, the Commission has instead informed the Council it will launch an additional consultation period on revised draft recommendations, which will run from 2 July 2019 -29 July 2019.

9. The Council also has a statutory obligation to undertake Community Governance Reviews of town/city/parish councils in response to requests and when it considers it practicable to do so. The Committee has limited delegation to scope and oversee any review and the preparation of recommendations to Full Council for determination.

Main Considerations

Electoral Review

10. At the time of the publication of the agenda on 1 July 2019, the details of the revised draft recommendations have not been made public. This will take place as noted above from 2 July 2019.
11. As a result, there has been insufficient opportunity for the Electoral Review Committee to consider any revised draft and make any recommendations to Full Council.
12. The options would be that an additional Full Council meeting is scheduled in late July to consider a recommendation from the Committee, or that the Committee, in this particular instance, is given delegated authority to prepare and sign off a response on behalf of the Council to the latest consultation.
13. Therefore, Full Council is requested to delegate authority to the Committee to prepare a response to the Commission accordingly.

Community Governance Reviews

14. A Community Governance Review is a process wherein a principal authority can adjust the governance arrangements of parishes within its council area. This can include amending the name of the parish, number of councillors or wards, the external boundaries, or even the creation/merger/abolition/grouping of entire parishes.
15. The Council is required to undertake reviews where it receives valid requests to do so, but unless the request is the result of a petition of sufficient size, may schedule that review as it considers it practicable to do so. The Council may also suggest a review for an area in the absence of any request.
16. As a result of the Electoral Review of Wiltshire Council, which will have consequential effects upon many town and parish governance arrangements, the intention of the Council had been that the Electoral Review Committee would oversee Community Governance Reviews in appropriate areas, following canvassing of parish councils, following confirmation of the new electoral divisions. This would have enabled completion of any reviews in advance of the May 2021 local elections.
17. Although the delays of the Electoral Review mean that the start date for any review could therefore be delayed, and it could not therefore be guaranteed all reviews could be completed in time for the local elections, the Council must still review the governance arrangements of the parishes as appropriate.
18. The existing terms of reference of the Committee give limited authority to determine if any requests for community governance review should take place 'during the Electoral

Review'. It is recommended that the Committee be given authority to organise the scope and structure of any future community governance review to enable it to conduct reviews appropriately and prepare recommendations or Full Council. Full Council would remain the decision maker on any community governance review.

19. As the Committee will therefore remain in existence beyond completion of any specific project, it is recommended that it be noted that the Committee is a standing committee of the Council, and be included within Part 3B of the Constitution.

Safeguarding Implications

20. There are no safeguarding implications.

Public Health Implications

21. There are no public health implications.

Procurement Implications

22. There are no procurement implications.

Equalities Implications

23. There are no equalities implications.

Environmental Implications

24. There are no environmental implications.

Financial Implications

25. Community Governance Reviews will involve significant ongoing work. Consideration will need to be given to securing additional resourcing once the scope of the review has been determined.

Legal Implications

26. The Electoral Review is a statutory process carried out by the Commission in accordance with its obligations and powers as set out in the Local Democracy, Economic Development and Construction Act 2009.
27. Principal authorities have a statutory obligation to undertake Community Governance Reviews under the Local Government and Public Involvement in Health Act 2007.

Risks

28. If the Council fails to respond to the review the Commission would determine matters based on the submission of other interested parties.
29. If the Council does not undertake Community Governance Reviews at some stage it would be in breach of its legal obligations.

Options Considered

30. In place of additional delegation to the Committee additional special Full Council meetings would be required to approve any response to the Commission.

Next Steps

31. Following consideration of all representations the Commission will publish its final recommendations detailing a pattern of divisions and division names in Autumn 2019. At that stage the proposals can no longer be amended, but will be laid before Parliament where they can be either accepted or rejected. This would be scheduled to take place from early 2020 onwards, and come into effect for the unitary elections in May 2021.

Proposal

32. That Council delegates the preparation and approval of a response to the latest consultation of the Local Government Boundary Commission for England to the Electoral Review Committee, to include approval of any final consequential changes to the submission documentation to the Director of Legal, Electoral and Registration Services after consultation with the Chairman of the Electoral Review Committee.
33. To approve amendments to the Terms of Reference of the Electoral Review Committee as detailed in **Appendix A**, and include them within Part 3B of the Constitution.

Ian Gibbons - Director of Legal, Electoral and Registration Services

Report Author: Kieran Elliott, Senior Democratic Services Officer, 01225 718504,
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Appendices

Appendix A – Revised Terms of Reference of the Electoral Review Committee

Background Papers

[Initial Draft Recommendations of the LGBCE](#)

[Wiltshire Council Response to the LGBCE](#)

[Revised Draft Recommendations of the LGBCE](#)

[Technical Guidance of the LGBCE](#)

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Electoral Review Committee Terms of Reference

1) Composition

- a) The Committee shall consist of 10 members appointed in accordance with the rules on political proportionality.
- b) The Committee shall appoint a chairman and vice chairman from among its membership.

2) Responsibilities

- a) To oversee the provision of information required by the Local Government Boundary Commission for England in carrying out ~~its~~ any Electoral Review of Wiltshire, including any consultation arrangements with electors or other stakeholders;
- b) To update full Council on the progress of the Electoral Review;
- c) To make recommendations to full Council on proposed submissions to the LGBCE relating to:
 - i) The total number of councillors on Wiltshire Council;
 - ii) The number and boundaries of electoral divisions within Wiltshire Council;
 - iii) The number of councillors to be returned by any electoral division;
 - iv) The name of any electoral division.

d) To provide such further advice and support as may be requested by the Council related to or impacted upon by ~~any~~ the Electoral Review.

~~d) To determine on a case by case basis whether any requests for community governance reviews should be progressed during the Electoral Review and if so:~~

~~i) to make recommendations to Council accordingly;~~

~~i) to oversee any community governance reviews that are to proceed and to make recommendations to Council on the outcomes of such reviews.~~

e) To oversee any community governance reviews within the Wiltshire Council area, including contacting all parishes for proposals, setting the scope for any review, its methodology and its timescales. The Committee will prepare final recommendations for any changes for consideration by Full Council.

f) The Committee will consider whether it is appropriate to make, and is empowered to suggest for consultation and recommendation, changes to parish areas and parish electoral arrangements to include:

i) the alteration, merging, creation or abolition of parishes

ii) the naming of parishes and adoption of alternative styles for new parishes

iii) parish council size, number of councillors to be elected, and warding arrangements

iv) any other electoral arrangements

g) Where it would be appropriate to do so the Committee may recommend that as a result of proposed parish changes a unitary division be amended so that it remains coterminous with that parish. Any such change would need to be agreed by the Local Government Boundary Commission for England if approved by Full Council.

~~e)a) To provide such further advice and support as may be requested by the Council related to or impacted upon by the Electoral Review.~~

f)h) To oversee the provision of information required in carrying out the Polling District and Polling Place Review, including any consultation arrangements with electors or other stakeholders;

i) To make recommendations to Council on the proposed Polling Districts and Polling Places.

Wiltshire Council

Full Council

9 July 2019

Appointment of Committees

Purpose

1. To update the Council on the outcome of the by-election for Trowbridge Drynham Division to be held on 4 July.

Legal Position

2. Under the Local Government & Housing Act 1989 (“the Act”) and subsequent Regulations, (“the Regulations”), the Council must review the representation of the different political groups on committees when requested to do so by a leader of a political group where changes have occurred in the size of political groups.
3. The impact on political groups and political proportionality will be reported to Council following the byelection on 4 July 2019.
4. The current strength of political groups is:

Name of Group	Number of councillors
Conservative	66*
Liberal Democrat	20*
Independent	9
Labour	3

**Vacancies for Trowbridge Drynham and Westbury North divisions.*

5. The impact of the Westbury North Byelection (18 July) will be considered by Council at its October meeting.

Matters for Decision

6. The Council is asked to:
 - a) Note this report and the legal requirements;

b) In accordance with paragraph 4.4 of Part 3 of the Constitution (Responsibilities for Functions) to appoint the councillor elected to Trowbridge Drynham division to the Trowbridge Area Board.

c) Consider representation of different political groups on committees if required upon the outcome of the byelection.

Robin Townsend
Director - Corporate Services

Report Author: Libby Johnstone, Democratic Services Team Lead

Background papers: None

Appendices

Appendix 1 – Report on the by-election result (*to follow*)