

Wiltshire Council

Standards Committee

1 May 2019

Recommendations of the Constitution Focus Group

Purpose of Report

1. This report asks the Standards Committee to consider recommendations of the Constitution Focus Group in relation to the following:
 - Part 10 of the Constitution: Contract and Procurement Regulations
 - Protocol 8 of the Constitution: Partnership Protocol
 - Protocol 10 of the Constitution: 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 to review sections of the constitution, including those as detailed in paragraph 1.
4. The relevant minutes extract of the Focus Group meeting listed in paragraph 3 can be found at **Appendix 1**.

Main Considerations

Part 10 of the Constitution

5. The contract and procurement regulations were last reviewed and updated at Full Council on 12 July 2016. This had involved the transfer of more of the technical information into online manuals for council officers as it was considered an unnecessary level of detail for a high level constitutional document, whilst retaining the underlying core principles and rules.
6. The Focus Group was provided with an updated version of the contract and procurement regulations, which sought to further simplify and clarify the processes to be followed, correcting out of date information, and setting out more clearly the responsibilities of certain roles and the working practices that should be followed. For example, clarifying the role of the Head of Strategic Procurement in place of the former Procurement Board.
7. The Focus Group considered the changes proposed to be appropriate and necessary, and also requested additional clarifications if necessary in respect of the processes in relation to extraordinary contract exemptions.
8. A table setting out details of the changes and the revised version of the document is included at **Appendix 2**. The existing protocol is included at **Appendix 3**.

Protocol 8: Partnership Protocol

9. 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 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.
10. 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](#).

The Standards Committee is therefore asked to note the Audit Committee's recommendation to Cabinet regarding adoption of the partnership working framework and, accordingly, recommend Full Council to approve the removal of Protocol 8 from the Constitution.

Protocol 10: Code of Corporate Governance

11. Protocol 10 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 2010 an updated version of Protocol 10.
12. 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
13. 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](#). The Standards Committee is asked to note the recommendation of Audit as part of its regular report on Constitutional changes to Full Council.

¹ Chartered Institute of Public Finance and Accountancy

Safeguarding Implications

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

Equalities Impact of the Proposal

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

Risk assessment

Implementation of these changes will strengthen the Council's corporate governance, including its risk management arrangements.

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. **To note the Audit Committee's recommendation to Cabinet regarding adoption of the partnership working framework and, accordingly, recommend Full Council to approve the removal of Protocol 8 from the Constitution**
21. **To note the Audit Committee's recommendation to Cabinet to adopt the revised Code of Corporate Governance and, accordingly, recommend Full Council to approve the revised version to replace Protocol 10 to the Constitution.**

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Background Papers

[17 April 2019 Audit Committee](#)

Appendices

Appendix 1 - Minutes extract of the Constitution Focus Group, 10 April 2019

Appendix 2 - Schedule of Changes and Revised Part 10

Appendix 3 - Existing Part 10