

SUMMONS

Meeting: Council

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

Date: Tuesday 16 May 2023

Time: 10.30 am

All Members are summoned to attend a meeting of the Council at the time, location and date listed above.

Members are reminded to sign the attendance sheet before entering the Council Chamber, and if leaving before the closing of the meeting.

Please direct any enquiries on this Agenda to Tara Hunt of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718352 or email tara.hunt@wiltshire.gov.uk

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

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Public Participation

Please see the agenda items 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 **Election of Chairman 2023/24**

To elect a Chairman for the forthcoming year.

2 **Election of Vice-Chairman 2023/24**

To elect a Vice-Chairman for the forthcoming year.

3 **Apologies**

To receive any apologies for absence.

4 **Minutes of Previous Meeting** (*Pages 7 - 46*)

To approve as a true and correct record and sign the minutes of the last meeting of Council held on 21 February 2023.

5 **Declarations of Interest**

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

6 **Chairman's Announcements**

To receive any announcements through the Chairman.

7 **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. Members of the public are encouraged to register to speak earlier.

Up to 3 speakers are permitted to speak for up to 3 minutes each on any agenda item. Statements must be relevant to the agenda item.

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 Proper Officer) no later than 5pm on 9 May 2023 in order to be guaranteed of a written response. Questions submitted no later than 5pm on 11 May 2023 may only receive a verbal response. Questions may be asked without notice if the Chairman decides that the matter is urgent.

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

Please contact the officer named on the first page of this agenda for further advice.

8 **Petitions**

- a) To receive presentation of any petitions submitted for the meeting
- b) To receive an update on any petitions received by the council since the last meeting.

ANNUAL REPORTS AND UPDATES TO COUNCIL

9 **Overview and Scrutiny Annual Report** *(Pages 47 - 52)*

To receive the annual report on Overview and Scrutiny activity.

10 **Update on the Council's Response to the Climate Emergency** *(Pages 53 - 98)*

To receive a report from the Chief Executive.

MOTIONS FROM MEMBERS OF THE COUNCIL

11 **Notice of Motion No. 2023-01 - Old Sarum Airfield** *(Pages 99 - 100)*

To consider the attached motion from Councillors Ian McLennan and Paul Sample JP.

CONSTITUTIONAL UPDATES

12 **Proposed Changes to the Constitution** *(Pages 101 - 368)*

To receive a report from the Monitoring Officer on recommendations from the Standards Committee in respect of the following Parts of the Constitution:

- Part 1 – Introduction and Contents
- Part 2 – Articles of the Constitution
- Part 3 – Responsibility for Functions and Schemes of Delegation
- Part 4 – Council Rules of Procedure

APPOINTMENTS

13 **Annual Appointment of Committees** *(To follow)*

- a) Appointment of committees and review of allocation of seats on Committees to political groups
- b) Appointment of Members to Committees, Area Boards, and to the Dorset and Wiltshire Fire Authority and any other bodies
- c) Appointment of Chairs and Vice-Chairs of Committees

OTHER ITEMS OF BUSINESS

14 **Announcements from Cabinet and Committees**

The Leader, Cabinet Members and Chairmen of Committees will be invited to make any appropriate announcements for attention of Members.

15 **Questions from Members of the Council**

Members were required to give notice of any questions in writing to the Proper Officer through the officer listed on the front of this agenda no later than 5pm nine clear working days before the meeting in order to be guaranteed a written response.

Any question received after 5pm on 28 April 2023 and no later than 5pm four clear working days before the meeting 9 May 2023, may only receive a verbal response at the meeting. Any questions received after this date will be received at the next meeting.

Questions may be asked without notice if the Chairman determines the matter is urgent.

Details of any questions received will be circulated to Members 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

Terence Herbert
Chief Executive
Wiltshire Council
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

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Council

MINUTES OF THE COUNCIL MEETING HELD ON 21 FEBRUARY 2023 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Stuart Wheeler (Chairman), Cllr James Sheppard (Vice-Chairman), Cllr Phil Alford, Cllr Liz Alstrom, Cllr Helen Belcher OBE, Cllr Chuck Berry, Cllr Ian Blair-Pilling, Cllr Nick Botterill, Cllr David Bowler, Cllr Richard Britton, Cllr Allison Bucknell, Cllr Steve Bucknell, Cllr Clare Cape, Cllr Trevor Carbin, Cllr Daniel Cave, Cllr Mary Champion, Cllr Sam Charleston, Cllr Pauline Church, Cllr Ernie Clark, Cllr Richard Clewer, Cllr Zoë Clewer, Cllr Mark Connolly, Cllr Caroline Corbin, Cllr Brian Dalton, Cllr Kevin Daley, Cllr Jane Davies, Cllr Andrew Davis, Cllr Matthew Dean, Cllr Dr Monica Devendran, Cllr Adrian Foster, Cllr Sarah Gibson, Cllr Gavin Grant, Cllr Howard Greenman, Cllr Ross Henning, Cllr Sven Hocking, Cllr Nick Holder, Cllr Ruth Hopkinson, Cllr Jon Hubbard, Cllr Peter Hutton, Cllr Mel Jacob, Cllr Simon Jacobs, Cllr George Jeans, Cllr Bob Jones MBE, Cllr Johnny Kidney, Cllr Carole King, Cllr Gordon King, Cllr Edward Kirk, Cllr Jerry Kunkler, Cllr Jacqui Lay, Cllr Kathryn Macdermid, Cllr Dr Brian Mathew, Cllr Laura Mayes, Cllr Dr Mark McClelland, Cllr Ian McLennan, Cllr Dominic Muns, Cllr Dr Nick Murry, Cllr Nabil Najjar, Cllr Kelvin Nash, Cllr Christopher Newbury, Cllr Ashley O'Neill, Cllr Paul Oatway QPM, Cllr Jack Oatley, Cllr Stewart Palmen, Cllr Bill Parks, Cllr Antonio Piazza, Cllr Tony Pickernell, Cllr Horace Prickett, Cllr Nic Puntis, Cllr Pip Ridout, Cllr Tamara Reay, Cllr Rich Rogers, Cllr Ricky Rogers, Cllr Tom Rounds, Cllr Paul Sample JP, Cllr Mike Sankey, Cllr Jonathon Seed, Cllr Martin Smith, Cllr Caroline Thomas, Cllr Ian Thorn, Cllr Elizabeth Threlfall, Cllr Jo Trigg, Cllr Tim Trimble, Cllr Tony Trotman, Cllr Mark Verbinnen, Cllr David Vigar, Cllr Iain Wallis, Cllr Derek Walters, Cllr Bridget Wayman, Cllr Philip Whitehead, Cllr Suzanne Wickham, Cllr Christopher Williams and Cllr Graham Wright

1 Apologies

Apologies for absence were received from Councillors Nick Errington, Tony Jackson, Charles McGrath, Andrew Oliver, Sam Pearce-Kearney, and Robert Yuill.

2 Minutes of Previous Meeting

The minutes of the previous meeting held on 18 October 2022 were presented for consideration, and it was,

Resolved:

That the minutes of the previous meeting held on 18 October 2022 be approved and signed as a true and correct record.

3 **Declarations of Interest**

It was noted that the following Members were also Members of City, Town or Parish Councils in Wiltshire, declared as non-disclosable interests. Furthermore, on advice of the Monitoring Officer it was clarified those interests would not require the Members listed to leave the room for any items on the agenda, though were declared for information. Those Members were:

Phil Alford, Liz Alstrom, Helen Belcher OBE, Steve Bucknell, Clare Cape, Trevor Carbin, Daniel Cave, Sam Charleston, Ernie Clark, Mark Connolly, Caroline Corbin, Brian Dalton, Jane Davies, Andrew Davis, Matthew Dean, Dr Monica Devendran, Sarah Gibson, Gavin Grant, Sven Hocking, Ruth Hopkinson, Jon Hubbard, Mel Jacob, George Jeans, Bob Jones MBE, Gordon King, Johnny Kidney, Edward Kirk, Kathryn Macdermid, Dominic Muns, Dr Nick Murry, Nabil Najjar, Kelvin Nash, Jack Oatley, Paul Oatway QPM, Stewart Palmen, Bill Parks, Sam Pearce-Kearney, Antonio Piazza, Horace Prickett, Nic Puntis, Ricky Rogers, Tom Rounds, Paul Sample JP, Jonathan Seed, James Sheppard, Martin Smith, Caroline Thomas, Ian Thorn, Jo Trigg, Tim Trimble, Tony Trotman, Mark Verbinnen, David Vigar, Iain Wallis, Bridget Wayman, Graham Wright, and Robert Yuill.

Councillors Brian Dalton and Sam Charleston further declared disclosable pecuniary interests with regard to the budget resolutions relating to the Housing Revenue Account by virtue of them renting Wiltshire Council owned garages. They stated they would leave the room during for the vote on the Housing Revenue Account items (listed as Vote 2 under Minute 10) and would also leave the room and not participate in the debate should the matter arise during debate of the wider budget.

During discussion of the budget at item 10 Councillor George Jeans declared a Non-Registerable Interest by virtue of his wife holding a Blue Badge. Accordingly, at that point he left the room during debate and did not participate in the vote on the amendment relating to Blue Badge charging.

4 **Announcements by the Chairman**

The Chairman made the following announcements:

a) Helen Jones

On behalf of Wiltshire Council, the Chairman expressed condolences to the family and friends of Helen Jones, who had been serving Director of Procurement and Commissioning, following her sudden passing. He stated that everyone was saddened to hear of her death and that thoughts and prayers remained with everyone that knew and had worked with her.

b) Chairman's Engagements

A list of recent engagements attended by the Chairman from 19 October 2022 to February 2023 were detailed as below:

- 10 November 2022 - Hosted the High Sheriff's Thank You Reception for WC staff for all the work undertaken to ensure the success of the Proclamation of HM King Charles III on Sunday, 11th September, in the Chairman's Room.
- 11 November 2022 - Chippenham Town Council Armistice Day Commemoration.
- 13 November 2022 - Salisbury City Council Remembrance Day Parade and Service.
- 12 December 2022 -The County of Wiltshire Carol Service, St. Sampson's Church, Cricklade.
- 25 January 2023 - Attended the Royal Visit of HM The Queen Consort to Lacock, to St. Cyriac's Church, to plant a tree as part of the late HM The Queen's Green Canopy initiative, meet representatives from the Church and The National Trust and to walk through the village, visiting shops.

c) New Year's Honours Lists

The Chairman announced that a number of Wiltshire residents had received national recognition in the recent New Year's Honours List. The Chairman congratulated all those who had been honoured, noting in particular the award to Councillor Helen Belcher, Member for Corsham Pickwick.

CBE

The Countess of Bessborough, East Winterslow

OBE

Councillor Helen Belcher
 John Churchill
 James Hepburne Scott
 Rachel Hick
 Elizabeth Jackson
 Catherine Spencer
 Toby Sutton
 Prof. Geoffrey Till

MBE

David Bickers
 Patrick Bradley
 Meryl Hayward
 Helen Yeadon

BEM

Sarah Brewis
 Polly Cox
 Nicholas Cross
 Barbara King
 Juliette Pearson

d) Julian Johnson

On behalf of Wiltshire Council, the Chairman expressed condolences to the family and friends of Julian Johnson, former Chairman of Wiltshire County Council from

2001-02. Councillor Johnson was the Member for Downton and Ebbles Valley from 2009-2017, and also from 2005-2009 and the Member for Downton from 1993-2005 on Wiltshire County Council. He served as the Chairman of the Standards Committee from 2012-2017.

The Chairman expressed deep sadness at the passing of Councillor Johnson, acknowledging the many years service he had provided to Wiltshire. Councillor Richard Clewer, Leader of the Council, currently representing Downton and Ebbles Valley, on behalf of other Members also offered his condolences to former Councillor Johnson's family

e) Salisbury St Paul's

Finally, the Chairman welcomed Councillor Sam Charleston to his first Full Council meeting since election to the Salisbury St Paul's Division on 3 November 2022.

5 Petitions Update

The Chairman stated that four petitions had been formally received by the Council since the last ordinary meeting held on 18 October 2022, as detailed within the Council summons.

Following which, it was:

Resolved:

That Council notes the update on petitions in the report.

6 Public Participation

The Chairman explained the procedure that would be followed for public participation at the meeting in accordance with the constitution.

Although statements and questions would normally be considered during the relevant agenda item, as it was likely to be a lengthy meeting the Chairman offered the opportunity for questions and statements to be received under Item 6 instead.

Details of questions received during the item are detailed below. Other questions together with responses were set out in the Agenda Supplement.

Question P23-06 – Felicity Courage

A written response was provided as detailed in the Agenda Supplement. A supplementary question was asked relating to the urgent need for housing for Ukrainian refugees and if there was provision for allocating new build houses to aid in mitigating this issue and if the Leader would consider meeting with the voluntary group focussing on this topic.

Councillor Richard Clewer, Leader of the Council, encouraged volunteers to get in contact with his office to propose and organise a meeting. The written response given to the original question was referenced to address other points, and that

further information would be circulated as soon as practicable following consideration of any legal or other advice regarding.

Question P23-07 – Graham Hill

A written response was provided as detailed in the Agenda Supplement.

A supplementary question was asked in relation to a non-determined planning application which was to be determined at an upcoming meeting. The Chairman explained that the question should be directed to the relevant officer for that meeting.

7 **Annual Report of the Corporate Parenting Panel July 2021-June 2022**

The Chairman invited Councillor Laura Mayes, Deputy Leader and Cabinet Member for Children's Services, Education, and Skills, to present the Annual Report of the Corporate Parenting Panel from July 2021 - June 2022.

Councillor Mayes proposed a motion to receive and note both the Annual Reports of the Corporate Parenting Panel and the Child and Youth Voice Team, and to ratify the improvements required to further strengthen Corporate Parenting in Wiltshire. This was seconded by Councillor Peter Hutton, Chairman of the Corporate Parenting Panel.

It was emphasised that all elected Members had responsibilities as 'corporate parents' for Looked After Children and young people in Wiltshire. As such, Members were responsible for ensuring that the voices of children and young people continued to be heard while ensuring that these opinions were fully reflected in the Business Plan to deliver better outcomes for children both in and also leaving care, and to provide them with every opportunity available to reach their full potentials.

Councillor Mayes continued by presenting brief anecdotes and highlights from the report and highlighted the need for more in-house foster carers, with Members being encouraged to promote fostering within their communities.

Members then received a presentation from Cora, a Looked After young person who explained her personal experiences in the care system over many years. She talked of her experience of the Children in Care Council and with the Child and Youth Voice Team, alongside a video presentation outlining some of the activities and work that the team had undertaken with young people.

Comments were then made by Group Leaders as follows:

Councillor Richard Clewer, Leader of the Council, commended the work made by officers and other organisations in providing the results noted in the report which he felt provided confidence and assurance against the Business Plan. He stated that despite the successes it was an area that always needed to be under continuous review to ensure that Members fulfilled their duties as corporate parents.

Councillor Ian Thorn, Leader of the Liberal Democrat Group, welcomed the presentation and noted that the role of corporate parents unified and united Members towards a shared goal. Thanks were given to all Looked After Children

and young people, officers and other organisations working to help achieve these targets.

Councillor Ernie Clark, Leader of the Independent Group, and Councillor Ricky Rogers, Leader of the Labour Group, echoed the sentiments made by the other group leaders in particular praising Cora's presentation to Members.

During the debate, Councillor Peter Hutton, Chairman of the Corporate Parenting Panel, gave further thanks to officers and the Child and Youth Voice Team for their support and for providing a specific direction on where to place resources and focus. Recognition was given to the personal achievements of all of the Looked After children and young people, and it was reiterated that there would always be challenges ahead, but all parties were continually striving for improvements.

Further comments were received including praising the quality and detail of the report, and congratulations to Cora for attending the meeting. The equal responsibility of all Members as corporate parents was reiterated and further recognition to all foster carers across the County as representatives of the wider corporate body, was also given.

At the conclusion of the debate Councillor Mayes reaffirmed the comments made above, and it was:

Resolved:

- 1) **To receive and note the Annual Report and the work of the Corporate Parenting Panel to date, its functions and impact of its work and to ratify the improvements required to further strengthen Corporate Parenting in Wiltshire.**
- 2) **To receive and note the Annual Report of the Child and Youth Voice Team from April 2021 to March 2022 attached as Appendix 2 to this report.**

8 **Final Report from the Corporate Peer Challenge**

The Chairman invited Councillor Richard Clewer, Leader of the Council, to present the final report from the Corporate Peer Challenge.

Councillor Clewer proposed a motion to note the findings of the LGA Corporate Peer Challenge, seconded by Councillor Laura Mayes. A brief summary of peer challenges was given, and it was emphasised that it was undertaken by independent officers and councillors, and should give reassurance and confidence in the findings. The effort undertaken by officers and the administration was commended and the endorsements given in the report were stated as being testament to the effectiveness of the hard work to deliver the Business Plan.

Comments were then received from Group Leaders as follows:

Councillor Ian Thorn, Leader of the Liberal Democrat Group, congratulated all Members and officers who contributed to the successful review.

Councillor Ernie Clark, Leader of the Independent Group, endorsed the positive comments made.

Councillor Ricky Rogers, Leader of the Labour Group, further reaffirmed previous comments and added that he was glad the honest feedback provided in the consultation was reflected in the report and encouraged all Members and officers to continue the momentum.

During the debate, Councillor Laura Mayes, Deputy Leader of the Council, endorsed the report and expressed pride in the findings and in the method of analysis which she felt accurately presented the significant improvement works tackled over recent years. Further comments from Members included noting the high level of trust and confidence Members had with officers, and the successful embedding of the Business Plan to achieve targets and goals, and noting where there were suggested improvements in minor areas.

At the conclusion of the debate, it was:

Resolved:

That Council notes the findings of the LGA Corporate Peer Challenge 2022.

9 **Treasury Management Strategy**

The Chairman invited Councillor Nick Botterill, Cabinet Member for Finance, Development Management and Strategic Planning, to present a report on the Treasury Management Strategy 2023-24.

Councillor Botterill proposed a motion to accept the recommendations set out in the report, seconded by Councillor Richard Clewer, Leader of the Council. The importance of the maintaining a sound balance sheet with high levels of rigour and prudence through the proposed strategy was highlighted.

Additionally, the need to make informed decisions respecting topical matters such as the recent rise of inflation rates was important when considering factors like high level investment and debt management decisions. Furthermore, it was highlighted that major financial problems were often linked to improper treasury management decisions, showing the importance of such a strategy.

Comments were then made on the proposals by Group Leaders as follows:

Councillor Richard Clewer, Leader of the Council, stated that he would support the strategy and emphasised the fundamental nature of the strategy to Wiltshire Council's daily operations.

Councillor Ian Thorn, Leader of the Liberal Democrat Group, noted the comments and stated that he was happy to support the strategy and its recommendations.

Councillors Ernie Clark, Leader of the Independent Group, and Ricky Rogers, Leader of the Labour Group, further stated that they would support the strategy.

During the debate Members welcomed the thoroughness of the report and the concise and clear nature of the strategy. Further comments were received with regard to the interrelationship between capital budgets and the borrowing requirements of the Council and the need to make clear the difference between the types of capital budget to allow for a more robust scrutiny on capital budgetary matters.

At the conclusion of the debate, Councillor Botterill noted the comments made above, and it was then:

Resolved:

That Full Council:

- 1) Adopt the Minimum Revenue Provision Policy (paragraph 26 – 28);**
- 2) Adopt the Prudential and Treasury Indicators (paragraphs 17 – 25, 40 – 46 and Appendix A);**
 - 3) Adopt the Annual Investment Strategy (paragraph 63 onwards);**
 - 4) Delegate to the Corporate Director of Resources & Deputy Chief Executive (S151 Officer) the authority to vary the amount of borrowing and other long-term liabilities within the Treasury Indicators for the Authorised Limit and the Operational Boundary;**
 - 5) Authorise the Corporate Director of Resources & Deputy Chief Executive (S151 Officer) to agree the restructuring of existing long-term loans where savings are achievable or to enhance the long-term portfolio;**
 - 6) Agree that short term cash surpluses and deficits continue to be managed through temporary loans, deposits and money market funds;**
 - 7) Agree that any surplus cash balances not required to cover borrowing are placed in the most appropriate specified or non-specified investments, particularly where this is more cost effective than short term deposits; and delegate to the Corporate Director of Resources & Deputy Chief Executive (S151 Officer) the authority to select such funds;**
 - 8) Agree the revised Investment Policy (paragraph 70);**
 - 9) Agree the revised Creditworthiness Policy (paragraph 77);**

In accordance with the Constitution there was a recorded vote.

Votes for the motion (86)

Votes against the motion (0)

Votes in abstention (0)

Details of the vote are attached to the minutes.

10 **Budget 2023/24 and Medium-Term Financial Strategy 2023/24 - 2025/26**

Budget Introduction

The Chairman introduced the item and provided details of the reports which had been circulated. He explained the procedures to be followed for consideration and debate of the budget, including of any proposed amendments. He then invited Councillor Richard Clewer, Leader of the Council and Cabinet Member for Economic Development, Military-Civilian Integration, Heritage, Arts, Tourism, Health and Wellbeing, to present the proposed budget. Councillor Clewer proposed a motion to adopt the recommendations as set out on pages 406-409 of the Summons. This was seconded by Councillor Nick Botterill, Cabinet Member for Finance, Development Management and Strategic Planning.

Councillor Clewer drew attention to the Budget Addendum Report included in the Summons which outlined the late update from Government regarding the final Local Government Finance Settlement and how the updates affect the previously published budget and the proposals to be moved. He detailed some of the work carried out by government, council officers, voluntary sectors, Members and his administration in overcoming the challenges of delivering services through the impact from the invasion of Ukraine, continued Covid recovery, the death of the Queen, and the ongoing cost-of-living crisis. The financial strain that local authorities across the country were facing was described and additional details as to the financial status and proposed budgets of neighbouring authorities were highlighted to provide further context to the proposed budget.

Councillor Clewer then emphasised the four guiding themes of the Business Plan in preparing the budget, and that focus and investments into preventative work and tackling long term systemic problems was critical to limiting pressure and driving the organisational operation of Wiltshire Council and the budget itself. A rigorous and prudent approach to developing the budget had been followed, to focus activity where it was most needed with understanding of the implications across all parts of the council.

Specific details were set out with it stated budgets were increasing in all service areas, including an extra £11m into Living and Aging well, £6m into Education and Skills, and £2.3m into Planning. It was explained that due to the increases to inflation, if the standard calculation was applied, social rent would be increased by 11.7% but central government had intervened and stated that the increase could not exceed 7%, and the council was proposing to increase social rents by this figure.

Capital investment and programmes over the next 7 years were detailed. It was explained that the administration had worked to develop a more accurate capital programme with a better profiling spend to ensure that there was a greater

understanding of when and where to spend the £1.1bn of investments into Wiltshire. Councillor Clewer raised the issue of reserves and highlighted that prudence and tight financial control were critical and underpinned the success of the Council and that £13.1m would be released from reserves to address the key priorities and strategic long-term issues of the county. Noting the proposed amendments included with the Summons he criticised the scale of the proposals due to their very small impact on the total budget.

In conclusion, Councillor Clewer stated that the presented budget for the next 3 years was stable and fully costed with no use of reserves to balance the accounts and provided a clear vision to modernise and transform services, focussing on preventative work, tackling deprivation and maintaining critical infrastructure, and recommended Council approve the proposal.

Scrutiny Comments

The Chairman then invited Councillor Graham Wright, Chairman of the Overview and Scrutiny Management Committee, to comment and present the report of the meeting of the committee held on 24 January 2023 to discuss the budget proposals. Councillor Wright at the same time presented the report of the meeting of the committee held on 7 February 2023 to discuss budget amendment proposals.

Each meeting had included a series of questions and comments from Select Committee chairs and others, with extensive discussion of the effect and deliverability of the budget and proposed amendments, and drew attention to the full report included in the Summons. Thanks were given to all Scrutiny Committee Members, Officers, Cabinet Members, Financial Planning Task Group Members and those Councillors who had submitted amendments. He commended the level of scrutiny that had taken place throughout the year and particularly relating to the formal budget and amendment proposals.

The Chairman also invited Councillor Pip Ridout, Chairman of the Financial Planning Task Group, to comment. Councillor Ridout provided assurance as to the extensive and rigorous scrutiny process undertaken, including briefings to all Members, Task Group meetings, and the great many questions which were submitted and reported to the Management Committee. She added her thanks to those already given by the Leader, Andy Brown, S151 Officer, and the rest of the Finance team.

Public Participation

The Chairman explained that one statement and two questions from the public had been received as set out in the Agenda Supplement, with the details of supplementary questions received below.

Question P23-03 – Colin Gale – Rushall Parish Council

A written response was provided as detailed in the Agenda Supplement. Mr Gale asked a supplementary question relating to the Town and Parish Council four-yearly election cycle costs, such as how to explain the proposed precept increase to electorates and criticising the level of consultation prior to the decision. Councillor Ashley O'Neill, Cabinet Member for Governance, IT, Broadband, Licensing, Staffing, Communities and Area Boards thanked Councillor Gale for his statement and questions. Councillor O'Neill referred to the written responses included within

the Agenda Supplement and noted that Wiltshire Council had historically absorbed the costs incurred solely for electoral activity that related to City, Town and Parish Councils who had their own precepting ability, and the introduction of the charges would bring Wiltshire in line with other Councils. Details as to the specific financial impact to Rushall Parish Council were given and Councillor Gale was encouraged to contact the Wiltshire Council Elections Team directly for further information.

Group Leader Responses

The Chairman then invited group leaders to comment on the proposed budget.

Councillor Ian Thorn, Leader of the Liberal Democrat Group, thanked Councillor Clewer, Andy Brown, S151 Officer, Lizzie Watkin, Director of Finance, Councillor Gavin Grant and Officers for their hard work and commitment in preparing the budget and those assisting with preparation of the proposed amendments, and all council staff for their work through the year, and the support of residents and businesses. He commented upon some of the issues raised by the Leader in his budget speech, such as the role of Visit Wiltshire and the removal of its funding base, and some of the points made by the Leader were commented upon; namely, the role of Visit Wiltshire and its funding base for future years and the criticisms of neighbouring Councils. The financial strain that local government was facing was reiterated and the challenges that all local authorities were navigating was emphasised in respect of the necessity that central government recognised those challenges and supported councils in delivering vital services.

Further thanks were given to officers for the work undertaken in supporting residents during the cost-of-living crisis and emphasis was given as to the continued challenge of reaching and aiding those residents most in need of help. Councillor Thorn accepted that the yearly preparation of the budget was not a simple task and welcomed the achievement of a balanced budget despite the economic climate and landscape. However, he stressed that some of the proposed savings were detrimental to the poorest and most vulnerable residents with few positive impacts felt. He stated that he could not support the recommendations as they stood and welcomed the debate with regard to the proposed amendments.

Councillor Ernie Clark, Leader of the Independent Group, stated that he would observe the debate before reaching any conclusions.

Councillor Ricky Rogers, Leader of the Labour Group, thanked the Leader for his introduction to the budget. He expressed disappointment that there were no details as to the impacts to residents for the proposed 7% rise on social rents, and criticised comments from the Leader regarding the parish level precepts in Salisbury. He referenced ongoing disputes between the GMB Union and the council's corporate leadership.

Councillor Rogers also noted the work undertaken in delivering a balanced budget during a difficult financial year, work in tackling the climate emergency, and the production and subsequent circulation of a leaflet providing contact information for residents who needed help and advice during the ongoing cost-of-living crisis. Councillor Rogers highlighted the increase in contract inflation and questioned whether any of the services being outsourced could be or could have been handled internally by the council to aid in saving costs. Councillor Rogers referenced his

upcoming amendment in context of whether he could support the budget as proposed.

A break was then taken for lunch between 12.55pm and 2:00pm.

Amendment A

The Chairman then invited Councillor Ricky Rogers, seconded by Councillor Ian McLennan, to present proposed Amendment A, as set out in the Summons.

Councillor Rogers explained that his amendment was to reduce the rise in social dwelling rents from 7% to 5%. This had an additional budgetary cost of £0.519m, to be funded by a decrease in the contribution to the Housing Revenue Account Reserve of the same amount to offset the reduction in rental income. Councillor Rogers stated that normally the rise was set by the Department of Levelling Up, Housing, and Communities, plus 1%, but that due to the current economic and inflationary situation councils had been given discretion on the rise, with modelling for 3%, 5%, and 7%, with the latter being the cap. He noted most councils and housing associations had set 7%, but that Swindon Borough Council had set their rate at 5%.

Councillor Rogers noted that increases in council tax and parish precepts, and considered that a 7% rise for social dwelling rents on top of that was an unreasonable burden. He stated he considered the council to have a well-run Housing Board and that it was an effective landlord, but pointed to feedback from his local community, where a high proportion of the social dwellings were located, asking to reject the recommendation of the board to set the rate at 7%. He read out a number of statements from local Salisbury residents. He asked council to lessen the impact on those hit hardest, and that whilst a lesser rise would affect the amount of reserves in the Housing Revenue Account, which remained significant, it would not affect the progression of development works planned.

The Chairman then invited comments from other Group Leaders on Amendment A.

Councillor Clewer confirmed he did not support the amendment. He pointed to the recommendation of the Housing Board, which included tenants and independent members, that 7% was the most appropriate rise at the time. He stated the Housing Revenue Account operated on a 30 year business plan and decisions made on it could have a significant effect over time, pointing to a previous government decision to reduce rents by 1% a year over 4 years, which had significantly hit those business plans. As such, even as a one off decision to reduce rents there would be knock-on effects, and he could not support an impact on the business plan designed to provide more council houses and a better service.

Councillor Thorn noted the discussion that had taken place at Overview and Scrutiny Management relating to the amendment. He did not consider that other authorities or associations raising by 7% in itself meant that a rise in Wiltshire of 5% was unreasonable. He stated he had not seen evidence the lesser rise would negatively affect the repairs budget, and supported the amendment as an opportunity to offer support where it could to residents during the ongoing cost of living crisis.

Councillor Wright, in place of the Independent Group Leader, stated there would be a variety of views on the amendment from the group, but he expressed his own sympathy for the amendment.

The Chairman then opened debate on Amendment A.

Amendment A Debate

Comments made in support of the amendment included that only around 1/3 of tenants would be directly affected by the amendment as they were not in receipt of housing benefit which was rising above the level of inflation and not a large impact. Comparisons were made to other local authorities which had more social dwellings yet lesser reserves, indicating Wiltshire could afford to reduce its reserves a little on this occasion. Some Members noted the importance of building more social housing, but that the amendment was providing needed help which was able to be offered.

Other comments were made that in most areas of Wiltshire there was not much social housing owned by the council, and so most of those in social dwellings would be facing a 7% rise as agreed by their housing association. Comparisons with private sector rent rises were made, which it was stated was less than the 7% being asked of those in social dwellings. Others commented that the economic situation was such that making a 30 year projection was not useful or to be relied upon, but the existing impacts could be seen. Some stated that it was important to note the council was the landlord and decision maker, with an obligation to look out for its tenants, and that on balance immediate action was justified given the urgent situation.

Comments made against the amendment included that there would be an impact on the discretionary spend, and would require the maintenance programme to be reprofiled. It was noted that the difference between the recommendation and the amendment amount to less than £2 per week, which whilst not insignificant had longer term effects on the Housing Revenue Account with a shortfall building up over the 30 year business plan to over £17m. It was also stated that the original expectation of increases of inflation plus 1% was due to the unique situation not going to be met, with the 4% below inflation rise already having an impact on the maintenance and investment. There were also concerns about the impact on the council house build programme, and the ongoing financial impact that would be felt from the lack of the additional funding from one year rolling into future years.

Other comments in debate included that the poorest residents were in receipt of housing benefit and would not be affected by the recommendation or amendment, and that the cost of the lesser increase would therefore be met by other residents. It was also noted that those in private rents did not have the same level of security of tenure. Others pointed to the recommendation of the Housing Board itself, and the risk that all the tenants would be ultimately worse off if the investment programme was prejudiced.

Councillor Rogers, as mover of the amendment, then responded to comments made in debate. He acknowledged the Housing Revenue Account could be complicated, but he noted the council was part way through not at the start of the business plan. He reiterated that in most years there would not be opportunity to set

a lower level of rents, if inflation was brought under control. He pointed to previous reductions which did not lead to a large detrimental impact, the level of reserves available, and that the main issue with planned development work to the housing stock was not funding, but lack of available tradesman on local government pay and conditions. He asked the council to think about those who could least afford to pay an increase.

Councillor Clewer, as mover of the original motion, then responded to the comments made in debate. He highlighted work undertaken to set up the housing stock to be sustainable over the long term, the constant rolling nature of the 30 year plan to keep maintenance going, to keep the stock in good condition, and to build more stock. He reiterated that losing £0.500m for this year would have significant effects on the account over the long term, and the council would not be able to undertake some works which were designed to improve standards and efficiency, which itself would lead to cost savings for all residents, such as on heating costs. He asked the council to reject the amendment, as whilst it sounded sympathetic to residents it would in fact be detrimental to their interests.

In accordance with the constitution there was a recorded vote.

Votes for the amendment (29)

Votes against the amendment (51)

Votes in abstention (3)

The vote was therefore lost. Details of the recorded vote are attached to the minutes.

Amendment B

The Chairman then invited Councillor Gavin Grant, seconded by Councillor Ian Thorn, to present proposed Amendment B, as set out in the Summons.

Councillor Grant explained that the amendment was to remove the income budget introduced in 2022/23 as a result of the saving included in the budget to include parking charges for Blue Badge holders. This had been estimated in discussion with council officers to have an annual impact of £0.040m. It was proposed to be funded for 2023/24 and 2024/25 from reductions in the Wiltshire Towns Funding budget. For 2025/26 it was proposed to be funded through an increase in the assumption in growth in the council tax base from 1.2% to 1.25%, which resulted in an additional £0.169m of basic council tax, which would also be utilised for other proposed amendments. He drew attention to details in the report to Overview and Scrutiny on past growth of the council tax base.

Councillor Grant argued that the impact of the amendment on the overall budget was very modest, but the issue had generated a lot of concern from residents of Wiltshire about the introduction of the charges following the decision at the previous years' budget. He noted Blue Badge holders already had to pay for the Badges, and that many of them were impacted by greater expenses in their own life. He said this was recognised by the recent decision to allow an additional free hour for Blue Badge holders in council car parks. He believed the charge should be waived entirely, and that the evidence was that disabled people usually had a higher cost of

living, and there was an opportunity to acknowledge the imposition of the charge should be reversed.

The Chairman then invited comments from Group Leaders on Amendment B.

Councillor Clewer confirmed he did not support the amendment. He noted the arguments for and against the charge had been thoroughly debated at the previous years' budget. He pointed to comments from the S151 Officer in the reports, and that other council's such as Bath and North East Somerset also charged for Blue Badge parking. He stated that in discussion with disability groups the key issue was not charging, but impacts from mobility issues. Other comments he would save for the conclusion of the debate.

Councillor Thorn supported the amendment. He referenced that many residents had contacted him with concerns about the impact of the charge. He said due to difficulties in estimating parking income there was in fact reduced financial risk. In response to reference to the comments of the S151 officer he stated the Leader had noted the amounts involved were very small, this was not a proposal which would significantly effect the council's operations, but would improve the lives of a substantial number of people.

Councillor Rogers stated the proposal offered a sensible funding method of limited impact, and so was minded to support the amendment.

Amendment B Debate

The Chairman therefore opened debate on Amendment B.

Comments made in support of the amendment included that many Blue Badge holders had mobility difficulties in getting to and using parking charge machines, and upgrades would take a long time to implement, whilst removing the charge could be immediate. It was stated that issue of inaccessibility had been raised prior to the decision as foreseeable. It was argued that the current policy to charge meant those who were able to be parked elsewhere in less convenient locations, and others may be discouraged from journeying.

Other comments were made that noted the cost of removing the charge was very small, yet not removing it disadvantaged a large number of people. Some questioned the benefit of charging Blue Badge holders, and the decision had caused upset and anxiety to a particular group. Some comments argued the lack of disabled representation on the council may have impacted the initial decision. The level of charges that would be raised was questioned, with the risk that if they continued people might not do so, and so in fact the level estimated could be lower. Examples were provided of some of those with mobility issues suffering falls and other risks, and that the council should encourage use of proper parking spaces for safety reasons. Although not all those with a Blue Badge needed financial assistance it was argued that a large proportion did.

Comments made against the amendment included that not all those with a Blue Badge needed financial assistance, whereas those on universal credit for example were not proposed to have parking charges removed. It was stated that Blue Badge holders often needed more time to get in and out of their cars, and this was being

recognised with the additional free parking time. It was stated it had not been an easy decision to implement the charge, and that the opposition included proposing policies which were not helpful for motorists, which impacted use of car parks, and referenced proposals made at other local authorities.

The history of Blue Badges was raised, with the intention of the authorising Act stated to be focused on those with severe mobility issues, and at the time there had not been dedicated disabled parking spaces, so the policy was about on street parking. Financial support for those in need was provided by other means, with no requirement for disabled spaces to be free. The level of support provided by the council to vulnerable people, including older and mobility impaired residents, was highlighted as an indication of general support. The funding of the amendment was raised, with the purpose of the Towns Fund to assist in transforming high streets was stated to be diminished if used to fund amendments unrelated to that. The increase in the council tax base assumption to part fund the amendment was criticised, with the budget assumption the professional advice the council had received.

Other comments in debate included that encouraging Blue Badge holders not to park on double yellow lines, which they were entitled to do if not causing an obstruction, was positive, and not charging in the car park may be an incentive. There were also comments relating to the number of parking wardens and their associated pay, in enforcing rules in council car parks.

Councillor Grant, as mover of the amendment, then responded to comments made in debate. The discussion and debate at Overview and Scrutiny on the amendment, including on the proposed funding of the amendment, was highlighted. He noted the debate at the council meeting had raised issues of mobility and ability for people to pay, and stated both were relevant. He felt the decision last year to impose charges deserved to be revisited and asked for support for his amendment.

Councillor Clewer, as mover of the original motion, then responded to the comments made in debate. He stated financial advice was that the amendment was a risk, and that whilst small in itself if the council started to approve risky amendments on such a basis this was not a sensible approach to financial management. He stated the Towns Fund was critical for the council, and it could not be used for this purpose. The primary issue involved was mobility, and it was not the case that most Blue Badge holders were in receipt of benefits. He noted adjustments had been made to assist with the mobility concerns.

In accordance with the constitution there was a recorded vote.

Votes for the amendment (28)

Votes against the amendment (50)

Votes in abstention (7)

The vote was therefore lost. Details of the recorded vote are attached to the minutes.

The Chairman then stated that with consent of the meeting that with the exception of those proposing amendments and group leader comments, that all Members be

restricted to 3 minutes speaking time during debate, rather than 5 minutes. This was agreed by the meeting.

Amendment C

The Chairman then invited Councillor Gavin Grant, seconded by Councillor Ian Thorn, to present proposed Amendment C, as set out in the Summons.

Councillor Grant explained that the amendment was to include an additional £0.350m for discretionary Council Tax Reliefs to support households in receipt of Council Tax Relief support where there was a balance of council tax to be paid, to apply an additional £25 discretionary relief for 2023/24 only, and to include an additional £0.300m revenue budget for funding additional Council Tax Relief to support households with individuals and families hit by the cost of crisis. This was a total cost of £0.650m, proposed to be funded through use of the Collection Fund Surplus received in the 2023/24 year and reducing the contribution to the Collection Fund Volatility Reserve.

Councillor Grant argued the amendment was intended to give the council greater capacity to offer discretionary relief on council tax. He stated the council was in receipt of government funding to assist with council tax relief. He quoted comments on behalf of Wiltshire Citizen's Advice regarding those just outside those protected by government funding, the people the council exercised its discretion on council tax. He stated where the council was currently forgiving 80% of someone's council tax it would pursue the remainder, leading to court action. He said that was appropriate if someone could pay, but there were increasing numbers of people who were struggling to pay despite not being in receipt of benefits. He directed attention to comments from the S151 Officer in the report, stating that it indicated there was unallocated government funding for Council Tax Relief, and pointed to the effect on reserves.

The Chairman then invited comments from Group Leaders on Amendment C.

Councillor Clewer confirmed he did not support the amendment. He considered the amendment utilised reserves based on assumptions and not evidence.

Councillor Thorn supported the amendment and the arguments Councillor Grant had set out.

Councillor Rogers stated the amendment was well intentioned, though he had some concerns about the impact on the reserves and would consider the debate carefully.

Amendment C Debate

The Chairman therefore opened debate on Amendment C.

Comments made in support of the amendment included that council reserves had previously been much lower, and the proposed reduction was supportable. It was argued that the use of Council Tax Relief to support communities during the cost of living crisis was a powerful and justified tool in the current circumstances. It was stated record numbers of people were accessing crisis support such as emergency charity grants and food banks, indicating the severity of the pressures many faced and the need for the amendment.

Comments made against the amendment included that the collection fund reserve existed because a 1% difference from a predicted collection amounted to over £3m, so the reserve was necessary to cover that or a more significant scenario. Any reduction of that reserve entailed a significant risk, and the council would need to take a swifter route to bring more monies in to account for that. The volatility of the economy in recent years due to Covid, Brexit, international war and other matters, was noted. Some comments stated there was sufficient funds allocated, the amendment had minimal impact and lacked a coherent plan.

Other comments in debate included seeking clarification of the £25 support element, and evidence that there would be a reduction in costs due to reduction in action taken against people for non-payment of council tax.

Councillor Grant, as mover of the amendment, then responded to comments made in debate. He noted the extensive discussion at the Overview and Scrutiny meeting, and stated that the amendment strengthened the relief fund, where there was no guarantee the government would continue to fund it. He reiterated the purpose of the amendment was to provide relief to those not currently receiving the 100% relief, not additional to those who were. Regarding reductions of actions against those who are unable to pay, he stated the council does take action against those who owe, and so extension of the 100% to more individuals would result in fewer actions, though the number could not be quantified.

Councillor Clewer, as mover of the original motion, then responded to the comments made in debate. He criticised use of reserves for one off measures, and stated the debate had indicated the costs did not add up as suggested. He did not consider the second element of the proposal was necessary, as if the relief fund was depleted in future action could be taken, rather than increase it without evidence when it was not required.

In accordance with the constitution there was a recorded vote.

Votes for the amendment (28)

Votes against the amendment (53)

Votes in abstention (5)

The vote was therefore lost. Details of the recorded vote are attached to the minutes.

Amendment D

Amendment D was set out in the Summons was withdrawn by Councillor Gavin Grant, following information from Citizen's Advice that they did not intend to remain in the Bourne Hill Wiltshire Council offices.

Amendment E

The Chairman then invited Councillor Gavin Grant, seconded by Councillor Ian Thorn, to present proposed Amendment E, as set out in the Summons.

Councillor Grant explained that the amendment was to remove the saving included in the budget to cease grant funding for lunch and friendship clubs and to allocate

the money to Area Boards to provide support to the clubs in their areas. This had a financial impact of £0.106m, which it was proposed to fund for 2023/24 through use of the Collection Fund Surplus and reduce the contribution to the Collection Fund Volatility Reserve. For 2024/25 and 2025/26 it was proposed to fund the amount through an increase in the assumption in growth in the council tax base from 1.2% to 1.25%, as also indicated for a previous amendment.

Councillor Grant noted Full Council had discussed the issue at its budget meeting in 2022 and had agreed to undertake a rapid scrutiny exercise in relation to the funding of the clubs. That had recommended carrying on with implementation of a new funding system, and Councillor Grant argued now was an appropriate time to review the impact of that, and whether action needed to be taken. He stated only two of the previous clubs had gone forward into the new system. He said the new tendering approach was designed more for professional care organisations than for volunteers who run the clubs. The funding was for those who qualify under the Care Act 2014, and he stated the clubs had helped people who did not qualify but still needed assistance. He stated the amendment would help maintain existing groups and encourage others. He referenced the Overview and Scrutiny report on the amendment, and stated if the amendment were passed it would be appropriate for the relevant Cabinet Member to consider the most appropriate method of allocating out the funding that would be made available to Area Boards.

The Chairman then invited comments from Group Leaders on Amendment E.

Councillor Clewer confirmed he did not support the amendment and would comment further at the end of debate.

Councillor Thorn supported the amendment, and stated that if a bad decision was made then it was appropriate to revisit it, and he considered that was the case with the lunch and friendship club funding.

Councillor Wright, in place of the Leader of the Independent Group as a personal comment, stated he did not think the principle adopted the previous year had worked. He stated he was in favour of doing more for voluntary groups through Area Boards.

Councillor Rogers stated the intention had not been to save money but to have a new system for groups to bid for monies, so would listen carefully to debate on how many clubs had benefited and how many had not under the new approach.

Amendment E Debate

The Chairman therefore opened debate on Amendment E.

Comments made in support of the amendment included that the new process was slow and ineffective, with the amendment an attempt not to reverse the policy but to find common ground to support the voluntary sector. It was argued Area Boards were in a better position to consider local issues and deliver in an appropriate fashion, and should be provided the means to do so in respect of any clubs in their areas.

Comments made against the amendment included that the funding mechanism was not appropriate, noting comments under previous amendments around the risks of reallocating from the collection fund reserve, and of estimating a larger increase in the council tax base against the estimation of officers. It was stated that the previous funding model for the clubs had not been fairly distributed, and the amendment did not improve upon the new model or provide long term benefit. Some areas had previously had clubs but no method to apply for such funding, whereas now all areas could apply through an open system, and that the amendment would not help in the way its supporters believed.

Other comments in debate included seeking clarification on the need for additional funding to be provided if, as stated by various parties, the previous decision had been to redirect funding not saving money. Another sought commitment from the Cabinet that there was opportunity to provide more support for clubs at Area Boards regardless of the outcome of the vote.

Councillor Grant, as mover of the amendment, then responded to comments made in debate. He noted the support provided to those with profound needs, but that the clubs in most cases were not designed to support the most vulnerable. In response to finances he stated officer advice was that the assumed increase in the council tax base through additional predicted houses was less than 100. He argued that level of precision was not possible, and the assumed increase was reasonable on the basis of previous years information. He stated the amendment was not an attempt to undo entirely the previous year's decision, that the new framework did important work and so money was not taken from that, but new funding was needed, but the clubs were voluntary organisations providing support to people who did not qualify as having profound needs. He considered Area Boards operated without politics and were well situated to make appropriate decisions to support voluntary organisations.

Councillor Clewer, as mover of the original motion, then responded to the comments made in debate. He considered the advice on the increase in council tax assumptions was an insurmountable problem and the amendment could not be supported on that basis. He noted that many of the clubs were self-sustaining and did not require council support, and that some were already able to seek support, and there was a lack of evidence supporting the need for the amendment.

In accordance with the constitution there was a recorded vote.

Votes for the amendment (28)

Votes against the amendment (53)

Votes in abstention (5)

The vote was therefore lost. Details of the recorded vote are attached to the minutes.

A break was then taken from 5.15pm to 5:30pm.

Budget debate

There being no further amendments, the Chairman returned to debate on the original budget motion moved by the Leader.

Comments in support of the budget included that it was ambitious but also formulated around a sound and solid structure within the Mid Term Financial Strategy. Some Members praised the financial discipline in the budget, which ensured good value to residents at a time of significant cost pressures. The investment in a number of areas, such as support for the vulnerable, planning and education was welcomed. It was also emphasised that rises in expenditure would sit alongside a transformational process with smarter working and greater customer engagement. Investment in early intervention work was highlighted, which was seen as an important way of improving services whilst also reducing long term costs.

Comments in opposition to the budget included that the below inflation rise in expenditure would lead to an overall real term cuts in services. Some Members felt that the budget lacked ambition and should have included more funding for Local Highway and Footway Improvement Groups and improved support for luncheon and friendship clubs. Concerns were also raised about the costs for elections being taken on by city, town and parish councils, with concerns about the potential impact, as well as the impact of ceasing funding to VisitWiltshire. Some Members stated that they felt that more powers should be devolved to Area Boards to give greater responsibility to Members and ensure that decision making was taken at the appropriate local level.

Other comments made in the debate included whether the council would be lobbying the Department for Transport to maintain or increase highways maintenance funding. Questions were asked whether there had been a decline in the take up of green bins and whether there had been an increase in fly tipping. In addition, queries were raised about the timeframe for the Trowbridge Leisure Facility Project and the delays to the Maltings development in Salisbury. Further discussion also took place about whether the council could make greater use of its unused building space, though renting or selling property. Comments were made that the proposed amendments which had been rejected had only amounted to a very small percentage of the overall budget.

Councillor Clewer, as mover of the original motion, then responded to the comments made in the debate. He stated the budget would provide financial stability for the next three years and contrasted the approach with the financial difficulties at other authorities and the approach proposed by those seeking amendments.

He reported that the council would lobby the Department for Transport for fair highway maintenance funding for rural authorities. He agreed with the principal of renting out unused council office space where appropriate. In response to a query about bins and fly tipping, the Leader noted that that fly tipping had reduced by around 30 percent. He highlighted that the delay to the Maltings development in Salisbury was due to the complexity of the project, as the council was not the landowner and that further planning was expected to take around a year. He also clarified that the Trowbridge Leisure Facility Project funding would be split over two years. The Leader praised the work of Area Boards but highlighted the importance of maintaining a strategic overview when taking decisions. In relation to

VisitWiltshire, he commented that the funding given to them for marketing purposes was not an effective use of public money. He noted that it was not a statutory responsibility to support destination management organisations and that the government was moving to a more regional model and that the council was exploring alternative options.

At the conclusion of debate and discussion, it was then,

Resolved:

- a) That a net general fund budget of 2023/24 of £465.874m is approved;
- b) That the Council Tax requirement for the council be set at £332.187m for 2023/24 with a Band D charge of £1,719.90, an increase of £1.57 per week;
- c) That the Wiltshire Council element of the Council Tax be increased in 2023/24 by the following:
 - i. a 2.99% general increase;
 - ii. plus a levy of 2% to be spent solely on Adult Social Care;
- d) That the Extended Leadership Team be required to meet the revenue budget targets for each service area as set out in Appendix 1 to this report, for the delivery of council services in 2023/24;
- e) That the Extended Leadership Team be required to deliver the revenue savings plans for each service area as set out in Appendix 1 to this report, over the three-year MTFs period 2023/24 to 2025/26;
- f) That the changes in the fees and charges as set out in the report are approved;
- g) That the Capital Programme 2023/24 to 2029/30 is approved;
- h) That the Capital Strategy set out in Appendix 2 is approved;
- i) That the Housing Revenue Account (HRA) budget for 2023/24 is set at £26.401m;
- j) That a 7% increase is set for social dwelling rents, except for rents currently over the formula rent which will be capped at formula rent as per national guidance;
- k) That all service charges related to the Housing Revenue Account (HRA) to cover costs and garage rents are increased by 5%;
- l) That the Medium Term Financial Strategy and the forecast balanced budget over the MTFs period 2023/24 to 2025/26 is endorsed.

In accordance with the constitution there were recorded votes:

Vote 1 – Resolutions A-H and L

Votes for the motion (48)
Votes against the motion (19)
Votes in abstention (11)

Vote 2 – Resolutions I, J and K

Votes for the motion (48)
Votes against the motion (22)
Votes in abstention (6)

Details of each recorded vote are attached to the minutes.

11 **Council Tax Setting 2023-24**

The Chairman invited Councillor Nick Botterill, Cabinet Member for Finance, Development Management and Strategic Planning, to present a report on Council Tax Setting 2023-24 and move the recommendation. This was seconded by Councillor Richard Clewer.

There were no comments from Group Leaders or in debate.

It was then:

Resolved:

- 1) **It be noted that on 7 December 2022 an Officer Decision was made by Andy Brown Corporate Director of Resources and Deputy Chief Executive (S151 Officer).**
 - (a) **the Council Tax Base 2023/24 for the whole Wiltshire Council area as 193,142.94 [Item T in the formula in Section 31B(3) of the Local Government Finance Act 1992, as amended (the "Act")] and,**
 - (b) **for dwellings in those parts of its area to which a Parish precept relates as in the attached Appendix.**
- 2) **Calculate that the Council Tax requirement for the Council's own purposes for 2023/24 (excluding parish precepts) is £332,186,542.51**
- 3) **That the following amounts be calculated for the year 2023/24 in accordance with Sections 31 to 36 of the Act:**
 - (a) **£1,059,154,347.79 (Gross Revenue Expenditure including transfers to reserves, parish precepts and any collection fund deficit) being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils).**

- (b) £696,896,854.49 (Gross Revenue Income including transfers from reserves, General Government Grants and any collection fund surplus) being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
- (c) £362,257,493.30 (Net Revenue Expenditure including parish precepts) being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year. (Item R in the formula in Section 31A(4) of the Act).
- (d) £1,875.59 (Wiltshire Council band D tax plus average Town & Parish Councils Band D Council Tax) being the amount at 3(c) above (Item R), all divided by Item T (2 above), calculated by the Council, in accordance with Section 31B (1) of the Act, as the basic amount of its Council Tax for the year (including Parish precepts), as shown below:

Band A £	Band B £	Band C £	Band D £	Band E £	Band F £	Band G £	Band H £
1,250.39	1,458.79	1,667.19	1,875.59	2,292.39	2,709.19	3,125.98	3,751.18

- (e) £30,070,950.79 (Aggregate of Town & Parish Council Precepts) being the aggregate amount of all special items (Parish Precepts) referred to in Section 34(1) of the Act (as per the attached Appendix C).
- (f) A£1,719.90 (band D Council Tax for Wiltshire Council purposes only) being the amount at 3(d) above less the result given by dividing the amount at 3(e) above by Item T (2 above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates, as shown below:

Band A £	Band B £	Band C £	Band D £	Band E £	Band F £	Band G £	Band H £
1,146.60	1,337.70	1,528.80	1,719.90	2,102.10	2,484.30	2,866.50	3,439.80

In accordance with the Constitution there was a recorded vote.

Votes for the motion (73)

Votes against the motion (1)

Votes in abstention (4)

Details of the vote are attached to the minutes.

12 Pay Policy Statement 2023/24

The Chairman invited Councillor Ashley O'Neill, Cabinet Member with responsibility for Staffing, to present the report which provided an update on the pay policy statement for 2023/24.

This included consequential amendments to the Pay Policy Statement for 2023/24, as a result of discussions with the council's recognised trade unions, the updated figures in the now approved budget and with the final details to be delegated to officers.

Councillor O'Neill moved the recommendations in the report and consequential amendments, which were seconded by Councillor Ian Blair-Pilling.

There were no comments from Group Leaders, or further debate.

It was then,

Resolved:

- 1) **That Council Approve the updated pay policy statement set out in Appendix 1;**
- 2) **Full Council agrees that consequential amendments to the Pay Policy Statement for 2023/24 about unsocial hours, and standby and callout allowances and the Budget are delegated to the Director HR & OD in consultation with the Cabinet Member for Governance, IT, Broadband, Digital, Licensing, Staffing, Communities, and Area Boards.**

In accordance with the Constitution there was a recorded vote.

Votes for the motion (71)

Votes against the motion (0)

Votes in abstention (2)

Details of the vote are attached to the minutes.

13 **Cabinet Capital Recommendations 2022/23 Financial Year**

Councillor Nick Botterill, Cabinet Member with responsibility for Finance, moved the recommendations which were seconded by Councillor Nick Holder. Councillor Botterill outlined the three recommendations by Cabinet for additional increases to the Capital programme for 2022/23 as listed in the report equating to a total of £2.864 million.

The Chairman then invited comments from Group Leaders.

Councillor Richard Clewer, Leader of the Council, explained the decision to withdraw from the Chippenham Housing Infrastructure Fund (HIF) programme and moving forward with the Local Plan process. He stated that decisions of future housing need in Chippenham would be evidence driven.

Councillor Ian Thorn, Leader of the Liberal Democrat Group, welcomed the planned refurbishment of the Family Contact Centre in Chippenham, but stated he did not support the other recommendations. He said he hoped that the £1.848 million from the balance forecast due to the withdrawal from the HIF programme could be recovered.

The Chairman then invited comments in debate:

Comments in debate in support of the proposals included welcoming the investment in the Capital programme as a way forward, as well as a recognition of the issues with the HIF bid. It was also stated that people in Chippenham were not against all housing developments.

Comments in debate in opposition to the proposals included frustration that they felt that the £1.848 million from the balance forecast had been allocated rather than on other services, and views on perceived lack of engagement with residents on the Future Chippenham programme.

At the conclusion of the debate, it was then:

Resolved

- 1) To approve an increase in the Capital Enhancement budget of £0.516m to enable the refurbishment of an existing Family Contact Centre to be funded by increased Capital Receipts.**
- 2) To approve a sum of £1.848m to be funded by future Capital Receipts to cover the unfinanced costs of the Future Chippenham programme as a result of the withdrawal of HIF grant.**
- 3) To approve a sum of £0.500m to be included in the Capital Programme 2023/24 to support the necessary work with the landowners to the South of Chippenham to masterplan and promote the sites as part of the Local Plan review.**

In accordance with the Constitution there was a recorded vote.

Votes for the motion (52)

Votes against the motion (17)

Votes in abstention (5)

Details of the vote are attached to the minutes

14 Notices of Motion

No notices of motion were received for the meeting.

15 Designation of Statutory Functions

The Chairman invited Councillor Ashley O'Neill, Cabinet Member with responsibility for Governance, to present the report which asked Council to consider changes to the designation of statutory roles following changes to senior management structure of the council.

Councillor O'Neill moved the proposals as detailed in the report, which were seconded by Councillor Richard Clewer, Leader of the Council.

Councillor O'Neill noted that the positions of Director for Wholelife Pathway and Director of Ageing and Living Well had been removed and had been replaced by a new position called Director of Adult Social Care, and a re-designation of the statutory post was therefore required.

There were no comments from Group Leaders or in debate.

It was then,

Resolved:

- 1) **To approve the designation of statutory role of Director of Adult Social Services (DASS) to the post of Director of Adult Social Care.**
- 2) **To note that other designated statutory roles are unchanged as a result of the restructure and remain with existing posts:**
 - i. **Head of Paid Service, Returning Officer (RO) and Electoral Registration Officer (ERO) with the post of Chief Executive**
 - ii. **Section 151 with the post of Corporate Director - Resources / Deputy Chief Executive**
 - iii. **Director of Children's Services (DCS) with the post of Corporate Director – People**
 - iv. **Director of Public Health (DPH) with the post of Director of Public Health**
 - v. **Monitoring Officer with the post of Director of Legal and Governance**
- 3) **To authorise the Monitoring Officer to make any consequential changes to the Constitution arising from the designation of the statutory function outlined above.**

16 **Review of Proportionality and Allocation of Seats on Committees to Political Groups**

The Chairman presented a report on the review of the allocation of seats on committees to political groups. He then invited proposals from Group Leaders about changes to their respective groups' committee representation.

On the proposal of the Chairman, seconded by the Vice Chairman, it was then:

Resolved:

- 1) **To note the report and the legal requirements;**
- 2) **To confirm the aggregate number and the draft scheme of committee places available to members of the Council as set out in Appendix B;**

3) To make those changes to the appointment of councillors and substitutes to serve on those committees in accordance with the revised scheme of committee places, until the next occasion membership is reviewed under the provisions of the Local Government & Housing Act 1989, as follows:

- Councillor Pip Ridout to be removed as a member of the Licensing Committee;
- Councillor Bill Parks to be removed as a member of the Overview and Scrutiny Management Committee;
- Councillor Pip Ridout to be appointed as a member of the Overview and Scrutiny Management Committee;
- Councillor Jonathan Seed to be appointed as a substitute for the Overview and Scrutiny Management Committee;
- Councillors Bill Parks and Rich Rogers to be removed as a members of the Environment Select Committee;
- Councillors Tom Rounds and Tony Trotman to be appointed as Members of the Environment Select Committee;
- Councillors Bridget Wayman, Stuart Wheeler, Dr Mark McClelland to be appointed as substitutes for the Environment Select Committee;
- Councillor Sam Charleston to be appointed as a member of the Licensing Committee;
- Councillor Sam Charleston to be appointed as a substitute on Southern Area Planning Committee;
- Councillor Mel Jacob to be removed from the Appeals Committee;
- Councillor Sam Charleston to be appointed to the Appeals Committee.

Council also resolved to replace a member on the Children's Select Committee, but following the meeting it was confirmed that the member in question was not currently on the committee.

17 **Announcements from Cabinet and Committees**

There were no announcements from Cabinet Members , Committee Chairmen, or on other matters.

18 **Members' Questions**

A total of three questions were received from Members, as set out in Supplement 1 to the agenda, together with written responses.

One supplementary question was submitted by Councillor Dr Brian Mathew in relation to question 23-02. Councillor Mathew asked whether the evidence and implications of not providing further funding VisitWiltshire had been taken into account.

In response Councillor Richard Clewer, Leader of the Council, explained that he had considered evidence carefully before making a decision. He stated that the

Department of Culture, Media and Sport was moving to support Destination Management Zones in future, which he felt was an appropriate way forward.

19 **Date of the Next Meeting**

The date of the next meeting was scheduled for 16 May 2023.

Appendices

(Duration of meeting: 10.30 am - 7.05 pm)

The Officers who produced these minutes are Ellen Ghey, Matthew Hitch, Max Hirst, and Kieran Elliott of Democratic Services, e-mail tara.hunt@wiltshire.gov.uk

Press enquiries to Communications, direct line 01225 713114 or email communications@wiltshire.gov.uk

Full Council Meeting - 21 February 2023 - Members Attendance

Councillor Name	Time In	Time Out (Meeting close - 19:05)
Phil Alford	10:30	Meeting close
Liz Alstrom	10:30	Meeting close
Helen Belcher OBE	10:30	Meeting close
Chuck Berry	10:30	Meeting close
Ian Blair-Pilling	10:30	Meeting close
Nick Botterill	10:30	Meeting close
David Bowler	10:30	Meeting close
Richard Britton	10:30	Meeting close
Allison Bucknell	10:30	Meeting close
Steve Bucknell	10:30	Meeting close
Clare Cape	10:30	Meeting close
Trevor Carbin	10:30	Meeting close
Daniel Cave	10:30	Meeting close
Mary Champion	10:30	Meeting close
Pauline Church	10:30	Meeting close
Ernie Clark	10:30	14.00
Richard Clewer	10:30	Meeting close
Zoë Clewer	10:30	Meeting close
Mark Connolly	10:30	Meeting close
Caroline Corbin	10:30	Meeting close
Kevin Daley	10:30	Meeting close
Brian Dalton	10:30	Meeting close
Jane Davies	10:30	Meeting close
Andrew Davis	10:30	Meeting close
Matthew Dean	10:30	Meeting close
Dr Monica Devendran	10:30	17.55
Nick Errington	10:30	Meeting close
Adrian Foster	10:30	Meeting close
Sarah Gibson	10:30	17.20
Gavin Grant	10:30	Meeting close
Howard Greenman	10:30	Meeting close
Ross Henning	10:30	Meeting close
Sven Hocking	10:30	Meeting close
Nick Holder	10:30	Meeting close
Ruth Hopkinson	10:30	Meeting close
Jon Hubbard	10:30	Meeting close
Peter Hutton	10:30	14.00
Tony Jackson	Apologies	Apologies
Mel Jacob	10:30	18.45
Simon Jacobs	10:30	Meeting close
George Jeans	10:30	18.45
Bob Jones MBE	10:30	16.30
Johnny Kidney	10:30	16.30

Carole King	10:30	Meeting close
Gordon King	10:30	Meeting close
Edward Kirk	10:30	18.10
Jerry Kunkler	10:30	Meeting close
Jacqui Lay	10:30	Meeting close
Kathryn MacDermid	10:30	Meeting close
Dr Brian Mathew	10:30	Meeting close
Laura Mayes	10:30	Meeting close
Dr Mark McClelland	10:30	Meeting close
Charles McGrath	10:30	Meeting close
Ian McLennan	10:30	Meeting close
Dominic Muns	10:30	Meeting close
Dr Nick Murry	10:30	14.00
Nabil Najjar	10:30	Meeting close
Kelvin Nash	10:30	Meeting close
Christopher Newbury	10:30	18.45
Ashley O'Neill	10:30	Meeting close
Jack Oatley	10:30	18.10
Paul Oatway QPM	10:30	Meeting close
Andrew Oliver	Apologies	Apologies
Stewart Palmen	10:30	18.45
Bill Parks	10:30	Meeting close
Sam Pearce-Kearney	Apologies	Apologies
Antonio Piazza	10:30	18.10
Tony Pickernell	10:30	Meeting close
Horace Prickett	10:30	18.30
Nic Puntis	10:30	Meeting close
Tamara Reay	10:30	Meeting close
Pip Ridout	10:30	Meeting close
Rich Rogers	10:30	Meeting close
Ricky Rogers	10:30	Meeting close
Tom Rounds	10:30	Meeting close
Paul Sample JP	10:30	Meeting close
Mike Sankey	10:30	Meeting close
Jonathon Seed	10:30	Meeting close
James Sheppard	10:30	Meeting close
Martin Smith	10:30	Meeting close
Caroline Thomas	10:30	Meeting close
Ian Thorn	10:30	Meeting close
Elizabeth Threlfall	10:30	Meeting close
Jo Trigg	10:30	Meeting close
Tim Trimble	10:30	18.40
Tony Trotman	10:30	Meeting close
Mark Verbinnen	10:30	Meeting close
David Vigar	10:30	18.15
Iain Wallis	10:30	Meeting close

Derek Walters	10:30	18.45
Bridget Wayman	10:30	Meeting close
Stuart Wheeler	10:30	Meeting close
Philip Whitehead	10:30	Meeting close
Suzanne Wickham	10:30	Meeting close
Christopher Williams	10:30	Meeting close
Graham Wright	10:30	17.55
Robert Yuill	Apologies	Apologies

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Recorded Votes – Council – 21 February 2023

Treasury Management Strategy

Resolution status:  Carried

Vote	Councillors	Count
For	Cllr Phil Alford, Cllr Liz Alstrom, Cllr Helen Belcher OBE, Cllr Chuck Berry, Cllr Ian Blair-Pilling, Cllr Nick Botterill, Cllr David Bowler, Cllr Richard Britton, Cllr Allison Bucknell, Cllr Steve Bucknell, Cllr Clare Cape, Cllr Trevor Carbin, Cllr Daniel Cave, Cllr Sam Charleston, Cllr Pauline Church, Cllr Ernie Clark, Cllr Richard Clewer, Cllr Zoë Clewer, Cllr Mark Connolly, Cllr Caroline Corbin, Cllr Kevin Daley, Cllr Brian Dalton, Cllr Jane Davies, Cllr Andrew Davis, Cllr Matthew Dean, Cllr Adrian Foster, Cllr Sarah Gibson, Cllr Gavin Grant, Cllr Howard Greenman, Cllr Ross Henning, Cllr Sven Hocking, Cllr Nick Holder, Cllr Ruth Hopkinson, Cllr Jon Hubbard, Cllr Peter Hutton, Cllr Mel Jacob, Cllr Simon Jacobs, Cllr George Jeans, Cllr Bob Jones MBE, Cllr Johnny Kidney, Cllr Carole King, Cllr Gordon King, Cllr Edward Kirk, Cllr Jerry Kunkler, Cllr Jacqui Lay, Cllr Kathryn Macdermid, Cllr Dr Brian Mathew, Cllr Laura Mayes, Cllr Dr Mark McClelland, Cllr Ian McLennan, Cllr Dominic Muns, Cllr Dr Nick Murry, Cllr Nabil Najjar, Cllr Kelvin Nash, Cllr Christopher Newbury, Cllr Ashley O'Neill, Cllr Jack Oatley, Cllr Paul Oatway QPM, Cllr Stewart Palmen, Cllr Bill Parks, Cllr Antonio Piazza, Cllr Tony Pickernell, Cllr Horace Prickett, Cllr Nic Puntis, Cllr Tamara Reay, Cllr Rich Rogers, Cllr Ricky Rogers, Cllr Paul Sample JP, Cllr Mike Sankey, Cllr Jonathon Seed, Cllr Martin Smith, Cllr Caroline Thomas, Cllr Ian Thorn, Cllr Elizabeth Threlfall, Cllr Jo Trigg, Cllr Tim Trimble, Cllr Tony Trotman, Cllr Mark Verbinnen, Cllr David Vigar, Cllr Iain Wallis, Cllr Derek Walters, Cllr Bridget Wayman, Cllr Philip Whitehead, Cllr Suzanne Wickham, Cllr Christopher Williams and Cllr Graham Wright	86
Against	None	0
Abstain	None	0

Item: Budget 2023/24 and Medium-Term Financial Strategy 2023/24 - 2025/26

Amendment A

Amendment status:  Rejected

Vote	Councillors	Count
For	Cllr Liz Alstrom, Cllr Helen Belcher OBE, Cllr David Bowler, Cllr Clare Cape, Cllr Trevor Carbin, Cllr Caroline Corbin, Cllr Adrian Foster, Cllr Sarah Gibson, Cllr Gavin Grant, Cllr Ross Henning, Cllr Ruth Hopkinson, Cllr Jon Hubbard, Cllr Bob Jones MBE, Cllr Carole King, Cllr Gordon King, Cllr Kathryn Macdermid, Cllr Dr Brian Mathew, Cllr Ian McLennan, Cllr Jack Oatley, Cllr Stewart Palmen, Cllr Ricky Rogers, Cllr Paul Sample JP, Cllr Martin Smith, Cllr Ian Thorn, Cllr Jo Trigg, Cllr Tim Trimble, Cllr David Vigar, Cllr Derek Walters and Cllr Graham Wright	29
Against	Cllr Phil Alford, Cllr Chuck Berry, Cllr Ian Blair-Pilling, Cllr Nick Botterill, Cllr Richard Britton, Cllr Allison Bucknell, Cllr Steve Bucknell, Cllr Daniel Cave, Cllr Mary Champion, Cllr Pauline Church, Cllr Richard Clewer, Cllr Zoë Clewer, Cllr Mark Connolly, Cllr Kevin Daley, Cllr Jane Davies, Cllr Andrew Davis, Cllr Matthew Dean, Cllr Dr Monica Devendran, Cllr Howard Greenman, Cllr Sven Hocking, Cllr Nick Holder, Cllr Simon Jacobs, Cllr Johnny Kidney, Cllr Edward Kirk, Cllr Jerry Kunkler, Cllr Laura Mayes, Cllr Dr Mark McClelland, Cllr Dominic Muns, Cllr Nabil Najjar, Cllr Kelvin Nash, Cllr Christopher Newbury, Cllr Ashley O'Neill, Cllr Paul Oatway QPM, Cllr Bill Parks, Cllr Antonio Piazza, Cllr Tony Pickernell, Cllr Horace Prickett, Cllr Nic Puntis, Cllr Tamara Reay, Cllr Rich Rogers, Cllr Mike Sankey, Cllr Jonathon Seed, Cllr Caroline Thomas, Cllr Elizabeth Threlfall, Cllr Tony Trotman, Cllr Mark Verbinnen, Cllr Iain Wallis, Cllr Bridget Wayman, Cllr Philip Whitehead, Cllr Suzanne Wickham and Cllr Christopher Williams	51
Abstain	Cllr George Jeans, Cllr Jacqui Lay and Cllr Stuart Wheeler	3

Amendment B:

Amendment status:  Rejected

Vote	Councillors	Count
For	Cllr Liz Alstrom, Cllr Helen Belcher OBE, Cllr Clare Cape, Cllr Trevor Carbin, Cllr Brian Dalton, Cllr Matthew Dean, Cllr Adrian Foster, Cllr Sarah Gibson, Cllr Gavin Grant, Cllr Ross Henning, Cllr Ruth Hopkinson, Cllr Bob Jones MBE, Cllr Carole King, Cllr Kathryn Macdermid, Cllr Dr Brian Mathew, Cllr Ian McLennan, Cllr Stewart Palmen, Cllr Ricky Rogers, Cllr Paul Sample JP, Cllr Martin Smith, Cllr Ian Thorn, Cllr Jo Trigg, Cllr Tim Trimble, Cllr David Vigar and Cllr Derek Walters	28
Against	Cllr Phil Alford, Cllr Chuck Berry, Cllr Ian Blair-Pilling, Cllr Nick Botterill, Cllr Allison Bucknell, Cllr Steve Bucknell, Cllr Daniel Cave, Cllr Pauline Church, Cllr Richard Clewer, Cllr Zoë Clewer, Cllr Mark Connolly, Cllr Kevin Daley, Cllr Jane Davies, Cllr Andrew Davis, Cllr Dr Monica Devendran, Cllr Howard Greenman, Cllr Sven Hocking, Cllr Nick Holder, Cllr Jon Hubbard, Cllr Simon Jacobs, Cllr Johnny Kidney, Cllr Jerry Kunkler, Cllr Laura Mayes, Cllr Dr Mark McClelland, Cllr Dominic Muns, Cllr Nabil Najjar, Cllr Kelvin Nash, Cllr Christopher Newbury, Cllr Ashley O'Neill, Cllr Jack Oatley, Cllr Paul Oatway QPM, Cllr Bill Parks, Cllr Antonio Piazza, Cllr Tony Pickernell, Cllr Nic Puntis, Cllr Tamara Reay, Cllr Pip Ridout, Cllr Rich Rogers, Cllr Tom Rounds, Cllr Mike Sankey, Cllr Jonathon Seed, Cllr Caroline Thomas, Cllr Elizabeth Threlfall, Cllr Tony Trotman, Cllr Mark Verbinnen, Cllr Iain Wallis, Cllr Bridget Wayman, Cllr Philip Whitehead, Cllr Suzanne Wickham and Cllr Christopher Williams	50
Abstain	Cllr Richard Britton, Cllr Mary Champion, Cllr Edward Kirk, Cllr Jacqui Lay, Cllr Horace Prickett, Cllr James Sheppard and Cllr Graham Wright	7

Amendment C:

Amendment status:  Rejected

Vote	Councillors	Count
For	Cllr Liz Alstrom, Cllr Helen Belcher OBE, Cllr David Bowler, Cllr Clare Cape, Cllr Trevor Carbin, Cllr Sam Charleston, Cllr Caroline Corbin, Cllr Brian Dalton, Cllr Adrian Foster, Cllr Sarah Gibson, Cllr Gavin Grant, Cllr Ross Henning, Cllr Ruth Hopkinson, Cllr Mel Jacob, Cllr George Jeans, Cllr Carole King, Cllr Gordon King, Cllr Kathryn Macdermid, Cllr Dr Brian Mathew, Cllr Ian McLennan, Cllr Stewart Palmen, Cllr Ricky Rogers, Cllr Martin Smith, Cllr Ian Thorn, Cllr Jo Trigg, Cllr Tim Trimble, Cllr David Vigar and Cllr Derek Walters	28
Against	Cllr Phil Alford, Cllr Chuck Berry, Cllr Ian Blair-Pilling, Cllr Nick Botterill, Cllr Richard Britton, Cllr Allison Bucknell, Cllr Steve Bucknell, Cllr Daniel Cave, Cllr Pauline Church, Cllr Richard Clewer, Cllr Zoë Clewer, Cllr Mark Connolly, Cllr Kevin Daley, Cllr Jane Davies, Cllr Andrew Davis, Cllr Matthew Dean, Cllr Dr Monica Devendran, Cllr Howard Greenman, Cllr Sven Hocking, Cllr Nick Holder, Cllr Jon Hubbard, Cllr Simon Jacobs, Cllr Edward Kirk, Cllr Jerry Kunkler, Cllr Laura Mayes, Cllr Dr Mark McClelland, Cllr Dominic Muns, Cllr Nabil Najjar, Cllr Kelvin Nash, Cllr Christopher Newbury, Cllr Ashley O'Neill, Cllr Jack Oatley, Cllr Paul Oatway QPM, Cllr Bill Parks, Cllr Antonio Piazza, Cllr Tony Pickernell, Cllr Horace Prickett, Cllr Nic Puntis, Cllr Tamara Reay, Cllr Pip Ridout, Cllr Rich Rogers, Cllr Tom Rounds, Cllr Mike Sankey, Cllr Jonathon Seed, Cllr Caroline Thomas, Cllr Elizabeth Threlfall, Cllr Tony Trotman, Cllr Mark Verbinnen, Cllr Iain Wallis, Cllr Bridget Wayman, Cllr Philip Whitehead, Cllr Suzanne Wickham and Cllr Christopher Williams	53
Abstain	Cllr Mary Champion, Cllr Jacqui Lay, Cllr James Sheppard, Cllr Stuart Wheeler and Cllr Graham Wright	5

Amendment E:

Amendment status:  Rejected

Vote	Councillors	Count
For	Cllr Liz Alstrom, Cllr Helen Belcher OBE, Cllr David Bowler, Cllr Clare Cape, Cllr Trevor Carbin, Cllr Sam Charleston, Cllr Caroline Corbin, Cllr Brian Dalton, Cllr Adrian Foster, Cllr Gavin Grant, Cllr Ross Henning, Cllr Ruth Hopkinson, Cllr Mel Jacob, Cllr George Jeans, Cllr Carole King, Cllr Gordon King, Cllr Kathryn Macdermid, Cllr Dr Brian Mathew, Cllr Ian McLennan, Cllr Stewart Palmen, Cllr Ricky Rogers, Cllr Paul Sample JP, Cllr Martin Smith, Cllr Ian Thorn, Cllr Jo Trigg, Cllr Tim Trimble, Cllr David Vigar and Cllr Derek Walters	28
Against	Cllr Phil Alford, Cllr Chuck Berry, Cllr Ian Blair-Pilling, Cllr Nick Botterill, Cllr Richard Britton, Cllr Allison Bucknell, Cllr Steve Bucknell, Cllr Daniel Cave, Cllr Pauline Church, Cllr Richard Clewer, Cllr Zoë Clewer, Cllr Mark Connolly, Cllr Kevin Daley, Cllr Jane Davies, Cllr Andrew Davis, Cllr Matthew Dean, Cllr Dr Monica Devendran, Cllr Howard Greenman, Cllr Sven Hocking, Cllr Nick Holder, Cllr Jon Hubbard, Cllr Simon Jacobs, Cllr Edward Kirk, Cllr Jerry Kunkler, Cllr Laura Mayes, Cllr Dr Mark McClelland, Cllr Dominic Muns, Cllr Nabil Najjar, Cllr Kelvin Nash, Cllr Christopher Newbury, Cllr Ashley O'Neill, Cllr Jack Oatley, Cllr Paul Oatway QPM, Cllr Bill Parks, Cllr Antonio Piazza, Cllr Tony Pickernell, Cllr Horace Prickett, Cllr Nic Puntis, Cllr Tamara Reay, Cllr Pip Ridout, Cllr Rich Rogers, Cllr Tom Rounds, Cllr Mike Sankey, Cllr Jonathon Seed, Cllr Caroline Thomas, Cllr Elizabeth Threlfall, Cllr Tony Trotman, Cllr Mark Verbinnen, Cllr Iain Wallis, Cllr Bridget Wayman, Cllr Philip Whitehead, Cllr Suzanne Wickham and Cllr Christopher Williams	53
Abstain	Cllr Mary Champion, Cllr Jacqui Lay, Cllr James Sheppard, Cllr Stuart Wheeler and Cllr Graham Wright	5

Budget Vote 1:

Resolution status:  Carried

Vote	Councillors	Count
For	Cllr Phil Alford, Cllr Chuck Berry, Cllr Ian Blair-Pilling, Cllr Nick Botterill, Cllr Richard Britton, Cllr Allison Bucknell, Cllr Steve Bucknell, Cllr Daniel Cave, Cllr Mary Champion, Cllr Pauline Church, Cllr Ernie Clark, Cllr Richard Clewer, Cllr Zoë Clewer, Cllr Kevin Daley, Cllr Jane Davies, Cllr Andrew Davis, Cllr Howard Greenman, Cllr Sven Hocking, Cllr Nick Holder, Cllr Jon Hubbard, Cllr Simon Jacobs, Cllr Jerry Kunkler, Cllr Jacqui Lay, Cllr Laura Mayes, Cllr Dr Mark McClelland, Cllr Dominic Muns, Cllr Nabil Najjar, Cllr Kelvin Nash, Cllr Christopher Newbury, Cllr Ashley O'Neill, Cllr Paul Oatway QPM, Cllr Bill Parks, Cllr Tony Pickernell, Cllr Nic Puntis, Cllr Tamara Reay, Cllr Pip Ridout, Cllr Rich Rogers, Cllr Tom Rounds, Cllr Mike Sankey, Cllr Jonathon Seed, Cllr Caroline Thomas, Cllr Elizabeth Threlfall, Cllr Tony Trotman, Cllr Mark Verbinnen, Cllr Iain Wallis, Cllr Bridget Wayman, Cllr Philip Whitehead, Cllr Suzanne Wickham and Cllr Christopher Williams	48
Against	Cllr Liz Alstrom, Cllr Helen Belcher OBE, Cllr Clare Cape, Cllr Trevor Carbin, Cllr Sam Charleston, Cllr Brian Dalton, Cllr Adrian Foster, Cllr Gavin Grant, Cllr Mel Jacob, Cllr Carole King, Cllr Gordon King, Cllr Kathryn Macdermid, Cllr Dr Brian Mathew, Cllr Stewart Palmen, Cllr Paul Sample JP, Cllr Martin Smith, Cllr Ian Thorn, Cllr Jo Trigg and Cllr Derek Walters	19
Abstain	Cllr David Bowler, Cllr Mark Connolly, Cllr Caroline Corbin, Cllr Matthew Dean, Cllr Ross Henning, Cllr Ruth Hopkinson, Cllr George Jeans, Cllr Ian McLennan, Cllr Ricky Rogers, Cllr James Sheppard and Cllr Stuart Wheeler	11

Budget Vote 2:

Resolution status:  Carried

Vote	Councillors	Count
For	Cllr Phil Alford, Cllr Chuck Berry, Cllr Ian Blair-Pilling, Cllr Nick Botterill, Cllr Richard Britton, Cllr Allison Bucknell, Cllr Steve Bucknell, Cllr Daniel Cave, Cllr Mary Champion, Cllr Pauline Church, Cllr Richard Clewer, Cllr Zoë Clewer, Cllr Mark Connolly, Cllr Kevin Daley, Cllr Jane Davies, Cllr Andrew Davis, Cllr Howard Greenman, Cllr Sven Hocking, Cllr Nick Holder, Cllr Simon Jacobs, Cllr Jerry Kunkler, Cllr Jacqui Lay, Cllr Laura Mayes, Cllr Dr Mark McClelland, Cllr Dominic Muns, Cllr Nabil Najjar, Cllr Kelvin Nash, Cllr Christopher Newbury, Cllr Ashley O'Neill, Cllr Paul Oatway QPM, Cllr Bill Parks, Cllr Tony Pickernell, Cllr Nic Puntis, Cllr Tamara Reay, Cllr Pip Ridout, Cllr Rich Rogers, Cllr Tom Rounds, Cllr Mike Sankey, Cllr Jonathon Seed, Cllr Caroline Thomas, Cllr Elizabeth Threlfall, Cllr Tony Trotman, Cllr Mark Verbinnen, Cllr Iain Wallis, Cllr Bridget Wayman, Cllr Philip Whitehead, Cllr Suzanne Wickham and Cllr Christopher Williams	48
Against	Cllr Liz Alstrom, Cllr Helen Belcher OBE, Cllr Clare Cape, Cllr Trevor Carbin, Cllr Caroline Corbin, Cllr Adrian Foster, Cllr Gavin Grant, Cllr Ross Henning, Cllr Jon Hubbard, Cllr Mel Jacob, Cllr Carole King, Cllr Gordon King, Cllr Kathryn Macdermid, Cllr Dr Brian Mathew, Cllr Ian McLennan, Cllr Stewart Palmen, Cllr Ricky Rogers, Cllr Paul Sample JP, Cllr Martin Smith, Cllr Ian Thorn, Cllr Jo Trigg and Cllr Derek Walters	22
Abstain	Cllr David Bowler, Cllr Matthew Dean, Cllr Ruth Hopkinson, Cllr George Jeans, Cllr James Sheppard and Cllr Stuart Wheeler	6

Council Tax Setting 2023-24

Resolution status:  Carried

Vote	Councillors	Count
For	Cllr Phil Alford, Cllr Liz Alstrom, Cllr Helen Belcher OBE, Cllr Chuck Berry, Cllr Ian Blair-Pilling, Cllr Nick Botterill, Cllr David Bowler, Cllr Richard Britton, Cllr Allison Bucknell, Cllr Steve Bucknell, Cllr Clare Cape, Cllr Trevor Carbin, Cllr Daniel Cave, Cllr Mary Champion, Cllr Sam Charleston, Cllr Pauline Church, Cllr Richard Clewer, Cllr Zoë Clewer, Cllr Kevin Daley, Cllr Brian Dalton, Cllr Jane Davies, Cllr Andrew Davis, Cllr Adrian Foster, Cllr Gavin Grant, Cllr Howard Greenman, Cllr Ross Henning, Cllr Sven Hocking, Cllr Nick Holder, Cllr Ruth Hopkinson, Cllr Jon Hubbard, Cllr Mel Jacob, Cllr Simon Jacobs, Cllr George Jeans, Cllr Carole King, Cllr Gordon King, Cllr Jerry Kunkler, Cllr Jacqui Lay, Cllr Kathryn Macdermid, Cllr Dr Brian Mathew, Cllr Laura Mayes, Cllr Dr Mark McClelland, Cllr Ian McLennan, Cllr Dominic Muns, Cllr Nabil Najjar, Cllr Kelvin Nash, Cllr Christopher Newbury, Cllr Ashley O'Neill, Cllr Paul Oatway QPM, Cllr Stewart Palmen, Cllr Bill Parks, Cllr Tony Pickernell, Cllr Nic Puntis, Cllr Tamara Reay, Cllr Pip Ridout, Cllr Rich Rogers, Cllr Ricky Rogers, Cllr Tom Rounds, Cllr Paul Sample JP, Cllr Mike Sankey, Cllr Jonathon Seed, Cllr Martin Smith, Cllr Caroline Thomas, Cllr Ian Thorn, Cllr Elizabeth Threlfall, Cllr Jo Trigg, Cllr Tony Trotman, Cllr Mark Verbinnen, Cllr Iain Wallis, Cllr Derek Walters, Cllr Bridget Wayman, Cllr Philip Whitehead, Cllr Suzanne Wickham and Cllr Christopher Williams	73
Against	Cllr Caroline Corbin	1
Abstain	Cllr Mark Connolly, Cllr Matthew Dean, Cllr James Sheppard and Cllr Stuart Wheeler	4

Pay Policy Statement 2023/24

Resolution status:  Carried

Vote	Councillors	Count
For	Cllr Phil Alford, Cllr Liz Alstrom, Cllr Helen Belcher OBE, Cllr Chuck Berry, Cllr Ian Blair-Pilling, Cllr Nick Botterill, Cllr David Bowler, Cllr Richard Britton, Cllr Allison Bucknell, Cllr Steve Bucknell, Cllr Clare Cape, Cllr Trevor Carbin, Cllr Daniel Cave, Cllr Mary Champion,	71

Vote	Councillors	Count
	Cllr Sam Charleston, Cllr Pauline Church, Cllr Richard Clewer, Cllr Zoë Clewer, Cllr Mark Connolly, Cllr Caroline Corbin, Cllr Kevin Daley, Cllr Brian Dalton, Cllr Jane Davies, Cllr Andrew Davis, Cllr Matthew Dean, Cllr Adrian Foster, Cllr Gavin Grant, Cllr Howard Greenman, Cllr Ross Henning, Cllr Sven Hocking, Cllr Nick Holder, Cllr Ruth Hopkinson, Cllr Jon Hubbard, Cllr Simon Jacobs, Cllr George Jeans, Cllr Carole King, Cllr Gordon King, Cllr Jerry Kunkler, Cllr Jacqui Lay, Cllr Kathryn Macdermid, Cllr Dr Brian Mathew, Cllr Laura Mayes, Cllr Dr Mark McClelland, Cllr Ian McLennan, Cllr Dominic Muns, Cllr Nabil Najjar, Cllr Kelvin Nash, Cllr Ashley O'Neill, Cllr Paul Oatway QPM, Cllr Bill Parks, Cllr Tony Pickernell, Cllr Nic Puntis, Cllr Tamara Reay, Cllr Pip Ridout, Cllr Rich Rogers, Cllr Ricky Rogers, Cllr Tom Rounds, Cllr Jonathon Seed, Cllr Martin Smith, Cllr Caroline Thomas, Cllr Ian Thorn, Cllr Elizabeth Threlfall, Cllr Jo Trigg, Cllr Tony Trotman, Cllr Mark Verbinnen, Cllr Iain Wallis, Cllr Bridget Wayman, Cllr Stuart Wheeler, Cllr Philip Whitehead, Cllr Suzanne Wickham and Cllr Christopher Williams	
Against	None	0
Abstain	Cllr Mike Sankey and Cllr James Sheppard	2

Cabinet Capital Recommendations 2022/23 Financial Year

Resolution status:  Carried

Vote	Councillors	Count
For	Cllr Phil Alford, Cllr Chuck Berry, Cllr Ian Blair-Pilling, Cllr Nick Botterill, Cllr Richard Britton, Cllr Allison Bucknell, Cllr Steve Bucknell, Cllr Daniel Cave, Cllr Mary Champion, Cllr Pauline Church, Cllr Richard Clewer, Cllr Zoë Clewer, Cllr Mark Connolly, Cllr Caroline Corbin, Cllr Kevin Daley, Cllr Jane Davies, Cllr Andrew Davis, Cllr Matthew Dean, Cllr Howard Greenman, Cllr Sven Hocking, Cllr Nick Holder, Cllr Jon Hubbard, Cllr Simon Jacobs, Cllr Jerry Kunkler, Cllr Jacqui Lay, Cllr Laura Mayes, Cllr Dr Mark McClelland, Cllr Ian McLennan, Cllr Dominic Muns, Cllr Nabil Najjar, Cllr Kelvin Nash, Cllr Ashley O'Neill, Cllr Paul Oatway QPM, Cllr Bill Parks, Cllr Tony Pickernell, Cllr Nic Puntis, Cllr Tamara Reay, Cllr Pip Ridout, Cllr Rich Rogers, Cllr Ricky Rogers, Cllr Tom Rounds, Cllr Mike Sankey, Cllr Jonathon Seed, Cllr Caroline Thomas, Cllr Elizabeth Threlfall, Cllr Tony Trotman, Cllr Mark Verbinnen, Cllr Iain Wallis, Cllr Bridget Wayman, Cllr Philip Whitehead, Cllr Suzanne Wickham and Cllr Christopher Williams	52
Against	Cllr Liz Alstrom, Cllr Helen Belcher OBE, Cllr David Bowler, Cllr Clare Cape, Cllr Trevor Carbin, Cllr Sam Charleston, Cllr Brian Dalton, Cllr Adrian Foster, Cllr Gavin Grant, Cllr Carole King, Cllr Gordon King, Cllr Kathryn Macdermid, Cllr Dr Brian Mathew, Cllr Paul Sample JP, Cllr Martin Smith, Cllr Ian Thorn and Cllr Jo Trigg	17
Abstain	Cllr Ross Henning, Cllr Ruth Hopkinson, Cllr George Jeans, Cllr James Sheppard and Cllr Stuart Wheeler	5

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Wiltshire Council

Overview and Scrutiny: Annual Report 2022/23



What is overview and scrutiny?

Wiltshire Council is run by councillors elected by the people of Wiltshire. A small number of them form the cabinet (also referred to as the executive) which sets the direction, determines the priorities and takes the important decisions. The councillors in the cabinet hold powerful positions and it is important that they are held to public account for their actions. This is done through a system called Overview and Scrutiny (OS) and is undertaken by the non-executive councillors.

This is common to most local councils. OS ensures that decisions are taken based on good evidence including the views of those with an interest in the matter and are in the best interests of the people of Wiltshire. OS is selective in what it looks at so that it can add value to the most important services provided by the council, its partners and contractors. Wherever possible it helps to shape policy through early discussions as well as scrutinising proposals before they are finally agreed. A list of the matters which will be considered by OS is published in its [forward work programme](#).

How do we do it in Wiltshire?

There is an OS management committee and three specialist select committees covering the following main service areas:

- Health (including the NHS, public health and adult social care)
- Environment (including highways, waste and transportation)
- Children (including education, vulnerable children, youth services and early years)

The management committee, as well as coordinating the work of the select committees, covers internal matters such as finance, performance and staffing. Most of the work is done by small groups of elected members from across the political parties reviewing single specific issues in detail. These groups then report to the select committees and make recommendations for improvement to the cabinet and others as necessary.

Focus

The work programme focuses on the commitments given by the council in its Business Plan 2022-32 and approaches its work in the following way:

- Better outcomes for the people of Wiltshire
- Adding value to the way decisions are reached
- Working constructively with the cabinet
- Challenging positively as a critical friend
- Basing its findings on good evidence
- Learning from others

Councillor Graham Wright, Chairman of the Committee, said:

“ This year Overview and Scrutiny (OS) has continued to play a key role in developing council policy and holding decision-makers to account, with 73% of decisions taken by the council’s Cabinet scrutinised and 65% of eligible members taking part in our work.

In November 2022, the Local Government Association (LGA) undertook a peer challenge review of the council and its report commented positively on Wiltshire’s OS function.

My thanks go to the councillors and co-opted members who lead the function, the scrutiny team that supports our work, plus all those decision-makers, witnesses and members of the public who have engaged with the process.

For the year ahead, OS will be placing an increasing emphasis on using data to inform our findings. We will be focusing on encouraging even more councillors to contribute to the process, using their diverse skills and experience to improve council policies and services for the good of Wiltshire’s residents.”

Overview and Scrutiny Management Committee



Cllr Graham Wright
Chairman



Cllr Christopher Williams
Vice chairman

Key items we have looked at ...and what we have achieved

Financial health of the council

- Publicly scrutinised annual budget proposals, opposition group amendments and the key financial updates throughout the year

Customer complaints

- Introduced scrutiny of the council’s complaints data, examining the complaints received across different services, how they are resolved and how Wiltshire compares with other local authorities

Performance of council services

- Reviewed how we scrutinise corporate issues such as finance and resources, agreeing a new approach. Introduced regular scrutiny of the council’s new performance scorecard, flagging issues for further investigation by the other select committees.

Transferring council assets

- Scrutinised a new Service Devolution and Asset Transfer Policy prior to its adoption, submitting 11 recommendations to the Executive regarding implementing it successfully

Carbon footprint of Overview and Scrutiny

- Adopted new meeting protocols, with task groups and rapid scrutiny exercises using remote meeting technology wherever possible



Health Select Committee

Councillor Johnny Kidney,
Chairman of the Committee,
said:

“ This past year the Health Select Committee has seen how health and social care services are responding to considerable pressures. The impact of the pandemic is still ongoing, and the Committee will continue



Cllr Johnny Kidney
Chairman



Cllr Gordon King
Vice chairman

to explore how demands on urgent care can be reduced.

We will be holding an inquiry this summer to understand the factors contributing to the acute pressures on emergency services and work with partners to explore how they could be alleviated.

We have been pleased to see the increased collaboration between the Council, Bath & North East Somerset, Swindon and Wiltshire (BSW) Integrated Care Board (ICB) and health and care providers to develop services to meet the needs of Wiltshire residents. ”

Key items we have looked at ...and what we have achieved

Meeting future health and care needs

- Scrutinised how the needs of Wiltshire residents, identified in the Joint Strategic Needs Assessment 2022, informed the development of the Integrated Care Strategy and Health and Wellbeing Strategy.

Focusing on objectives

- In line with the Health Overview and Scrutiny principles recommended by the Department for Health and Social Care, the Committee have been focused on whether service developments and changes bring improved services for Wiltshire residents.

Transforming care services

- Monitored with interest the development of the Independent Living Service, to prioritise support at home and away from residential care. Members were reassured that the procurement of care services is developing to better meet individual need.

NHS Dentistry

- Carried out a rapid scrutiny exercise looking at the availability of NHS Dentistry in Wiltshire. The Committee will continue to scrutinise this service to ensure improved access for residents.

Children's Select Committee

Councillor Jon Hubbard,
Chairman of the Committee,
said:

“ Every time I am asked for a statement for the OS annual report my first thought is “Where has this year gone”? Then I look back over the minutes of our committee meetings and the reports from our task group and rapid scrutiny exercises

and I am reminded why it feels like time is just flying past!

There is nothing else I'd rather be doing though, and I know how dedicated our committee members are to making continuous improvements to Wiltshire's children's services. I am already looking forward to our upcoming work.

We all know that we are living in complicated financial times and that this will continue to have a significant impact on both services and families. As always, we will strive to add value through our OS work. ”



Cllr Jon Hubbard
Chairman



Cllr Jacqui Lay
Vice chairman

Key items we have looked at ...and what we have achieved

High Needs Block Funding

- Explored options to manage pressures on the high needs schools budget, which is a challenge faced across the country. Further information will now be collected on local authorities who have managed to avoid a financial deficit in this area.

Disadvantaged Learners

- Scrutinised why Wiltshire's Disadvantaged Learners underperform overall compared to the regional and national average. Its eight recommendations focused on improving outcomes for Disadvantaged Learners.

Traded Services

- Considered three reports from Traded Services and focused on ensuring there is robust, relevant and efficient reporting on Traded Services both to the council and to the committee. The task group was determined to support Traded Services to demonstrate its achievements and potential.

Environment Select Committee

Cllr Jerry Kunkler,
Chairman of the Committee,
said:

“The Environment Select Committee has a broad remit and this year we have covered significant ground. We have maintained a focus on areas that are important to our residents, like waste collection, the condition of our roads and public transport. We have also looked into issues linked to the cost of living and the economy such as the housing rental sector and the regeneration of our market towns.

Looking ahead we continue to develop our forward work plan to ensure that we are adding value, through a robust overview and scrutiny of key areas. Next year we will continue to explore housing issues in the county and through our Climate Emergency Task Group monitor the delivery of our Climate Strategy.

I would like to thank officers and members for their ongoing support.”



Cllr Jerry Kunkler
Chairman



Cllr Bob Jones MBE
Vice chairman

Key items we have looked at ...and what we have achieved

Leisure Service Insourcing

- Scrutinised the process of bringing leisure centres under direct council control and will continue to look at the effect upon services and the outcomes for service users.

Future Bus Strategy - Connect Wiltshire

- Reviewed the development of the county's Bus Service Improvement Plan (BSIP), the outcomes of which will continued to be monitored.

Highways

- Considered the effectiveness of the highways service over the last 12 months, looking at road maintenance, drainage and traffic management issues.

Climate Strategy

- The Climate Emergency Task Group following publication of its recommendations, formally responded to the strategy consultation, and commented on early drafts.

How is overview and scrutiny supported?

The council's non-executive councillors lead OS but are supported in their work by a small team of officers. The Scrutiny team ensures that the councillors have the information and evidence they need and can speak to those people that have a direct responsibility or interest in the matter. This can include making arrangements to hear from service users and going on site visits.

The team also undertakes research and writes reports on behalf of the select committees and task groups.

Looking forward

Local authorities continue to face significant financial pressures on top of existing demographic challenges and rising costs of care for vulnerable children and adults. In Wiltshire, Overview and Scrutiny will contribute to meeting this challenge by acting as a 'critical friend' to decision-makers, supporting innovation in how the council and its partners deliver services and acting as the voice of the people when important decisions are being made.

OS will continue to use the council's Business Plan 2023-33 as a guiding document, working to ensure that all of the agreed priorities are achieved. There will be an increasing focus on using data to monitor whether public services are delivering real outcomes for Wiltshire residents.

In 2022, a Local Government Association (LGA) Peer Challenge panel found that Wiltshire's OS members feel able to challenge and influence the policy agenda, with effective mechanisms in place for coordination between Scrutiny and the Cabinet. In the year ahead, OS will focus more on adding more value by engaging on policy development at an early stage.

Since its introduction, OS has become an integral part of decision-making at the council. We will be working to ensure this remains the case, with all significant executive decisions receiving prior OS input and as many elected representatives as possible contributing to OS's work.

Getting involved

OS welcomes suggestions from councillors and members of the public regarding issues that could be investigated. If you would like to suggest an issue that OS should look into, please contact us via the details at the end of this report.

Members of the public can also get directly involved by attending committee meetings, submitting a question before a meeting or giving notice to make a statement on an item on the agenda.



Want to know more?

Contact Henry Powell, Democracy and Complaints Manager

Email committee@wiltshire.gov.uk

Visit www.wiltshire.gov.uk

County Hall, Bythesea Road, Trowbridge, Wiltshire, BA14 8JN

Information about Wiltshire Council services can be made available on request in other languages and formats such as large print and audio.

Please contact the council by telephone **0300 456 0100**, or email customerservices@wiltshire.gov.uk

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Wiltshire Council

Full Council

16 May 2023

Update on Council's response to the climate emergency

Executive Summary

At its meeting held on 26 February 2019 Full Council resolved to acknowledge that 'there is a climate emergency and to seek to make the county of Wiltshire carbon neutral by 2030'. Cabinet subsequently committed to make the council carbon neutral by 2030.

A commitment was made to provide six-monthly progress updates on actions the council is taking to tackle the climate emergency in Wiltshire. This is the seventh progress report that has been prepared.

In this latest report the council updates on a range of projects including:

- the key funding it has secured to retrofit homes and drive tree planting
- innovations for waste services to help recycle as much as possible
- educating young people on what they can do to make a difference
- making its own buildings as green as possible
- supporting residents across the county to install solar panels
- continuing to develop active travel schemes and investing in electric vehicle charging technology
- being confirmed as a Bronze Carbon Literate organisation by the Carbon Literacy Project

In a recent independent Corporate Peer Challenge, it was said in the final report that Wiltshire Council is excelling in work to address climate change – further demonstrating the council's commitment to the climate cause. The report stated: "The council's work to mitigate and adapt to the impacts of climate change is impressive, with many activities that would be considered exceptional in other organisations being seen very much as the 'day job'."

Here are some highlights of how the council is supporting the county to become carbon neutral:

- Funding of more than £3.6m successfully secured from Government which will increase energy efficiency and reduce carbon footprint of up to 210 Wiltshire homes
- 90 council homes have been retrofitted to be more energy efficient
- £294,800 of funding successfully secured from Government to support tree planting and woodland creation targets – delivering 111Ha of trees in 2023/24 and 222Ha in 2024/2

- The council is on track to deliver more than 700 installations in Wiltshire as part of the Solar Together scheme – totalling more than 5,000 solar panels. A second scheme will be launching in early summer
- Between August 2022 and January 2023, more than 58 tonnes of reusable items were collected at household recycling sites, saving 23 tonnes of CO_{2e} compared with sending this waste to landfill
- A pop-up reuse shop in Devizes prevented 2.1 tonnes of waste from going to landfill by selling items collected from recycling centres such as bikes, tools and toys
- More than 15 tonnes of batteries collected so far through new kerbside collection scheme
- Leisure items recycling scheme launched at four centres which allows usually discarded items to be eventually recycled and used again
- 74 cycle parking spaces and an e-bike docking station has been installed at Salisbury Train Station
- 1,200 pupils have attended Bikeability training since the start of the 2022/23 school year
- £878k allocated for further Active Travel schemes in the county
- Applications have been received through a council scheme for 35 sites to have electric vehicle charging point feasibility studies – with funding support from the council
- The council is investing an extra £1m between 2022/23 and 2024/25 to empty gullies and help prevent flooding
- The Warm and Safe advice service has been extended for a further three years
- Libraries service secured funding to produce a series of talks and book collections on climate change and sustainable living
- The Salisbury River Park project continues to make progress – the council's flagship project to improve resilience to climate impacts

Here are some highlights of Wiltshire Council's progress in becoming a carbon neutral organisation:

- Almost 60 members of staff complete carbon literacy training to help them become more energy efficient in their work and home lives, and the council has been awarded a Carbon Literate Organisation Bronze award
- The council's case studies featured at the UN Climate Change conference COP27 in Egypt
- Air source heat pumps have been installed at three leisure sites reducing gas usage by around 6,200 MWh per annum
- 54 installations of solar photovoltaics at leisure sites generated 1,746 MWh of electricity in 2022/23
- Renewable energy on council property increased by more than five times between 2019/20 and 2022/23 – from 324 MWh to 1,746 MWh
- The council's 2021/22 greenhouse gas emissions are 5,275 tCO_{2e} which is a reduction of 75% on its 2014/15 footprint – 2022/23 data available later this year
- The council adopted a socially responsible procurement policy which played a part in awarding its recent £80m highways contract

- Telematics have now been installed in all 200 of the council's own vehicles – providing vital data on fuel consumption and CO₂ emissions related to driver behaviour
- The council has upgraded its gritters and replaced them with a new modern fleet with Euro 6 compliant diesel engines – much better for emissions
- 91% of staff training was carried out online rather than face-to-face
- The number of council printers reduced by 50% and ageing printers have been replaced with ones that use 60% less energy

Proposal

That Council notes the actions taken in response to the climate emergency following the last update in October 2022.

Reason for Proposal

To provide Council with an update on actions taken in response to the climate emergency.

Terence Herbert
Chief Executive

Update on Council's response to the climate emergency

Purpose of Report

1. To provide the seventh progress update on actions taken in response to the climate emergency.

Relevance to the Council's Business Plan

2. The programme of work to seek to make the county of Wiltshire carbon neutral by 2030 will contribute to all four business plan priorities (2022-32) of:
 - (1) Empowered People
 - (2) Resilient Society
 - (3) Thriving Economy
 - (4) Sustainable Environment

Specifically, the mission to make Wiltshire a place where 'we are on the path to carbon neutral (net zero)'.

3. The update on the actions taken in response to the climate emergency is structured against the seven delivery themes of the draft climate strategy.

Background

4. At its meeting held on 26 February 2019 Council debated the following notices of motion:

12b) Acknowledging a Climate Emergency and Proposing the Way Forward;

12c) Environment and Global Warming.

5. The council resolved to acknowledge that there is a climate emergency and to seek to make the county of Wiltshire carbon neutral by 2030 – recognizing that the council only has direct control over 0.5% of carbon emissions in Wiltshire but can use its democratic mandate and other levers of influence to have an impact on wider emissions. Cabinet has also pledged to make Wiltshire Council carbon neutral by 2030.
6. The [minutes](#) of the meeting are available online (see pages 21 to 24). As part of this motion, the council resolved that Cabinet should report to Full Council on a six-monthly basis regarding the actions the council is taking and will take to address the climate emergency. The sixth report was presented to Cabinet in October 2022.

7. A Global Warming and Climate Emergency Task Group was established by Environment Select Committee in 2019 to develop recommendations to seek to achieve the target of making the county of Wiltshire carbon neutral by 2030. The task group developed two reports and recommendations covering energy, transport and air quality (see Environment Select Committee papers for [13 January 2021](#)) and planning (see Environment Select Committee papers for [3 March 2021](#)).
8. In November 2021 the Task Group updated its name to the Climate Emergency Task Group and agreed its revised objectives as:
- To help shape and influence the development of Wiltshire Council's programme (in all relevant areas) for meeting its objective of making Wiltshire Council carbon neutral and seeking to make the county of Wiltshire carbon neutral by 2030 (excluding the geographical area administered by Swindon Borough Council).
 - To scrutinise the delivery of this objective through the Climate Strategy (2022-2027) and its delivery plans, as well as key plans, policies and programmes, such as the Local Plan, Local Transport Plan and Green and Blue Infrastructure Strategy. Including the way in which the Council is measuring progress and how it is performing and reporting against baselines.
 - To provide recommendations on other aspects of decarbonising the county including partnership working and community-led approaches as well as acting as a national role model.
9. The Wiltshire [Climate Strategy](#) was approved by Council in February 2022. It sets out a framework for the council's climate programme under seven delivery themes. Page 18 of the strategy document commits us to developing delivery plans with more detail on actions and targets under the areas of focus in the strategy. These were [published](#) in September 2022.

Main Considerations for the council

10. In 2021 Wiltshire Council received an excellent rating of 81% in Climate Emergency UK's Council Climate Plan Scorecards, ranking it as the fifth best unitary authority in the UK for its response to climate change. The council has also recently been awarded the Bronze Carbon Literate Organisation award.
11. On our target for the organisation to be carbon neutral by 2030, an independent [report](#) from Anthesis found that the council is in a very strong position to meet this carbon neutral commitment. At present, our 2021/22 greenhouse gas emissions are 5,275 tCO₂e which is a reduction of 75% on the council's 2014/15 footprint. Data for 2022/23 is not yet available and will be reported in the next update to October Cabinet and Council.
12. In November 2022 the council was assessed by local authority officers and councillors from other councils as part of a Local Government Association Peer Review. The [final report](#) stated that we are excelling in work to address climate change: "The council's work to mitigate and adapt to the impacts of climate change is impressive, with many

activities that would be considered exceptional in other organisations being seen very much as the 'day job' "The Climate Strategy, which was informed by a Scrutiny Task and Finish Group, has good levels of corporate ownership amongst officers and members, to the extent that climate change work is seen very much as 'business as usual' and is integrated in the day-to-day operations of the council, and is aligned to the delivery of the Business Plan".

13. Following [publication](#) of the Climate Strategy delivery plans in September 2022, an initial set of key performance indicators has been developed to track progress against our objectives (see **Appendix 1**). These will be further developed over time. Data is not yet available for most of the indicators for 2022/23 but will be published with the next update where available. There is a significant reporting lag for any government data on the county's carbon emissions or renewable energy.

Public engagement

14. All 18 Area Boards have confirmed Addressing Climate Change / Environmental Issues as a priority for 2022/23 and appointed an Environment Lead. An update on projects in each area is included at **Appendix 2**.
15. A facilitated action planning day was offered to all Wiltshire town and parish councils on 27 March 2023 with a follow up session planned for 17 May 2023. 40 staff and councillors attended, representing more than 32 local councils. The day covered the science of climate change, its current and future impacts locally, and their effects on nature, livelihoods and people. Action planning included the levers of influence available to local councils, and the areas of action such as energy generation, transport and waste. The local councils then considered how to engage and communicate with their residents and businesses within their communities. Finally, they decided on actions that they could do immediately.
16. The Wiltshire Climate and Environment Forum (a reference group for Wiltshire Council's Environment directorate to enable a regular two-way dialogue and ideas sharing with a representative group of Wiltshire residents) held its second formal meeting in January 2023 to discuss the Air Quality Action Plan (AQAP). Discussions were held on how to best engage with the public and interest groups through the consultation process, comments about the overall objectives contained in the AQAP and any areas or issues currently missing that should be included in the plan. The third formal meeting in April focused on waste and recycling.
17. Wiltshire Council featured at the UN Climate Change conference COP27 in Egypt in November 2022 as part of a campaign that showcases the activities and projects that councils are delivering to tackle this global issue. The Local Government Association's (LGA) [Pass the Planet campaign](#) focuses on the action councils across the country are taking to limit global warming.
18. Wiltshire Council submitted three case studies to the LGA to showcase at the event with all being used in its 'mitigation', 'finance', and 'collaboration' strands of the campaign. The case studies include:

- the [work the council carried out with stakeholders](#) to put together its Wiltshire Climate Strategy;
 - an [innovative project to help Year 7 students learn maths](#) by using real data from the council's climate strategy consultation;
 - and the [Salisbury River Park](#) - a partnership project with the Environment Agency which addresses a number of climate change issues, reducing flood risk for over 350 properties in the city, improving the environment for wildlife and residents with tree planting and habitat creation as well as encouraging greener forms of transport like walking and cycling.
19. The council also featured in one of 40 new [case studies](#) launched by Friends of the Earth and Ashden celebrating local authority action on climate. They demonstrate how councils have implemented successful initiatives and solutions in response to pressing local challenges, as well as the need to fulfil their own green targets and counter the climate emergency. Wiltshire Council was praised for its fuel poverty support service and its retrofitting council housing.
20. A new [webpage](#) has been published on the council's website setting out the different ways that the council works in partnership to meet its climate objectives.
21. The Wiltshire Youth Council came up with an event for all schools across Wiltshire to participate in to help promote positive changes regarding climate change - named Eco Week. Eco Week took place from 6 to 10 March 2023. During Eco Week 17 schools ran a range of different activities that contribute to the promotion of those positive changes that we need to make to combat climate change and some actions were posted on social media using the hashtag #wycecoweek.
22. All schools received an information pack with full details of how to participate and a certificate for participating in the event, with a prize for both first place (a tree sapling) and second place (an engraved wall plaque). Some of the activities included: switching off the lights to save energy, a display of eco-themed books in the school library, tracking how many journeys to and from school were made on foot and by bike, a wax food wrap demonstration, rewilding an area of the school, new compost bins, and the distribution of free sustainable period products.
23. In August 2022 the council's libraries team secured £0.002m from The Green Libraries Partnership. This funded a new collection of books covering climate change and sustainable living, and enabled a partnership with Sustainable Devizes, which aims to provide resources, host activities and author talks on the theme of climate change. A [video](#) summarising the project is available online.
24. The council's libraries became [warm spaces](#) during the colder weather and residents have been welcomed to sit, stay, chat, and connect with staff and volunteers. They have distributed warm packs to anyone who might need them (1,000 packs so far). They have supported customers asking for energy advice and made more than 80 referrals to [Warm and Safe Wiltshire](#) and the Rural Communities Energy Support Network.

Adaptation and Resilience

25. Work is progressing on the [Salisbury River Park](#), the council's flagship climate adaptation project. The latest newsletter is available [here](#).
26. Wiltshire Council is investing an extra £1m between 2022/23 and 2024/25 to empty gullies and help prevent flooding in the county. The investment is in addition to the £1.27m the council spends annually on emptying gullies and is being spent on an extra combination jet vacuum unit that allows the council's highways teams to focus on problem areas throughout the county that are at most risk of flooding. The council is already putting this new kit to good use, with more than 1,000 extra gullies emptied and 120 tonnes of debris removed since October 2022.
27. The council has started the process of reviewing its Climate Adaptation strategy however due to capacity issues this is unlikely to be completed until 2024.

Delivery theme: Transport

Electric Vehicle Infrastructure

28. The council's current commercial provider, BP Pulse, reports many of the council's existing EV charging units are offline, out of action, and un-repairable due to their parts no longer being available from the supplier. The council has tendered the replacement of all charging units and a new provider Joju Solar has been selected for the contract. Sites have now been surveyed and works have started. So far Joju have installed 16 charging units, each having 2 charging points. 10 of these are replacements and 6 are brand new. Most of the fast-charging units will be replaced by mid-2023, with the rapid charging units being replaced last due to their availability (see full list of sites in **Appendix 3**).
29. Following a successful webinar in September 2022 to communicate the council's approach to EV charging infrastructure, Town and Parish Councils are able to apply for grant funding to install public EV charging infrastructure in their communities, with Wiltshire Council funded grants of up to £0.003m per site. The response was excellent with the maximum number of applications reached, covering 35 sites. These grants can supplement other funding sources such as the government's On-Street Residential Charging Scheme (ORCS). **Appendix 3** details the grant applications that have been received.
30. Wiltshire Council has been allocated up to £0.086m under the UK Government's Local Electric Vehicle Infrastructure (LEVI) Capability Fund. This is resource funding to ensure local authorities have dedicated staff to undertake the planning and delivery of local EV charge points in their areas, especially for residents without off-street parking. Information on future years' funding is expected to follow in due course.

Public transport

31. Wiltshire Council published its first Bus Service Improvement Plan in October 2021 which is aimed at improving and increasing bus usage by:

- a. Supporting the local economy through improved access to shops and areas of employment to help build back and improve the economy post covid.
- b. Improved services to support vulnerable and elderly residents to access essential services such as shopping and medical appointments.
- c. A reduction in carbon output and improvement in air quality by reducing the number of car journeys across Wiltshire.
- d. Supporting leisure travel and local tourism through improved weekend, rail link services and more extended bus services.

November 2022 saw the [first annual review](#) with many achievements since 2021.

32. New Real Time Passenger Information signs have been installed at bus stops throughout Wiltshire. The new signs, which cost around £0.6m, were installed during October and November 2022, and will replace the current outdated signage, which had been in place for many years and had reached the end of its life. This investment into Wiltshire's public transport system will improve the experience for bus users throughout the county.
33. Plans for a new station in Corsham have taken another step forward after Wiltshire Council, in partnership with Corsham Town Council, Michelle Donelan MP and other local stakeholders, submitted a Strategic Outline Business Case (SOBC) to the Department for Transport (DfT) in November 2022.
34. Preliminary assessments indicate that the site of the original Corsham Station site is likely to be the best location for the new station, and four train service options have been considered: an hourly service between Bristol and Oxford; an hourly service between Bristol and London Paddington; a combination of the first two options; and two services per hour between Bristol and Oxford.
35. The SOBC includes an economic assessment for each of the four service options that shows that all of the options generate significant levels of demand, benefits and revenue. If the project passes the SOBC stage, it will move to the Outline Business Case (OBC) stage, which looks in more detail at the design, planning, access, operational feasibility and demand forecasting. Future timescales for the next stages of this project will depend on the availability of funding from DfT.
36. The results of a feasibility study for the Department for Transport (DfT) into a new railway station for Devizes have now been released by Network Rail. Wiltshire Council, Devizes Development Partnership and GWR worked closely with Network Rail to undertake the study, which concluded that the strongest case for a new rail station at Devizes would be as part of a wider rail improvement programme for Wiltshire.
37. The results of the study have now been submitted to the DfT who will make a decision as to whether the project will progress to the next stage of development. Further joint work between the rail industry, Wiltshire Council and its local partners is already under way to look at what potential new services could be introduced across Wiltshire, and the infrastructure and trains that would be needed to make this viable.

Active travel

38. Representatives of South Western Railway (SWR), Wiltshire Council, Wiltshire College and University Centre and Co Bikes were at Salisbury station in November 2022 for the launch of the station's new cycle hub. This is the first phase of forecourt improvements which SWR will be part-funding through their Customer and Communities Improvement Fund.
39. The hub is a joint project between SWR, the national Department for Transport, Wiltshire Council and Co Bikes with 74 cycle parking spaces and an e-bike docking station. SWR is working to increase the sustainable onward travel options at its stations. This new £0.360m addition to the station is an example of the growing number of convenient green options for transport across the SWR network, especially in the West of England, as it joins the e-bike facilities available at Cranbrook, Honiton, Pinhoe, Exeter Central and Exeter St David's stations.
40. Wiltshire College and University Centre has installed a Co Bikes docking station at its Salisbury Campus to improve the green travel offer for students and staff arriving at the station. This is hopefully the first of many across Salisbury and the surrounding area to link up with the railway station.
41. Wiltshire Council partnered with Sustrans to deliver a behaviour change project to secondary school pupils to raise awareness of climate change, air quality, and the impact of transport. An action plan was co-developed with the pupils and their schools to overcome barriers to active travel and kick start school led active travel campaigns and initiatives.
42. The 5 schools involved in the project developed action plans, providing a tool to make meaningful and lasting change for the schools. The development of self-led resources means other schools across the county can follow a similar process to increase active travel and reduce their carbon footprint.
43. Funding for Bikeability in 2023-24 has now been confirmed by Active Travel England, although currently only on a one-year basis, rather than the multi-year allocation previously suggested. Over 1,200 pupils have attended Bikeability training since the start of the school year in September 2022, with another 2,000 booked for courses in the spring and summer.
44. Five new self-employed Bikeability instructors have been engaged in recent months to expand the existing team. 2,500 primary pupils have attended WalkSafe pedestrian training since September and 74 have attended Scootability, with around 600 further places booked. Recruitment of two additional instructors is in progress.
45. The council put in a bid for Government air quality funding for a cycle hire scheme, Electric Co Car hubs & Cycle Hangars in Salisbury and a county-wide bus information/marketing project. Unfortunately, the bid was unsuccessful, however we will be bidding for future grant funding opportunities.
46. Wiltshire Council has submitted a bid to Active Travel England (ATE) for funds to support walking and wheeling routes in the county. ATE looks to fund active travel

infrastructure that promotes walking, wheeling and cycling as an alternative to taking the car.

47. ATE indicated a funding allocation of £0.878m for Wiltshire, and the bid's proposed schemes had to meet a minimum assessment threshold to ensure they promote and encourage walking and wheeling. In addition, ATE encouraged bids for the construction of schemes during 2023/24, although the design and development of new facilities will be considered.
48. Local authorities with high quality schemes that are ready for construction were also encouraged to bid for more than their allocation, with the potential to secure funding for schemes above the indicative funding allocation. Wiltshire Council has done this, recognising that it will be in competition with all other local authorities and these schemes will be subjected to a more stringent assessment. The outcome of this bid is expected to be announced in May 2023.
49. A successful pilot equestrian 'Close Pass' event was held in April 2022 with the wider Road Safety Partnership and the British Horse Society. The event saw 19 drivers stopped and given advice. Operation Close Pass is a Police-led initiative aimed at improving driver behaviour when overtaking cyclists or horse riders. The basis of the operation is a rider/cyclist riding along a suitable stretch of road. The bike or horse rider are fitted with cameras and the riders carry a Police radio. If they are overtaken in a dangerous manner (a 'close pass') they will call it in and a member of the Roads Policing Unit (RPU) will pull in the driver to a safe point where they are 'given words of advice' by a Police Officer.
50. Drivers are then asked to listen to an education piece by members of the Partnership explaining the impact of close passes and how they affect actual and perceived safety on the road and how better driver behaviour can encourage more active travel. Dangerous behaviour by drivers, particularly when overtaking or following riders has a huge impact on safety and wellbeing and fear of such behaviour can deter less experienced riders from using the roads. We have previously run cycling Close Pass events in Swindon, Trowbridge, Melksham and Devizes, with another planned for April 2023.

Car clubs

51. Wiltshire Council has asked people, businesses and community organisations in Devizes for their views on proposals for an electric car hire scheme. The council is working with electric car provider Co-Cars to establish local demand with a view to bringing affordable access to electric cars to people in Devizes.
52. If survey respondents indicate that there is enough demand for electric hire cars, Co-Cars would locate the cars, which are bookable for periods of time from half an hour, around the town. People who join the scheme as members would have access to electric cars without having to own one, helping them to save money and improving air quality.

Delivery Theme: Housing and the Built Environment

Planning

53. The council is at an advanced stage of reviewing its Local Plan. A draft will be considered by Cabinet in the summer 2023. The revised Local Plan will promote sustainable growth as a central theme, recognising the council's corporate aspirations to tackle climate change. The Local Plan will deal with the following matters:
- a) Site allocations that are located in the most sustainable locations, recognising the role that Wiltshire's diverse settlement pattern plays in supporting the local economy
 - b) Policies that promote sustainable forms of construction
 - c) Policies that take the opportunity for supporting renewable energy proposals in appropriate locations
54. Working collaboratively between the climate team and the development management service, the majority of planning decision notices, including all householder applications and listed building consents are now including an informative note about climate change. This sets out that Wiltshire Council has acknowledged the climate emergency and is seeking to make the county carbon neutral.
55. Encouragement for energy efficiency, the use of renewable and low-carbon technologies, as well as electric charging points is set out and people are invited to contact the climate team to discuss this further. The reach of planning decision notices is wide with between approximately 100 and 200 decision notices issued each week. This means that through the informatives, the development management service is helping to support and encourage the mitigation of, and adaptation to, climate change.

Private Sector Housing

56. Wiltshire Council has worked with developers, Newland Homes to build six zero-carbon affordable rent and shared ownership homes in Semington. The development, built under a Section 106 agreement, provides four affordable rent and two shared ownership homes. They use the latest zero carbon technology, in a rural location with no access to mains gas. These zero carbon homes have solar panels and air source heat pumps with an Energy Performance Certificate (EPC) rating in excess of 100 and an A category for energy efficiency. This is part of Wiltshire Council's programme to provide 1,000 affordable homes over the next decade.

Fuel poverty and housing retrofit

57. The council has been successful in securing more than £3.623m of Government funding, which will increase the energy efficiency and reduce the carbon footprint of up to 210 homes in the county. The funding is part of the Government's Department of Energy Security and Net Zero's Home Upgrade Grant Phase 2. It will be spent on retrofitting up to 210 Wiltshire homes by March 2025, supporting the council's ambition for the county to be carbon neutral by 2030.
58. In 2021, the council was successful in securing almost £0.550m, which was used to improve 90 of its least energy efficient council homes. This additional funding will allow the council to support retrofit for owner occupied and privately rented homes that are

not connected to mains gas and are EPC band D-G subject to household income levels.

59. A whole house retrofit takes each house in its own right and considers the fabric, the heating and hot water requirements, ventilation and the people living in the property to establish the correct measures to implement for that individual property. Some of the measures deployed to retrofit a property include:
- Energy efficiency measures such as wall, loft and underfloor insulation
 - Low-carbon heating technologies such as heat pumps
 - Smart measures such as smart heating controls.
60. The council has also ear-marked some of its UK Shared Prosperity Fund allocation to ramp up its fuel poverty work over the next two years. A new Retrofit Development Manager position has been created within the climate team to drive this forward.
61. Progress on our council [housing energy efficiency programme](#) (HEEP) works has been limited in the last 6 months. The Housing Service is currently in the middle of the procurement exercise to secure new term maintenance contractors for the next 5-10 years. The current contractors are limited in their ability to take on the additional HEEP work as while their future is uncertain they are reluctant to undertake significant expansion of their capacity. The Housing Service itself is also carrying a significant number of vacancies resulting in the service having to concentrate on priority works in recent months. Recruitment is underway to fill these vacancies.
62. Larger PV installation projects on communal block roofs have been delivered along with HEEP-related works at individual properties with replacement heating and hot water systems. The HEEP work programme will accelerate through the summer and autumn 2023 as the capacity of the Housing Service improves and the new term maintenance contractors are appointed.
63. The Warm and Safe advice service for Wiltshire and Swindon has been extended for a further 3 years (with the option to extend for a further 2 years) and will underpin all of the above initiatives, through helping to identify eligible households needing assistance.
64. Local housing associations Aster and Selwood were successful in a consortium bid for Social Housing Decarbonisation funding together with 10 other social housing providers and the SW Net Zero Hub. The £24.8m consortium bid aims to deliver a retrofit programme to 989 homes across the south-west. Aster applied for funding for 103 properties across their portfolio of which 56 are in Wiltshire. The Aster project is for a total of £1m with more than £0.5m in grant funding. Selwood was awarded £1.4m alongside £4.3m co-funding from Selwood Housing, to deliver 'fabric first' improvements to more than 150 homes in Wiltshire.

Schools

65. There are currently [25 schools in Wiltshire](#) signed up to the national [Let's Go Zero](#) campaign, which calls for government action for zero carbon schools. The campaign unites and supports teachers, pupils, parents and students as they work

towards net zero by 2030. Actions to cut carbon involve procurement, energy use, travel, waste and food.

66. [Energy Sparks](#) is a charity that provides an online, school-specific energy analysis tool and energy education programme. In November 2022 schools, subject to some specific criteria (council maintained school, have AMR meters and on the council's West Mercia energy contract), were invited to apply for a Wiltshire Council grant to pay for a year's worth of energy data from their energy provider. A requirement of the grant was that the school signed up to work with Energy Sparks who can then use that data to help reduce their bills and environmental impact.
67. Wiltshire Council gave grants to 25 schools to access their energy data who enrolled with Energy Sparks. As part of this promotional effort a number of other schools, who did not meet the grant eligibility criteria, also enrolled with Energy Sparks. Consequently, the data grant project has significantly boosted the number of schools across Wiltshire that are taking positive, proactive measures to help reduce their energy bills and carbon footprints through the Energy Sparks programme. This programme is also an educational tool and so will have positive impacts beyond the schools as students (and staff!) apply their learning to their lives at home.
68. In the 40% of schools which are maintained by the council, we are committed to reducing carbon emissions through innovation and new greener technologies available on the market. With the maintenance projects at schools this is being achieved through the installation of LED lighting, energy saving heating solutions and the application of warm roofs when replacing old flat roofs to increase the thermal values of each. New schools, and new blocks at existing schools, are also being designed to be net carbon zero in operation.
69. In December 2022, the DfE announced some additional capital allocations for schools to improve energy efficiency, at a rate of £0.010m per school plus £20.06 per pupil, which resulted in schools directly receiving between £0.011m and £0.067m per school, totalling £4.2million across the County. Guidance was also provided on sensible steps for reducing energy use and works to improve energy efficiency of your buildings.

Delivery theme: Natural Environment

Engagement

70. Wiltshire Council is one of the main organisers of the South West AgriTech event for farmers and landowners which is being held at Devon and Exeter Racecourse on 20th April 2023. AgriTech provides Precision Farming, Precision Irrigation, & Precision Climate Monitoring Solutions & Advice. The main themes of the event are the implementation of AgriTech into farming systems and soil health/carbon sequestration/biofuels and how farmers and landowners can benefit from these opportunities. We are anticipating up to 40 companies/agencies/Universities to attend and up to 250 farmers/landowners from across the South West.

Woodland creation

71. Wiltshire Council, in partnership with Swindon Borough Council, has successfully bid for £0.295m grant from the Government's Forestry Commission and DEFRA Woodland Creation Accelerator Fund. The aim of the fund is to provide local authorities with financial support to bring on board the additional professional expertise they need to drive tree planting and woodland creation commitments.

72. The grant covers two years and will fund new dedicated Woodland Officers to work across Wiltshire and Swindon. The role of the officers will be to:

- assist communities and landowners with developing bids for grant funding for planting schemes including assisting with writing management plans
- bring communities, partners, and landowners together to deliver tree planting on the ground
- produce a woodland and tree strategy to guide further delivery of planting for communities and landowners, ensuring the right trees are planted in the right place
- work with Lower-Layer Super Output Areas (LSOAs) communities of multiple deprivation in Swindon and Wiltshire to deliver tree based environmental improvements. LSOAs are small areas designed to be of a similar population size.
- coordinate a revitalised 'Tree Warden scheme' to engage communities with tree planting and conservation.
- Monitor, record, and map the delivery of tree planting across Wiltshire to help ensure national Government targets are met

73. The project will help to meet national and local aims related to increasing biodiversity, improving air quality and using nature to help reach carbon net zero targets. It will help deliver tree planting targets to deliver 111Ha of trees in 2023/24 and 222Ha of trees in 2024/25. It is anticipated that the majority of these will be delivered through community and private landowner initiatives, working with partners such as the Woodland Trust, and Forestry Commission to develop bids for funding.

74. The Trowbridge Bat Mitigation Strategy contains a means to mitigate for the effects of development around Trowbridge which causes poor quality habitat and loss of connectivity through increasing levels of urbanisation (noise, cars, people, buildings etc). New development in the area must make a contribution to deliver strategic habitat mitigation. With this funding the council is delivering a target of at least c.6 hectares of woodland and c.11km of new hedgerow and these habitats are to be created close to important areas for bats. Working with local landowners we are planting 500m of new hedgerows this winter. We have another 4.5km of hedgerow planting and 6 hectares of woodland planting planned in winter 2023/24. These are all part of the overall targets in paragraph

Delivery theme: Energy

75. Wiltshire Council is working in partnership with Swindon Borough Council and independent experts iChoosr to give residents the opportunity to invest in renewables through the Solar Together group-buying scheme for solar panels and battery storage. We are on track to deliver more than 700 installations in Wiltshire totalling more than

6000 solar panels by May 2023. More than 80 private EV charge points have been installed across Swindon and Wiltshire alongside the solar installations.

76. The latest monthly report from iChoosr states that up to end of March, Wiltshire residents had invested a total of £6m on their installations, with a total of 2,148 KW installed from solar PV and a total CO2 reduction of 10,800 tonnes over 25 years (equivalent to 432 tonnes per year; for context, an average household, including driving, emits 8.5 tonnes per year). Wiltshire and Swindon Borough Council will be running a second joint scheme from June 2023.
77. Wiltshire Council is working in partnership with Scottish and Southern Electricity Networks (SSEN), as we are keen to explore ways to produce a Local Area Energy Plan (LAEP). Representatives from both met on the 1st of March 2023 to discuss changes to the price control framework for Distribution Network Operators, the current SSEN approach, and the LAEP+ tool.
78. Previously upgrades to supply were purely reactive and cost was attributed to whoever applied first, the new changes mean proactive planning for grid upgrades can happen as well as sharing the cost with beneficiaries. Essentially it is becoming more feasible to get the grid upgraded and aligning grid capacity with where demand e.g., new developments are going. Therefore, focus should be on investing and connecting. The LAEP+ tool was also discussed, as this could allow LAs to map investment decisions onto SSEN's network and see their capabilities (e.g., new EV charging points). There is also a possibility for Wiltshire Council to be part of 10 councils trialling the LAEP+ tool within the next year.

Delivery theme: Green economy

79. Wiltshire Council is preparing a draft Economic Strategy which we are engaging with stakeholders on. The document advances commitments made in the Climate Strategy:
- *We will pursue investment in low carbon and green skills and create opportunities for our skilled population to use their talents within the county, reducing out-commuting and brain-drain.*
 - *The future economy will include more jobs in sectors such as renewable energy, electric vehicles and installing low carbon heating in buildings. This is a huge opportunity for Wiltshire in supporting our economic resilience, and in encouraging industry and businesses that enable other sectors to decarbonise.*
80. We will have a specific workstream on the **Transition to Net Zero** and will include the sentiments (if not the exact words as below):
- Wiltshire Council's Climate Strategy establishes that our economic activity must avoid environmental degradation and be efficient, resilient, and fair. Wiltshire must embrace the circular economy which preserves and recycles resources. We should support investment in sectors that can support a transition to net zero as well as reducing the environmental impact of businesses and services.

- The future economy will include more jobs in sectors such as renewable energy, electric vehicles and installing low carbon heating in buildings. This is a huge opportunity for Wiltshire in supporting our economic resilience, and in encouraging industry and businesses that enable other sectors to decarbonise.
- Supporting local employers to make the transition to producing net zero and sustainable goods and services is essential for local growth. We will work to support the transition and increase the supply of skilled employees by responding to the demands of local firms to reskill workforces, particularly in construction, healthcare and auto-trade sectors.

81. To grow the green economy in Wiltshire, increasing capacity and skills in key sectors to meet demand and delivery targets. We will support the following projects:

- Support the growth of businesses focused on sustainability and zero carbon innovation and attract new ones to invest in the county through our Inward Investment and Wiltshire 100 measures.
- Through our business networks we will provide examples of practical measures to transition to net zero and showcase what leading businesses are doing on this agenda in Wiltshire
- UK Shared Prosperity Fund (UKSPF) Business Fit for Future aims to support for business transition to net zero, including support from intermediary and support on growth projects linked to decarbonisation.
- From 2024 the UKSPF Green Skills for Net Zero Economy will invest to improve workforce skills that link to net zero and transition to decarbonisation, focused on learning infrastructure for high-value qualifications and direct support to businesses for green skills targeted and reskilling high carbon sector workforces.

Delivery theme: Waste

Waste and recycling collection services

82. Wiltshire Council has launched a new public awareness campaign to provide residents with more information about what can and can't be recycled through its kerbside collection service and how to correctly dispose of potentially hazardous items. The campaign, called 'Recycling - let's sort it!' aims to improve recycling rates by reducing the levels contamination. Monitoring of materials received at the recycling sorting facility has shown an increase in items that can't be recycled through the council's kerbside scheme being put in blue-lidded bins.

83. Contamination can include non-recyclable waste such as nappies and bags of general refuse, items that may be physically recyclable but not through the council's kerbside scheme (such as bread bags and carrier bags) or recyclable items that are heavily contaminated with food and grease, etc (e.g. plastic packaging still containing meal remnants).

84. Importantly, the campaign looks to raise awareness of how to dispose of potentially hazardous items safely following a recent explosion at a waste facility in Wiltshire. This was believed to be caused by a partially full aerosol can that had been placed in the recycling bin.
85. A proactive communications campaign was put in place throughout February 2023 and from March, waste collection crews have stepped up their visual checks of recycling bins and advising residents where bins cannot be emptied due to the incorrect items being placed in the recycling bin. In such cases, a red hanger is attached to the bin to advise the residents why their bin has not been emptied. Targeted communications will be deployed throughout the year in support of this project and the levels of overall recycling contamination will continue to be closely monitored.
86. From 5 December 2022, the Council expanded its kerbside recycling collection service to include household batteries from residents' homes. Residents can now place their spent household lead acid/cadmium batteries out for collection in sealable sandwich bags on top of their recycling bin. The batteries collected include AAA, AA, C and D cell batteries, as well as button-style batteries. Rechargeable batteries cannot be collected through this scheme.
87. During the period 5 December to 31 January, almost 15 tonnes of batteries were collected through this new scheme. This is the equivalent (by weight) of over 650,000 AA batteries. Batteries collected in the waste stream have been found to cause fires and are environmentally damaging if disposed of incorrectly.
88. The Leisure Loop Recycling Scheme is now in place at four swimming pools across Wiltshire (Five Rivers Health & Wellbeing Centre in Salisbury, the Olympiad Leisure Centre in Chippenham, Trowbridge Sports Centre and The Vale Community Campus in Pewsey), meaning that customers can recycle used pool related objects such as flip flops, goggles, floats, armbands, kickboards, pull buoys and swim caps. Once collected, the items are sorted and separated into material type (foam or plastic) and then into colour. The material is then shredded into tiny pieces and washed to create a new raw material. This raw material is then used to create new products for the industry such as flip flops – thus closing the 'leisure loop'. It is estimated that the average pool will generate roughly 15kg of waste every two to three months.

Household Recycling Centres

89. The council is continuing to work with its contractors to increase residents' opportunities to donate unwanted items for reuse at the household recycling centres. Between August 2022 and January 2023, over 58 tonnes of reusable items were collected at the household recycling sites, saving 23 tonnes of CO₂e compared with sending this waste to landfill.

90. Currently the council's waste contractor FCC works with [KFR](#), a Devizes based reuse charity, to reuse white goods and furniture collected from all 10 sites. This partnership will ensure that reuse opportunities are increased, landfill is reduced and good quality items can be made available to residents in Wiltshire.
91. The council is working with its contractors to improve the visibility and information on sites to maximise reuse donations and promote what happens to donated items.
92. Wiltshire Council and FCC's Environment teamed up with the Sustainable Devizes group to bring the reuse revolution to Wiltshire by hosting the first ever pop-up reuse shop at Devizes Market Place in October 2022. Items for sale on the day were donated at the eight FCC run recycling centres. There was an array of items for sale including tools, garden items, crockery, toys, sports equipment and bikes. Volunteers from Sustainable Devizes supported the pop-up event by showcasing repair demonstrations including free clothes mending, tool sharpening and bike maintenance checks. As a result:
- Nearly 300 items were sold
 - Approximately 2.1 tonnes of waste were prevented from going to landfill.
93. The council is now working with FCC to develop a business case for expanding the sale of reusable items across Wiltshire, using best practice from other local authority areas.
94. Paint can be expensive to buy and often is not fully used when decorating at home. It can also be highly polluting if not disposed of appropriately. In June 2022 Wiltshire Council began a trial at two of its eight household recycling centres (HRCs) in Amesbury and Salisbury, to explore the Wiltshire public's appetite for a paint reuse scheme. The pilot allowed residents to drop off their reusable paint which is safely stored at the HRC and other residents can take away paint for free for use on their own DIY projects.
95. During the first eight months of the scheme:
- Over 465 litres of paint have been diverted from expensive waste disposal treatment;
 - 35 people/families opted to use this paint as a sustainable alternative to buying new paint;
 - Over 600kg of CO₂ has been saved from release to the atmosphere as haulage and treatment was avoided.
 - In addition to this, an estimated 1,423kg CO₂e has been saved through residents choosing alternatives to buying new paint.
96. The trial was deemed a success and the scheme has now been extended to all eight Wiltshire HRCs operated under contract by FCC. Since expanding this service in January 2023, the council and FCC will now focus on actively promoting the scheme and maximising uptake. The council is also working with Hills Waste to put paint reuse facilities in place at the Lower Compton and Purton HRCs during 23/24.

Landfill Diversion

97. Councils were notified by the Environment Agency in August 2022 that all Waste Upholstered Domestic Seating had to be collected, stored and transported separately from other waste from 1 January 2023, and must also be disposed of by incineration from that date. Final guidance on achieving compliance was received on 19 December 2022.
98. In Wiltshire, these items are typically collected at household recycling centres or through the council's large item collection service. Some are also collected as fly tipping. Arrangements have been put in place to allow these to be appropriately managed and have been sent to create energy from waste from 1 January. The new rules have been put in place because some upholstered seating may contain Persistent Organic Pollutants (POPs) which are harmful to the environment if these escape into water courses. POPs can be found in the fire-retardant chemicals used in the padding, linings, and coverings of upholstered domestic seating.
99. This change in disposal practice will result in an estimated 1,500 tonnes of waste being diverted from landfill, resulting in a carbon saving of approximately 651 tonnes per annum.
100. In February 2023, the council awarded a new supply contract to Great Green Systems to provide Wiltshire residents with the continued opportunity to purchase subsidised food waste digesters. This capital-funded scheme supports those households that wish to compost their food and garden waste at home. Between August 2022 and January 2023, a further 204 Green Johannas were purchased by Wiltshire residents. These composting units are estimated to have collectively diverted over 51 tonnes of food and garden waste from the residual household waste bins per year of use, which is calculated as saving 10.2 tonnes of CO₂e per annum. The ability to produce a good quality home compost that avoids the need for commercial peat-based compost and chemical fertilisers also brings significant carbon reduction benefits.

Delivery theme: Carbon Neutral Council

101. The council only has direct control over 0.5% of carbon emissions in Wiltshire but can use its democratic mandate and other levers of influence to have an impact on wider emissions, including influencing strategic partners on infrastructure projects. We routinely work with partners, and will continue to meet with, and contribute to, working groups as a springboard for collaboration, showcasing, providing leadership, and to be a catalyst for action on climate change. A summary of activity from partners is included at **Appendix 4** following a recent presentation to the Wiltshire Public Service Board.
102. The council also responds to government consultations, where relevant, and inputs to government funding programmes to make sure they are appropriate for Wiltshire residents and business, and that they are available at the scale required to meet our targets. We join other local authorities and representative organisations such as the Association of Directors of Environment, Economy, Planning and Transport (ADEPT) to lobby the government. More information on the council's partnership activity is now available through a new [webpage](#).

103. Our carbon literacy training programme is gathering pace, with 58 managers having now received carbon literacy training. In order to receive certification by the Carbon Literacy Project, each member of staff trained is required to make two pledges setting out actions they will take in the workplace to reduce the council's carbon footprint. Wiltshire has recently received the bronze Carbon Literate Organisation award and is aiming for a silver award by end of 2024.

Procurement

104. Wiltshire Council has adopted a [socially responsible procurement policy](#), which has a focus on green economy and sustainable environment, and this was a factor in awarding recent highways and street maintenance contracts. Milestone Infrastructure began its £80m, five-year contract to help make the county's highways more resilient on 1 April 2023.
105. The Milestone Infrastructure team will help to keep Wiltshire moving by maintaining streetlights, cleaning and emptying gullies and drains, repairing potholes, gritting in winter, undertaking emergency maintenance and maintaining carriageways, footways, bridges and verges.
106. The five-year contract has a focus on reducing carbon emissions, as part of council's Business Plan commitment to become carbon neutral as an organisation by 2030.

Pensions and investments

107. Wiltshire Pension Fund (WPF) has a well-developed Responsible Investment Policy and has made significant progress in its decarbonisation process and transition pathway. A recent [video](#) sets out the fund's approach. In addition, the Pension Fund Committee have made several climate-related commitments which include a whole Fund carbon reduction target of 50% by 2030 and a listed equities carbon reduction target of 43% by 2025, and 69% by 2030.

108. At its meeting on 23 March 2023, the pension fund committee approved the following statement:

“As a long term investor, WPF’s goal is to protect the investments from climate change risk, and safeguard the financial future of the Fund. We support a global warming scenario of well below 2°C, and have an ambition to achieve net-zero carbon emissions across all investment portfolios by 2050. We do not see a long-term place for fossil fuel investments in our portfolios, and will work towards being fully divested from these companies by 2030. In the short term we will continue to monitor our holdings in these companies, to ensure that any such investments are helping to finance real-World change. Alongside this, we will continue to invest in renewable infrastructure and climate solutions, to help create replacements for traditional fuel sources, and contribute towards building a sustainable energy economy. This approach aims to ensure that the Fund’s risk of exposure to stranded assets is well managed, and that the Fund can benefit from the investment opportunities presented by the transition to a low carbon economy.”

109. This will be accompanied by some explanations around an exact definition of fossil fuel companies, and practicalities for implementation, in the next revision of the Fund's responsible investment policy in September 2023.
110. Additionally, the Fund has strategic allocations to Paris-aligned equities (12%), sustainable equities (5%) and renewable infrastructure and climate solutions (7%). We have also [assessed](#) the net zero alignment of all our investment portfolios. These portfolios will all contribute to reducing fossil fuel exposure and investing in sustainable alternatives.
111. Brunel Pension Partnership have published an updated [Climate Change Policy](#) following consultation with partnership funds. In the section setting out stewardship and engagement, divestment is included in its approach to escalation.

Fleet

112. Telematics have now been installed in all 200 of our directly controlled vehicles. The data generated links fuel consumption and CO₂ emissions to driver behaviour and will maximise the effectiveness of daily service and minimise running and abnormal repair costs, such as accident damage. The data will enable annual reporting to managers on vehicle performance, helping to avoid unnecessary travel, and will inform size of vehicles and reduction in fleet size.
113. Children's Services are piloting using the council's pool cars to reduce the amount of work travel.
114. In a service where spreading salt on the highway can be seen as un-environmentally friendly from the outset, then cleaner green emissions are what we are striving for in other ways. By upgrading our ageing gritters and replacing them with a new modern fleet with euro 6 compliant diesel engines, our emissions have now reduced dramatically.
115. We are proud that we have continued on our journey to improve our climate objectives with our replacement fleet, as well as making fuel savings they also have a greener regeneration exhaust system to help remove the particulate matter.
116. Each vehicle also has a touch screen control system enabling the flow rate and spread of de-icers to be controlled and the Econ Low Throw mechanism has been designed to reach under vehicles for urban settings or busy roads to optimise de-icing application keeping the salt on the road and reducing the amount overspread and wasted on verges.

Avoidance of travel

117. In the last year the council's training team has carried out 91% of all training online rather than face to face. For example, the council's Children and Families team have increased online training for foster carers to reduce the need to travel.

Static emissions

118. Leisure centres generate the largest proportion of the council's emissions. New air source heat pumps running on green electricity have therefore been installed at Salisbury Five Rivers Health & Wellbeing Centre, Corsham Springfield Campus and Chippenham Olympiad. The pump at Fiver Rivers is one of the biggest in the country, meaning the facilities are now carbon neutral for all their energy use. The work has been delivered by the council's Strategic Asset Maintenance & Facilities Management (SAM&FM) Energy Team and funded through the government's Public Sector Decarbonisation Scheme (PSDS).
119. This scheme from the Government's Department of Energy Security and Net Zero provides grants for public sector bodies to fund heat decarbonisation and energy efficiency measures. An air source heat pump works much like a fridge operating in reverse, by transferring heat from outside air into water, which can then heat rooms via radiators or underfloor heating. It can also heat water being stored in a hot water cylinder for hot taps, showers and baths. The pump will use zero carbon electricity to run but uses less electrical energy than the heat it produces, making it more energy efficient.
120. Since 2021 the following work has been delivered through the council-funded Property Carbon Reduction Programme and the Government-funded Public Sector Decarbonisation Scheme:
- Air source heat pumps – installed at 3 sites reducing gas usage by c. 6,200 MWh per annum with a carbon saving of 1,142 tonnes pa
 - Biomass heating – installed at 2 sites reducing gas usage by 1,274 MWh pa with a carbon saving of 234 tonnes pa
 - Solar photovoltaics – across 54 installations in 2022/23 we generated 1,746 MWh of electricity saving the council £0.630m pa (at current rates). This is more than five times what we generated just four years ago (324MWh in 2019/20).
 - Air handling units – replaced 5 systems with new energy efficient systems saving 93 MWh pa electric and 911 MWh of gas saving a further £0.042m from gas and £0.021m from electric
 - Inverters – installation of pump inverters is saving 54 MWh pa
 - Building Management Systems – energy efficiency upgrades and re programming saving 57 MWh pa of electric and 810 MWh pa of gas saving us £37,000 from gas and £173,000 from electric
 - LED Lighting – installed at 2 sites saving a further 82 MWh pa
121. All 16 swimming pools within the leisure estate have reduced the pool water temperature from 29 to 28.5 – 28.7 degrees. The targeted outcome is to reduce utility consumption and costs. As the pool water temperature has been reduced the air handling can also be adjusted to a degree above the water temperature and this will significantly reduce the utility consumption as the system runs all the time to maintain pool water temperature.

122. The Gym Air Conditioning units have been raised to 20 degrees rather than running at 18 degrees to reduce the usage which is not only a big cost but also generates a significant carbon footprint.
123. In addition the Leisure Service is in the process of introducing a Good House Keeping representative for each of its 20 facilities; on a monthly basis the representative will self-audit the building and report issues which will affect the wastage of utilities within the site and promote energy savings to all staff. It will also give staff an opportunity to have their say on what they think might be good energy saving ideas for the site. Simplified energy graphs advertising year on year utility consumption are now displayed in staff areas to raise awareness of the need to reduce energy usage and the demonstrable results of certain projects and actions.
124. With the Printer Replacement Programme, the council's ICT directorate has contributed to the council's goal of carbon-reduction. Thorough planning, leveraging advances in technology and encouraging changes in behaviour have resulted in reductions in energy and toner consumption, printing and ultimately costs so contributing to increased operational efficiencies. Phase 1 of the programme replaced the aging and unreliable printers within the hubs with printers that use 60% less energy and can print 36% more pages per toner cartridge. Additionally, the number of printers was reduced by 50%. The reduction in printer use during Covid is being encouraged to continue despite staff being back in the office, with aims to reduce printer use by 77% which would save 2.4 tonnes of paper per year. Phase 2 is currently underway and focuses on satellite sites, again with a goal of reducing the printers significantly whilst maintaining operational efficiencies.
125. The council has also achieved two sustainability milestones within its two data centres. In the years between 2018/19 and 2021/22 we have been able to significantly reduce the energy consumption used in the Primary Data Centre in County Hall by 46% and the Secondary Data Centre in Monkton Park by 51% through replacing outdated equipment with more energy-efficient models.

Carbon offsetting study

126. Last year Wiltshire Council worked with sustainability consultants Anthesis to help us define Pathways to carbon neutrality in line with our climate goals. We have now engaged Anthesis again, to work with us to develop the council's approach to offsetting. Our goal for the council is to be carbon neutral by 2030. Beyond 2030 we are likely to have some residual emissions that will need to be offset to achieve our commitment. These offsetting solutions will need to be put in place well before 2030 and therefore we need a clear action plan now.
127. In addition to looking into how to offset the council's own emissions, we will be looking at how to enable the whole county's emissions to be offset, with some of the options including bringing in money to fund projects such as retrofitting homes within the community and delivering renewables as well as tree planting. Therefore, this is a critical piece of work that could help to deliver carbon reduction within the county that might not otherwise happen.

128. During January and February 2023, we engaged with council officers, councillors, and external stakeholders in six workshops. In these workshops Anthesis introduced technical information about offsetting, and discussions took place to help inform the Anthesis team about key local contexts, relevant policies, actions taken so far (successes and challenges), and future plans and opportunities. The discussion brought about in these workshops will aid in the report Anthesis are producing for the council, to be published in Spring 2023.

Overview and Scrutiny Engagement

129. The Climate Emergency Task Group have been involved in the development of the Climate Strategy and delivery plans as well as scrutinising key pieces of work. The Task Group will be meeting to discuss this report on 28 April 2023.

Safeguarding Implications

130. The impacts of climate change are amplifying safeguarding issues and falling heavily on vulnerable people both globally and in the UK.

131. Evidence suggests that vulnerable demographic groups experience disproportionate effects on their health outcomes from climate related impacts.

132. This includes young children, babies and older people who are particularly affected by extremes in temperature and the disruption caused by severe weather such as flooding¹. People with physical or mental health problems have a lower ability to act due to physical constraints or a lower awareness of their circumstances. People with low personal mobility or living in areas with lower accessibility of services tend to have less ability to respond and recover because it may take them longer to help themselves or to seek and receive help from others.

Public Health Implications

133. Climate change and public health are inextricably linked. Having a climate strategy which looks to reduce carbon emissions in Wiltshire will have a significant and positive impact on the health of the population. Actions from implementing the strategy will improve health outcomes for all residents and help reduce health inequalities. Better home insulation will not only reduce emissions but also provide healthier homes for some of our most vulnerable people. Active travel schemes will help increase levels of physical activity, connecting people to their local communities and potentially leading to improved air quality through reduced car use. Local food production will decrease food miles, benefiting the environment, whilst providing healthier choices.

Procurement Implications

134. Project leads will be engaging with Procurement directly and in line with the council's procurement policy.

¹ [Socially vulnerable groups sensitive to climate impacts | Climate Just](#)

Equalities Impact of the Proposal

135. One of the key principles is for the Climate Strategy to be equitable, ensuring the transition to low carbon, climate resilient future is fair.

Environmental and Climate Change Considerations

136. This report sets out the council's response to environmental and climate change considerations following the acknowledgement of a climate emergency and agreement by Full Council to seek to make the county of Wiltshire carbon neutral by 2030.

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

137. This paper is for Council to note and does not require a decision to be made.

Financial Implications

138. In response to the climate and ecological emergency and the resolution made by Council to seek to make the county of Wiltshire carbon neutral, a Sustainable Environment is a key principle of the Council's Business Plan.
139. As part of the Budget Setting process, Revenue and Capital budgets have been updated to deliver against this objective, this includes continued investment, new investment and savings and covers the programmes listed in the report above.
140. To date spend that contributes to delivering against the carbon reduction programme totals £25.031m Capital and £0.587m Revenue. Investment has been committed for 2022/23 and future years totalling £71.058m Capital and £9.553m Revenue. In additional grant bids have been successful for a further £3.918m and will be added to the relevant programmes in due course and we are awaiting the outcome for Active Travel bid for £0.978m. The tables below provide detail at programme level.

Table 1 – Capital Programmes

CAPITAL	Previous Years Spend £'m	2022/23 Budget £'m	Future Years Budget £'m	Total £'m
HRA - Housing Energy Efficiency Programme	0.378	2.000	50.247	52.625
LED Programme	11.533	0.762	-	12.295
Salisbury River Park Scheme	6.155	-	-	6.155
Fleet - Carbon Neutral Fleet / Electric Vehicles	0.006	0.987	1.480	2.473
Local Authority Treescape Fund - BOA	-	0.071	0.026	0.097
Property Carbon Reduction Programme	1.424	2.846	6.130	10.400
Park & Ride Solar Panel Canopies	-	0.300	3.200	3.500
Public Sector Decarbonisation Scheme Projects	4.566	0.639	-	5.205
Passenger Transport RTP1	0.003	0.692	-	0.695
Active Travel Fund	0.966	1.678	-	2.644
Total Capital	25.031	9.975	61.083	96.089
Grant	11.687	1.984	0.026	13.697
S106/CIL		0.758		0.758
Borrowing	12.966	5.233	10.810	29.009
HRA	0.378	2.000	50.247	52.625
Total Financing	25.031	9.975	61.083	96.089

Table 2 – Revenue Programmes

REVENUE	2022/23			Total £'m
	Previous Years £'m	Budget £'m	Future Years £'m	
National Bus Strategy	0.076	0.051	0.179	0.306
Better Bus Fund - Bus Service Enhancements	0.053	-	0.619	0.672
Rural Mobility Grant	-	0.123	1.082	1.205
COMF - Warm & Safe Wiltshire	-	0.500	-	0.500
Public Health - Warm & Safe Advice Service	-	-	0.255	0.255
Additional Investment in Gully Emptying	-	0.333	0.667	1.000
Climate Change and Sustainable Living Book Collection	-	0.002	-	0.002
Trowbridge Bat Mitigation Strategy	-	0.392	1.958	2.350
Salisbury Plain SAC (Stone Curlew)	-	0.045	0.175	0.220
New Forest Recreation Management Project	-	0.094	0.656	0.750
River Avon Special Area Conservation	-	0.283	0.567	0.850
Dedicated Climate team	0.458	0.333	1.058	1.849
Solar Together Grant	-	0.031	0.150	0.181
Total Revenue	0.587	2.187	7.366	10.140
Grant	0.129	0.707	2.285	3.121
S106/CIL	-	0.813	3.356	4.170
Revenue Budget	0.458	0.666	1.725	2.849
Total Financing	0.587	2.186	7.366	10.140

Table 3 – Successful Grant Bids

Bids	Total £'m
Home Upgrade Grant 2 (Capital)	3.623
Woodland Creation Accelerator Fund (Revenue)	0.295
Total Bids	3.918
Grant	3.918
Total Financing	3.918

Table 4 – Awaiting Outcome Grant Bids

Bids	Total £'m
Active Travel (Capital)	0.978
Total Bids	0.978
Grant	0.978
Total Financing	0.978

141. The Pathways reports by Anthesis consultants published in May 2022 set out anticipated costs and benefits to the council and to the Wiltshire economy of delivering carbon neutrality. As detailed, this will require additional investment over and above the current commitments shown above. The emerging Fleet Strategy which seeks to deliver a carbon neutral position for 2030 for all council vehicles will require further capital investment in vehicles and infrastructure to achieve its objective.

Legal Implications

142. There are no legal implications arising from this report.

Workforce Implications

143. Replacement of our fleet with electric vehicles where possible and encouraging staff to use the new bikes being provided for short journeys will require changes to ways of working. We have also started rolling out carbon literacy training to staff.

Options Considered

144. The only option considered is to note the report.

Conclusions

145. Since Full Council resolved to acknowledge that there is a climate emergency and to seek to make the county of Wiltshire carbon neutral by 2030, a number of areas of work have been progressed and continue to progress as set out in this report.

Parvis Khansari, Corporate Director – Place

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Appendices

Appendix 1: Key performance indicators

Appendix 2: Environment projects by community area

Appendix 3: EV charging infrastructure

Appendix 4: Climate action by Wiltshire partners

Appendix 1 – Climate Strategy KPIs

Metric/Indicator - Climate * = Corporate KPIs	TARGET	Current Position 2022/23	2021/22	2020/21	2019/20
Total Wiltshire emissions CO ₂ (territorial, Kt) *	2100Kt for 2021	Not yet available	Not yet available	Not yet available	2209 (2020)
All publicly available EV charging points in Wiltshire *	35 per 100,000 population (in line with SW average)	Not yet available	179 (35 per 100,000)	167 (33 per 100,000)	120 (24 per 100,000)
Council homes retrofitted for energy efficiency/renewable energy	All council homes retrofitted to EPC B by 2031	90	90 (at Oct 22 update)	n/a	n/a
All Wiltshire EPCs registered that were rated A to C (rolling 3 year average for all dwellings) *	Above South West benchmark (48%)	Not yet available	50%	49%	43%
Renewable energy capacity in Wiltshire (MW)*	Minimum 978MW installed capacity by 2027 (Anthesis high ambition pathway)	Not yet available	Not yet available	583 (2021)	577 (2020)
Renewable energy generation - Wiltshire (MWh) *	Total renewable generation in 2020 contributed 31% of our electricity consumption, and 6% of our total energy consumption.	Not yet available	Not yet available	573,248 (2021)	620,216 (2020)

Metric/Indicator - Climate * = Corporate KPIs	TARGET	Current Position 2022/23	2021/22	2020/21	2019/20
Solar Together – no. solar panel, battery and EV charger installations in Wiltshire	750 installations in first scheme	592 (March 2023)	n/a	n/a	n/a
Wiltshire Council's carbon footprint (August GHG return tCO ₂ e) *	3750t for 2022/23 Overall target carbon neutral by 2030	Not yet available	5275	4401	12,321
Renewable energy generated on the council estate (MWh)	No separate target set as we need to generate as much renewable energy as possible on our own estate to enable us to meet our 2030 target.	1,746	550	450	324
Number of staff and councillors completing carbon literacy training *	Bronze carbon literacy award by July 2022; Silver carbon literacy award by end 2024 (15% staff certified carbon literate, 750 People)	58 (Mar 2023)	n/a	n/a	n/a

Appendix 2: Area Board Environmental Projects update

2021/2022

Wiltshire's Area Board Funding Environmental Impact



74 projects increased awareness of environmental issues



12 local projects helped households to reduce the energy they use at home



41 projects helped communities to reduce, reuse or recycle



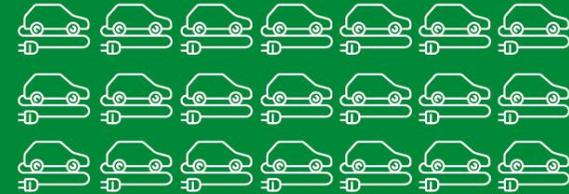
24 projects that reduced the carbon footprint of a building or service



38 projects focused on local biodiversity



22 different projects helped to improve local air quality



21 projects helped to improve sustainable or public transport

Area Board	Project/Action/Engagement	Status – complete/ongoing
Bradford on Avon	Trowle and Trowbridge Greenway Feasibility Study, work is progressing being led by Climate Friendly Bradford, Trowbridge ECO. Funding supplied by Wessex Water	Ongoing
Calne	Youth climate themed event with local schools planned for early 2023	Ongoing
	Developing and recording tree planting and rewilding schemes in the town	Ongoing
	Installation of bike e-charging point in the town the location has been identified and now investigating installing a green roof to increase the environmental benefits	Ongoing
	Air quality key focus. Procurement process for air quality monitoring equipment within Air Quality Management Area started by Wiltshire council. Working group considering actions that can help improve air quality	Started
	Calne Town Council and Sustainable Calne will have 3 thermal cameras available for residents in the community area to borrow one to be part funded by the area board. Looking into doing a launch event to help train people on how to use. Will be targeting vulnerable residents to ensure they also gain the potential cost saving benefits and are aware of additional support.	Ongoing
Chippenham	Chippenham Community Conference Environment / Climate Workshop held October 2022	Complete
	Chippenham Climate and Ecological Emergency Forum looking to form a sub-group to develop a local environmental action directory.	Started
	Chippenham Town Council have hired a Climate and Biodiversity Officer (Aug 22) who is working on governance, climate strategy and action plan.	Ongoing
	Chippenham Town Council event for the whole community area Eco Future Fest April 2023	Ongoing
	Wiltshire Climate Alliance attend working group. Updated on preparing briefing materials on solar PV and onshore wind which has been shared with the group.	Completed
	Cycle Chippenham working with Wiltshire council on big scale cycle improvements. Keen to develop schemes that can be put forward for future active travel bids.	Ongoing
	Zero Chippenham have purchased thermal cameras which have been well used by residents. Have a bid into the Wessex water community connector fund for a scheme to educate on the results of thermal cameras.	Ongoing
	Kington Langley have purchased a thermal camera and loaning it out to families.	Completed
Wessex water community connector pilot project is ongoing in Chippenham. Report into town's priorities published March 23. Project running from 2022 – 2024. WCF Wiltshire currently reviewing bids from local organisations to the fund. Will be supplying over 100 water butts to interested allotment holders in Chippenham and will monitor the benefit.	Ongoing 2022-2024	

Area Board	Project/Action/Engagement	Status – complete/ongoing
Corsham	Area Board Corsham Climate Group meetings held to co-ordinate local activity, share information and promote opportunities.	Ongoing
	NFU county adviser facilitated climate group visit to Whitelands Farm, Kington Langley to discuss the roles both the Council and farming businesses have to play in reducing and mitigating against climate change.	Completed
	Climate group visit organised to Lackham College to discuss their sustainability programme.	Completed
	Climate group visit organised to Westmill Wind Farm & Solar Park	Completed
	Area Board allocated funding to local projects including a community garden at Pound Arts, community orchard in Box and solar panels at Corsham Rugby Football Club	Completed
	Local events and activities promoted and supported including Big Green Week, Corsham Climate Action Energy Saving Event, Corsham Eco Fair 2023, Plastic Free Corsham, Corsham Recycling Hub, Corsham Repair Café, Corsham Sustainability Business breakfast	Ongoing
	Area Board climate group is working with Corsham Town Council to create a Local Environmental Action Directory: Local Environmental Action Directory - Corsham Town Council	Ongoing
Devizes	Community Fridge established in the shambles and is very well used	Ongoing
	Energy Event January 2023 was held with various talks, workshops and exhibitors aimed at helping local people reduce energy consumption and also save money	Complete
	A special area board event was held on the 6 th March that focussed upon reducing private car journeys and improving air quality. About 60 people attended and the output from the workshops is being looked at by the area board members for possible actions. This is also being followed up by a joint event in the Corn Exchange with Sustainable Devizes called “Keep Devizes Moving”.	Complete
Malmesbury	Networking event between local councils and community groups within the community area to be planned for 2023	In planning
	Public EV charging points – projects in Malmesbury and Sherston are in progress using Joju Solar (WC partners)	In development
	Sherston Parish Council adopted a Climate Action Plan and are currently working with Malmesbury TC and other PCs to do something similar	In development
	New, signed cycle route between Sherston and Malmesbury due to be done in March. Identifying further cycle routes and footpaths joining up Malmesbury with surrounding villages	Currently being implemented through LHFIG

Area Board	Project/Action/Engagement	Status – complete/ongoing
	Community Fridge now well established within town hall and growing. Has support from local Co-ops and Aldi supermarkets to stay well stocked.	Operating successfully
	New Community Wardrobe preventing items going to landfill. School uniform swap supporting low-income families and cost of living issues	Operating successfully
Marlborough	Community repair café and Clothes swap events led by local Sustainable Marlborough group. Very successful and preventing items going to landfill. School uniform swap supporting low-income families and cost of living issues	Operating successfully. New series being planned throughout year
	Secondary school carbon literacy and “environment anxiety to environment activism” sessions. Funded via area board to reach over 200 sixth form students.	Complete
	Community fridge funded by area board and supported by town council + volunteers. Supported with food donations by local supermarkets and community donations. Growing in what is offered from the Fridge. Has been a well-used and valuable source of free food over winter 22/23 and current cost of living situation	Operating successfully
	Additional investment going into air quality monitoring equipment within Air Quality Management Area and better understanding of AQ situation by area board	In development
Melksham	An Eco Event was held in October 2022 around the Town Hall and Assembly rooms to promote sustainable living	Complete
	Crackers Brook pilot for new ethos ecology enhancement for biodiversity credits has now started with a steering group established.	Ongoing
Pewsey	Pewsey Vale on Demand Bus Service is due to be launched partly in April 2023 and fully launched by July 23. This will serve the villages in the Pewsey Vale and link with GWR as well as Marlborough and Devizes. Booking is via a new app.	Ongoing
	Work has begun by the area board with the support of Green Bedwyn to extend their environmental survey to all residents in the Pewsey Community area with a view to identify where there is an appetite and volunteers to help deliver projects. Those willing to get involved will be brought together and projects supported	Ongoing
Royal Wootton Bassett and Cricklade	New Royal Wootton Bassett – Swindon Cycle Route being developed with Highways England and Wiltshire Council. Presenting to area board on 14/03/23	In development
	RWB Environment Trust planning new cycle routes within town to improve access	In development (early stages)

Area Board	Project/Action/Engagement	Status – complete/ongoing
	Royal Wootton Bassett TC has ambitious Tree planting and rewilding projects underway to create new woodlands and improve community space	Ongoing
	New Community Fridges established in Purton and Lyneham. Both supported by local Co-op stores with food donations. Purton has already prevented over 2,000kg of food being wasted since opening in September '22	Operating successfully
	Local environment groups established in towns and larger villages. Area board creating Environment Forum as umbrella group	Ongoing
Salisbury	8 new air pollution monitors funded by the area board responding to a recommendation of the local Air Quality Management Group, thereby assisting with the expansion of Salisbury Transition City' Citizen Science PM2.5 air quality monitoring project, targeting poor air quality hotspots in the city and engaging a number of schools also as part of this initiative	£500 granted in September 2022, project underway
	Five Rivers Community Garden project – initially funded through the Area Board, a group of volunteers are supported by Salisbury City Council parks team as an opportunity to bring people together for healthy gardening opportunities on a weekly basis and to make the area pleasant for the centre customers.	Ongoing
	Green business accreditation scheme set up by Salisbury Transition City - This project aims to improve the knowledge and understanding of local businesses about their impact on the environment and provide those businesses with (or signpost them to) practical advice on how to be greener and reduce their carbon footprint.	Ongoing
	Working in partnership with the city council to deliver a Fun in the Park event on the 31st May as part of National Children's Gardening Week. Looking to involve stakeholders from Southern Wiltshire Community Area and South West Wiltshire Community Area	In development
Southern Wiltshire	Successful environment themed engagement event delivered in April 2022 involving over 60 stakeholders	Complete
	Researched, designed, produced, disseminated community directory of local eco friendly projects to inspire others to follow suit	Complete
	Planning engagements with local schools and community groups to spend time at local conservation site Hazel Hill Wood to learn new skills and to help the wood raise its profile	In development
	Exploring how to support residents and local organisations to opt for solar energy solutions	Planned for the coming months

Area Board	Project/Action/Engagement	Status – complete/ongoing
	New off road cycle route project linking Salisbury and Amesbury via Porton. This is a project that has been discussed for a number of years now and will require substantial investment. The first phase for funding is being considered over the coming months.	In development
	Facilitating Laverstock Schools Working Group to address the impact of high levels of traffic during school run times and to encourage more sustainable travel to school initiatives	ongoing
South West Wiltshire	Solar panels for schools and for Tisbury open air swimming pool as supported by Nadder Community Energy	ongoing
	Tisbury Community Benefit Society – Electric Car Club, which recently added a second vehicle to its fleet	ongoing
	Tisbury Community Benefit Society- Tis the Future mobile recycling facility taking a range of food out to rural villages for residents to refill stock e.g. pastas, grains, coffee etc – thereby reducing reliance upon supermarket plastic packaged food	ongoing
	Mere Electric car club – project soon to launch, subject to final legal agreements. EV chargers associated with the project to be installed in Mere in March 2023.	Ongoing
	Designing a couple of engagement events during Big Green Week in partnership with Cranborne Chase AONB as family fun/community group workshop events	In development
Stonehenge community area	Amesbury Green Fingers supported with AB funding to start the new group which is establishing a community garden	Ongoing
	Environment event Photovoltaic Cell and Air Source Heat Pump test case examples from local supplier held spring 2022	Completed
	Paths 4 All Scheme – helping Parish and Town Councils to identify footpaths and byways that can improved from an access point of view, in order to encourage people to use them, improving HWB as well as the opportunity for use of sustainable methods of travel.	Completed
Tidworth	Engagement Event held in March to discuss opportunities for joint working	Completed
	Paths 4 All Scheme – helping Parish and Town Councils to identify footpaths and byways that can improved from an access point of view, in order to encourage people to use them, improving HWB as well as the opportunity for use of sustainable methods of travel.	Completed
	Area Board sub-group re-established in January 2023 to drive forward environmental project within the area	Ongoing
	Biodiversity audit initiated in order to give a detailed map of the area including details of habitats, where they exist, where habitats can be linked up across the area and where there is potential for new projects to be delivered	Ongoing

Area Board	Project/Action/Engagement	Status – complete/ongoing
Trowbridge	Repair café	Ongoing
	Greener Community Kits project	Ongoing
	Community Growing Projects	Ongoing
	Youth Climate Arts project coming to Trowbridge Area Board on 16 th March to deliver across the community area	Ongoing
Warminster	Clearing and opening up of local rights of way to increase use of sustainable transport around the community area – volunteer groups have made huge difference to a number of byways and footpaths (AB funded)	Ongoing
	Environmental and sustainability forum event to be delivered this summer. ABEL Cllr Tony Jackson and the ABDO for community area leading	Ongoing
Westbury	Area Board Pollinator Project – Identified areas for wildflowers and similar to create “Wildlife corridors” for pollinators and other species throughout the community area	Ongoing
	Opposition to incinerator from all AB members – involved in work alongside Westbury Town Council and Westbury Gasification Action Group to oppose the proposition of an Energy from Waste plant	Ongoing
	Bitham Brook biodiversity enhancement project – improvements being made along the length of the Bitham Brook in Westbury in partnership with Wiltshire Wildlife Trust. Improving habitats and the accessibility for users.	Ongoing
	Group work to open up local rights of way to increase use of sustainable transport around the community area. Multiple Town and Parish Councils are working together to see which of the current footpaths, bridleways and byways can be “opened up”, or improved. With a particular focus of improving access from surrounding villages to Westbury Train Station.	Ongoing

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Appendix 3: Electric Vehicle Charging Infrastructure

1. Wiltshire Council EV Charging Units

Fast Charging Unit Locations which have been installed and are live:

Location	Address	Installation date	New or replacement	Public chargepoint or workplace
Chippenham	Sadlers Mead Car Park, SN15 3QD	January 2020,	New, BP pulse units	Workplace
Melksham	Melksham Campus	December 2022	New	Public
Salisbury	London Road Park & Ride, SP1 3HP	January 2023	Replacement	Public
Salisbury	Bourne Hill Car Park (Belle Vue Rd), SP1 3UZ	December 2022	Replacement	Workplace 1 bay, Public 1 bay
Salisbury	Beehive Park & Ride, SP4 6BT	January 2023	Replacement	Public
Salisbury	Petersfinger Park & Ride, SP5 3BZ	December 2022	Replacement	Public
Salisbury	Britford Park & Ride, SP5 4DS	February 2023	Replacement	Public
Trowbridge	County Hall, BA14 8JN (Library)	February 2023	Replacement	Public
Trowbridge	County Hall, BA14 8JN (Rear car park)	February 2023	Replacement	Workplace

Fast Charging Unit Locations due to be replaced/installed in Spring/Summer 2023:

Location	Address	New or replacement	Public chargepoint or workplace
Amesbury	Central Car Park, Salisbury Road, SP4 7JE	Replacement	Public
Bradford-on-Avon	Station Car Park, BA15 1DQ	Replacement	Public

Location	Address	New or replacement	Public chargepoint or workplace
Calne	Calne Leisure Centre	New	Public
Chippenham	Monkton Park Car Park, SN15 1ER	Replacement	Workplace
Chippenham	Sadlers Mead Car Park, SN15 3QD	New. Additional to the BP Pulse units	Public
Corsham	Digital House/Corsham Mansion	Replacement	Public
Corsham	Springfield Community Campus, Beechfield Road, SN13 9DN	Replacement	Workplace 2 bays, Public 2 bays
Devizes	Station Road Car Park, SN10 1DA	Replacement	Public
Devizes	Kennet House, SN10 2ET	New. Phase 2 (Yard)	Workplace
Marlborough	George Lane Car Park, SN8 4BX	Replacement	Public
Pewsey	The Vale Community Campus	Replacement	Public
Salisbury	The Maltings Central Car Park	New	Workplace
Salisbury	Five Rivers Campus, Hulse Road, SP1 3NR	New	Workplace 4 bays, public 4 bays
Salisbury	Wilton Park & Ride, SP2 0AN	New	Workplace 5 bays, public 1 bay
Trowbridge	Grey Hound Car Park	Replacement	Public
Trowbridge	Lovemead Car Park, BA14 8EA	New	Workplace
Westbury	High Street Car Park (Zone A), BA13 3BW	Replacement	Public
Westbury	Unit 1 Hawksworth, Stephenson Road, BA13 4BG	New	Workplace
Royal Wootton Bassett	Borough Fields, SN4 7AX	Replacement	Public
Tisbury	Tisbury Community Campus, Weaveland Road, SP3 6HJ	Replacement	Public

Fast Charging Unit Depot Locations due to be installed in Summer 2023:

Location	Address	New or replacement	Public chargepoint or workplace
Amesbury	Highpost, SP4 6AT	New	Workplace
Chippenham	Bath Road, SN14 0AB	New	Workplace
Chippenham	Monkton Park, SN15 3QF	New	Workplace
Chippenham	Parsonage Way, SN15 5PT	New	Workplace
Devizes	Kennet House, SN10 2ET	New. Phase 1 (Car park)	Workplace
Salisbury	Five Rivers Leisure, SP1 3NR	New	Workplace
Salisbury	Bourne Hill, SP1 3UW	New	Workplace
Salisbury	Churchfields, SP2 7QA	New	Workplace
Trowbridge	Riverway, BA14 8LL	New	Workplace

Rapid Charging Unit Locations due to be replaced in Summer 2023:

Location	Address	New or Replacement	Public chargepoint or workplace
Chippenham	Gladstone Road, SN15 3DW	Replacement	Public
Corsham	Post Office Lane, SN13 0BS	Replacement	Public
Melksham	King Street, SN12 6HB	Replacement	Public
Salisbury	Brown Street (West), SP1 1HE	Replacement	Public
Trowbridge	Lovemead Car Park, BA14 8EA	Replacement	Public
Warminster	Central Car Park, Station Road, BA12 9FF	Replacement	Public

2. EV charge point grant applications under consideration

Following the announcement in 2022 of a Wiltshire Council grant to support EV charge points installed by town and parish councils, the following applications for grants have been received. Site feasibility studies are being undertaken to allow the town and parish councils to consider their next steps.

Local Council	Sites
Abbeyfield School	TBC
Bishopstrow Village Hall	Bishopstrow Village Hall
Bratton Parish Council	TBC
Chippenham Town Council	John Coles Park car park
	Stanley Park car park
Corsham Without	TBC
Devizes Town Council	Central Car Park Maryport Street, Devizes,
	West Central Car Park New Park Street, Devizes,
	To the front of the Town Hall, Long Street , Devizes,
Holt Village Hall	Holt Village Hall, The Street, Holt, Wilts
Malmesbury	Cowbridge Mill
Malmesbury Town Council	Cross Hayes Car Park SN16 9BZ
	Station car park SN16 0DY
	Market Cross SN16 9AS
	Horsefair (small area off Burnham Road to the car park) SN16 0BQ
	Activity Zone leisure centre, Malmesbury SN16 0DQ
Marlborough Town Council	Salisbury Recreation Ground
	Marlborough High Street
Melksham	Lowbourne Car Park, Lowbourne, Melksham
	Bath Road, Melksham,

Local Council	Sites
	Church Street, Melksham
	Union Street, Melksham
	King George V Playing Field
	Avonside Enterprise Park, New Broughton Rd
Purton Parish Council	Purton Village Hall
	Purton war Memorial and Village Centre
Salisbury City Council	Lush House Car Park , Cranebridge Rd, Salisbury SP2 7TD
Seend Parish Council	Seend Lye Recreation Field, Rusty Lane, Seend
Sherston	Sherston High Street
	Sherston Co-op
Steeple Ashton Parish Council	Acreshort Park Steeple Ashton
Tidworth Town Council	Tidworth Civic Centre
Tisbury Parish Council	TBC
West Ashton Village Hall Committee	West Ashton Village Hall
Winterslow and Allington Parish Council	TBC

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Appendix 4: Climate Action by Wiltshire Partners

The council convenes quarterly meetings with other public sector partners, under the auspices of the Wiltshire Public Service Board. Good progress is being made by all partners, as presented at the March 2023 meeting of the Board and set out below.

The **Bath, Swindon and Wiltshire Integrated Care Board** has published its Green Plan as a response to the Government's strategy on delivering a net zero NHS which makes the following commitments:

For the emissions the NHS controls directly (the NHS Carbon Footprint) we will achieve net zero by 2040, with an ambition to reach an 80% reduction by 2028 to 2032

For the emissions the NHS can influence such as those embedded in the supply chain (the NHS Carbon Footprint Plus), we will achieve net zero by 2045, with an ambition to reach an 80% reduction by 2036 to 2039.

The Green Plan sets out the sources of emissions from its scopes 1, 2 and 3 and key areas of focus to tackle these.

Wiltshire College and University Centre (WCUC) now have a Sustainability Committee that meets termly and nine Sustainability sub-groups (comprising more than 40 staff members) also meeting regularly. Scope 1 & 2 Carbon emissions are being measured and Net Zero targets are being set. Alongside this there is progress towards implementing an Action Plan which includes a project underway to install PV at Trowbridge and Lackham campuses, a project at the Salisbury campus to improve the thermal efficiency of the old building with some over cladding and in partnership with Co-Bikes, installation of an electric bike hub at Salisbury campus to improve the green travel offer for students and staff going to and from the station and procurement of new, fully electric fleet vehicles at Trowbridge and Lackham is in progress and a new EV Training Facility at the Trowbridge campus has been created.

23-27 January 2023 was Sustainability Week at **Salisbury NHS Foundation Trust** with an aim to "Get Green Seen". Each day focussed on a different activity to boost staff engagement and promote the fantastic work being done by the sustainability team.

Activities during the week included an introduction to the Trust's green plan and the nine focus areas across the Trust, a "What waste goes where" stall to help inform staff on how to dispose of waste in line with the waste hierarchy, branded reusable lunch boxes and cups were launched, colleagues were encouraged to make green pledges and to become sustainability champions. One day focused on cycling with a free Dr Bike health check and Smoothie Bikes had participants pedalling to power and e bikes that staff can hire were showcased. These activities were accompanied by the launch of a nature guide to the wildlife in the surrounding area of Salisbury District Hospital.

Landmarc is the company that provides the support services that enable safe and sustainable training for our armed forces and it aims to achieve net zero carbon in its operations by 2035. Landmarc's carbon reduction plan details how it will achieve these ambitions, with much progress made already. Landmarc has gone from recycling 39%

of their non construction waste in 2014/15 to recycling 75% in 2020/21, which includes recycling, composting and anaerobic digestion of food. 98% of waste was diverted from landfill in 2021/22, with the remaining 2% comprising hazardous waste such as asbestos and contaminated soils and sands.

Their multi-award-winning net zero carbon accommodation programme (NetCAP) covered over 70 buildings and more than 3,900 bed spaces across the whole programme, transforming 13 camps. 183 inefficient, fossil fuel consuming buildings demolished, saving 130 tonnes of embodied carbon per building, which is over 9,100 tonnes in total. The first carbon negative accommodation is within the training estate with an EPC rating of -11.

The **British Army** has a huge presence in Wiltshire and is making strides on its net zero journey. Some highlights include:

- Consultants Equans have prepared a net zero roadmap for five MOD sites in the South West, of which two are in Wiltshire: Imber Lines (Warminster) and Army Officers Selection Board at Leighton House (Westbury). Funding now needs to be sought to implement the report's recommendations.
- Project Allenby-Connaught, which is a private finance initiative with Aspire Defence, is focusing its sustainability projects at Perham Down. Three reports have been completed covering: how to achieve net zero, how to change behaviours and a soft facilities initiatives. Recommendations include changing heating to heat pumps, installing a heat network and increasing the installation of renewables on site.
- Over 3500 trees have been planted across the South West in the past 12 months, with the aim to plant another 1000 per year.
- Across the South West, 200,000 bulbs have been planted for pollinator species; 330 km² of short amenity grassland has been changed to meadow grass; 50 'stepping stones' of good quality habitat have been created to link larger habitat areas together (Green Corridors); and wildflower beds have been created on all garrisons.

Many local voluntary and community sector (VCS) groups are active delivering a wide range of projects helping to address climate change, many supported by grants from Wiltshire Council's Area Boards (see Appendix 2) as well as through grant funding from **Wiltshire Community Foundation**.

Working with longstanding partners; including the Science Museum Group Wroughton Solar Park, Empower and Wessex Water; Wiltshire Community Foundation's grant programmes have invested in projects that increase the use of renewable energy and support community activities that have a positive impact on the local environment for local people. Recent funded projects include the installation of solar panels and living walls, projects to improve local biodiversity and food sustainability: creating or enhancing community gardens, projects to prevent riverbank erosion, to create bog gardens, and new reed beds aimed at increasing local biodiversity. For several years, Wiltshire Community Foundation has been reporting the impact of their grant-making against the UN Sustainable Development Goals (SDGs) recognising that the work we all do in our local communities is connected, whilst responding to local needs, it also contributes to wider global impact.

Wiltshire Council

Full Council

16 May 2023

Notice of Motion No. 2023-01 – Old Sarum Airfield

From Cllr Ian McLennan and Cllr Paul Sample JP

To consider the following motion submitted in accordance with the constitution:

Old Sarum Airfield is described as unique, by Historic England, which in 2007 granted Conservation Area status. As the 2nd oldest WW1 training airfield, it retains almost a complete set of technical buildings, its grass airstrip, which has been in continuous use and a perimeter, largely intact.

It has always been intended to increase public access and enable greater awareness of this important, still active, historical site, in consultation with all local stakeholders.

Council Resolves:

Owing to the diverse ownerships and lease-holding within the Conservation Area, this Council wishes to initiate and co-ordinate the consultation for the Management Plan.

The plan would seek to preserve, enhance and restore the Airfield and its buildings for present and future generations.

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Wiltshire Council

Full Council

16 May 2023

Proposed Changes to the Constitution

Summary

This report asks Full Council to consider recommendations of the Standards Committee on changes to the Constitution.

Proposals

That Council approve the following updated sections of the Constitution:

- **Part 1 – Summary and Contents**
- **Part 2 – Articles of the Constitution**
- **Part 3 – Responsibility for Functions and Schemes of Delegation**
- **Part 4 – Council Rules of Procedure**

Reason for Proposals

To ensure that the constitution remains up to date and effective.

Perry Holmes – Director, Legal & Governance (and Monitoring Officer)

Proposed Changes to the Constitution

Purpose of Report

1. This report asks the Council to consider proposed changes to the following sections of the Constitution:
 - Part 1 – Summary and Contents
 - Part 2 – Articles of the Constitution
 - Part 3 – Responsibility for Functions and Schemes of Delegation
 - Part 4 – Council Rules of Procedure
2. The changes have been recommended by the Standards Committee.

Background

3. The Standards Committee has responsibility for oversight of the Council's constitution and making recommendations to Council.
4. The Standards Committee has established the Constitution Focus Group to review sections of the Constitution and present it with proposals to consider.
5. The Focus Group is currently undertaking a wholesale review of the Constitution. This will include reviewing sections which have not been amended since their adoption in 2010, as well as for completeness sections which have been reviewed more recently.
6. The Focus Group discussed the sections above to make recommendations on 26 September 2022, and 7 March, 4 April, 11 April 2023.
7. The Standards Committee discussed the changes and approved the recommendations with minor amendment at its meeting on 19 April 2023.

Main Considerations

8. The current Part 1 of the Constitution is titled as Summary and Explanation. In practice it only summarised limited sections of the wider constitution, and duplicated details set out elsewhere.
9. In reviewing Part 1, the Focus Group determined, and Standards agreed, that it would be more useful as an introductory section to list every Part of the Constitution, and in particular highlight the purpose of each section. This would better enable Members, Officers, and the Public, to have an understanding of what each contained.
10. The Part has therefore been entirely rewritten, with the only significant piece of information previously contained only within Part 1, relating to and defining key

decisions, moved into Part 2, which was considered a more appropriate placement for the information.

11. The revised Part 1 is set out in **Appendix A**.

Part 2

12. Part 2 sets out major rules and statutory responsibilities for the rest of the Constitution.

13. The Committee propose changes as set out in **Appendix B** including:

- Updating references relating to the business plan;
- General clarifications and changes in order to be consistent;
- Inclusion of Key Decision definitions;
- Further details relating to Overview and Scrutiny;
- Management structure and statutory post updates.

14. A tracked change and clean version of the proposed Part 2 is included.

Part 3

15. Part 3 includes details of the terms of reference for council committees, schemes of delegation, and other decision making processes.

16. The Committee propose changes as set out in **Appendix C** including:

- Adjustments to terms of reference of committees for clarity and consistency;
- Minor clarifications relating to schemes of delegation;
- Updates in relation to Area Boards procedure following completion of the Area Board handbook in 2022;
- A new section relating to indemnity, extending this to cover Members.

17. Specific changes are also proposed in relation to determining requests for dispensations relating to Member Interests.

18. Following approval of Part 12 of the Constitution on 18 October 2022 Members are required to seek dispensations relating to Other Registerable Interests and Non-Registerable Interests in order to remain in a meeting room, participate, or vote. This had a particular impact for Area Boards, where in some cases every or nearly every Member would not be able to remain in the room without a dispensation being granted, for example due to membership of local town or parish councils. A Dispensation Sub-Committee, as a formal Sub-Committee, could only meet to consider a dispensation request after 5 clear working days notice.

19. In order to expedite such requests, it is proposed that only requests for dispensations relating to Disclosable Pecuniary Interests remain for decision by a Dispensation Sub-Committee, as was already previously the case. Request for dispensation relating to Other Registerable Interests and Non-Registerable Interests would be determined by the Monitoring Officer.

20. A tracked change and clean version of the proposed Part 3 is included.

Part 4

21. Part 4 sets out rules of procedure for Full Council and most council committees.

22. The Focus Group propose changes as set out in **Appendix D** including:

- General clarifications and consistency updates;
- Guidance on notices of motion and council questions;
- Procedural clarifications on debate processes.

23. A tracked change and clean version of the proposed Part 4 is included.

Overview and Scrutiny Engagement

24. A representative from the Overview and Scrutiny Management Committee is appointed to the Constitution Focus Group.

Safeguarding Implications

25. There are no safeguarding implications.

Public Health Implications

26. There are no public health implications.

Procurement Implications

27. There are no procurement implications at present.

Equalities Impact of the Proposal

28. There are no equalities implications.

Environmental and Climate Change Considerations

29. There are no environmental or climate change implications.

Risks that may arise if the proposed decision is not taken

30. The Constitution would remain out of date or not as effective as it could be.

Risks that may arise if the proposed decision is taken

31. No risks have been identified.

Finance Implications

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

Legal Implications

33. There are no legal implications.

Workforce Implications

34. There are no workforce implications.

Conclusions

35. The Focus Group has engaged with officers and met on several occasions to propose minor and significant changes to ensure the Constitution continues to be effective. The Standards Committee has endorsed the proposals for adoption by Full Council.

36. Following approval by Council formatting, numbering or textural adjustments will be made as appropriate for publication of the final documents, without changing any substantive elements of the documents and in accordance with the delegations to the Monitoring Officer.

Proposal

37. That Council approve changes to the following sections of the Constitution:

- Part 1 – Summary and Contents
- Part 2 – Articles of the Constitution
- Part 3 – Responsibility for Functions and Schemes of Delegation
- Part 4 – Council Rules of Procedure

Perry Holmes - Director, Legal and Governance

Report Author: Kieran Elliott, Democracy Manager (Democratic Services)

Appendices

Appendix A1 – Proposed Part 1 of the Constitution

Appendix A2 – Previous Part 1 of the Constitution

Appendix B1 – Proposed Part 2 of the Constitution (tracked changes version)

Appendix B2 – Proposed Part 2 of the Constitution (clean version)

Appendix C1 – Proposed Part 3 of the Constitution (tracked changes version)

Appendix C2 – Proposed Part 3 of the Constitution (clean version)

Appendix D1 – Proposed Part 4 of the Constitution (tracked changes version)

Appendix D2 – Proposed Part 4 of the Constitution (clean version)

Background Papers

None

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

REVISED VERSION

SUMMARY

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

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

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

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

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

CONTENTS

Part 1 – Summary and Contents

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

Part 2 – Articles of the Constitution

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

Part 3 – Responsibility for Functions and Schemes of Delegation

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

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

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

Part 4 – Council Rules of Procedure

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

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

Part 5 – Access to Information Procedure Rules

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

Part 6 – Budget and Policy Framework

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

Part 7 – Cabinet Procedure Rules

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

Part 8 – Overview and Scrutiny Procedure Rules

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

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

Part 9 – Financial Regulations

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

Part 10 – Contract and Procurement Rules

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

Part 11 – Roles and Responsibilities for Members

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

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

Part 12 – Code of Conduct for Members

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

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

Part 13 – Members' Allowances Scheme

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

Part 14 – Officer Employment Procedure Rules

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

Part 15 – Human Resources Code of Conduct

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

Part 16 – Management Structure

Delete this part.

Protocol 1 – Member/Officer Relations

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

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

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

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

Part 1

Last Updated 16 May 2023

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

Protocol 3 – Guidance for Members on Outside Bodies

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

Protocol 4 – Planning Code of Good Practice

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

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

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

Protocol 5 – Leader's Protocol on Individual Decision Making

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

Protocol 6 – Corporate Complaints Procedure

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

Protocol 7 – Media Relations Protocol

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

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

Protocol 8 – Monitoring Officer

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

Protocol 9 – Local Code of Corporate Governance

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

Protocol 10 – Governance Reporting Arrangements

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

Protocol 11 – Arrangements for Code of Conduct Complaints

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

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

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

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

Contents

- 1. [The Council's Constitution](#) 3
- 2. [What's in the Constitution?](#) 3
- 3. [How the Council operates](#) 3
- 4. [How decisions are made](#) 4
- 5. [The Council's Staff](#) 5
- 6. [Rights and responsibilities of members of the public](#) 5

OLD VERSION - REPLACED

PART 1

SUMMARY AND EXPLANATION

1. The Council's Constitution

- 1.1 Wiltshire Council has adopted a constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others were chosen by the Council.
- 1.2 The constitution is divided into "articles" which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.
- 1.3 Wiltshire Council will keep its constitution under review. The Council has established a Standards Committee which includes members who are independent of the Council. One of the roles of this committee is to have oversight of the constitution and make appropriate recommendations to ensure that it remains fit for purpose and continues to serve the interests of all the people of Wiltshire.

2. What's in the constitution?

- 2.1 Part two of the constitution contains the articles described below. These are:

- Article 1 Main provisions of the constitution
- Article 2 Members of the Council
- Article 3 Members of the public and the Council
- Article 4 The Full Council
- Article 5 Chairing the Council
- Article 6 Overview and scrutiny committees
- Article 7 The Cabinet
- Article 8 Regulatory functions and other committees
- Article 9 The Standards Committee
- Article 10 Area Committees and Boards
- Article 11 Joint arrangements
- Article 12 Officers
- Article 13 Decision making
- Article 14 Finance, contracts and legal matters
- Article 15 Review and revision of the constitution
- Article 16 Suspension, interpretation and publication of the constitution
- Article 17 Description of executive arrangements

3. How the Council operates

- 3.1 The Council is composed of 98 Members, elected every four years. Members are democratically accountable to residents of their electoral division and together represent the whole of Wiltshire. The overriding duty of Members is to the whole community, but they have a special duty to their constituents, including those who did not vote for them. The names and addresses of all

Members are published on Wiltshire Council's website (www.wiltshire.gov.uk). Members of the public can also find out the names and addresses of Members by contacting the Democratic Services team at County Hall.

3.2 Members have to follow a Code of Conduct to ensure high standards in the way they undertake their duties. The Standards Committee arranges training and advises them on the Code of Conduct.

3.3 All Members meet together as the Council. Meetings of the Council are open to the public. At these meetings Members decide the Council's overall policies and set the annual budget. The Council appoints the Leader of the Council for a period of four years. The Leader appoints up to nine members to a Cabinet and sets the terms of reference for each Cabinet Member. The Council holds the Leader and the Cabinet to account by appointing Overview and Scrutiny committees to question decisions and propose policy changes.

4. How decisions are made

4.1 The Cabinet is part of the Council and is responsible for most day-to-day decisions. The Cabinet is made up of the leader, who is chosen by the full council and up to nine Members appointed by the leader.

4.2 When major decisions ("key decisions") are to be discussed or made, they are published in the Cabinet's forward work plan in so far as they can be anticipated. Wiltshire Council defines a key decision as:

4.2.1 any decision which would result in the closure of an amenity or total withdrawal of a service;

4.2.2 any restriction of service greater than 5 per cent measured by reference to current expenditure or hours of availability to the public;

4.2.3 any action incurring expenditure or producing savings greater than 20 per cent of budget service areas against which the budget is determined by Full Council;

4.2.4 any decision in accordance with the Council's Financial Regulations (Part 9), involving financial expenditure of £500,000 or above, with the exception of operational expenditure by the Chief Executive identified within the approved budget and policy framework;

4.2.5 any proposal to change the policy framework;

4.2.6 any proposal which would have a significant effect on communities living or working in an area comprising two or more electoral divisions;

4.2.7 any contract (or programme) which:

- exceeds an annual value of £1 million or the total contract value exceeds £4million including any optional extension period;
- involves the transfer of 50 or more employees in or out of the council; or
- relates to a matter which is commercially, politically or strategically sensitive.

4.3 If key decisions are to be discussed with council officers at a meeting of the Cabinet, the meeting will be open for the public to attend except where matters of a confidential or exempt nature are to be discussed.

4.4 The Cabinet has to make decisions which are in line with the Council's overall policies and budget. If it considers that a decision is required which is outside

the budget or policy framework, it must refer the matter to the whole council for a decision.

- 4.5 There are Overview and Scrutiny committees which support the work of the Cabinet and the Council as a whole. They initiate public enquiries into matters of local concern. These lead to reports and recommendations which advise the Cabinet and the Council on policies, budget and service delivery. The overview and scrutiny committees also monitor the decisions of the Cabinet. They can 'call-in' a decision which has been made by the Cabinet but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Cabinet reconsider the decision. They may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

5. The Council's staff

- 5.1 The Council employs people called "officers" to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A protocol attached to this constitution governs the relationships between officers and members of the Council, and officers also have to follow a code of conduct, which forms a part of their contract of employment.

6. Rights and responsibilities of members of the public

- 6.1 Members of the public have a number of rights in their dealings with the Council. These are set out in more detail in Article 3 of Part 2. Some of these rights are conferred on the public by law, whilst others depend on the Council's own processes.
- 6.2 Where members of the public use specific council services (for example, as users of social services or as a parent of a school pupil) they have additional rights. These are not covered in this constitution. The local citizens' advice bureau can advise on individuals' legal rights.

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Wiltshire Council Constitution Part 2 Articles of the Constitution

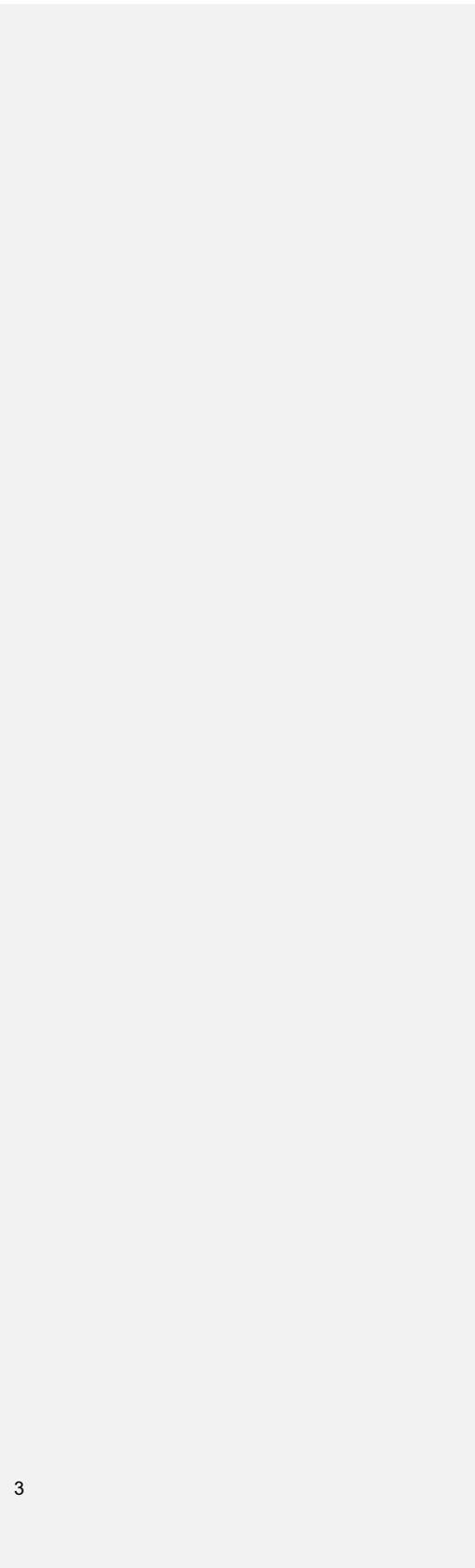
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PART 2

ARTICLES OF THE CONSTITUTION

Article 1 - Main provisions of the Constitution

4.1 1. Powers of the Council

4.1.1 1.1 The Council will exercise all its powers and duties in accordance with the law and this Constitution.

4.2 2. The Constitution

4.2.1 2.1 This Constitution, and all its ~~appendices~~Parts and Protocols, is the Constitution of the Wiltshire Council.

Commented [EK1]: Reflects actual terminology

4.3 3. Purpose of the Constitution

4.3.1 3.1 The purpose of the Constitution is to:

- 3.1.1 enable decisions to be taken efficiently and effectively;
- support the active involvement of members of the public in the process of local authority decision making, and protect the rights of the public including as set out at Article 3;
 - enable the Council to provide clear leadership to the community of Wiltshire in partnership with residents of the local authority area, businesses and other organisations;
 - ~~support the active involvement of members of the public in the process of local authority decision making;~~
 - help Members represent their constituents more effectively;
 - ~~enable decisions to be taken efficiently and effectively;~~
 - create a powerful and effective means of holding decision-makers to public account;
 - ensure that no-one will review or scrutinise a decision in which they were directly involved;
 - ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions;
 - provide a means of improving the delivery of services to the community.

Commented [EK2]: Moved not amended - more appropriate first purpose

~~3.2~~ 1.3.2 Our vision for the Council is to:

- ~~create stronger and more resilient communities;~~

Commented [EK3]: Reference to business plan priorities - which will change - added line under goals below to reference this generically

4.3.3 ~~Our~~ The Council's goals are to:

- deliver high quality, low cost, customer-focused services;
- ensure local, open, honest decision making and;
- work together to support Wiltshire's communities.

The Council will adopt a Business Plan setting out any specific missions or themes

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4.4.1.1 Interpretation and review of the Constitution

- 1.4.1 Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.
- 1.4.2 The Council will monitor and evaluate the operation of the Constitution and amend it to reflect current legislation and best practice.

Article 2 - Members of the Council

2.1 Composition and eligibility

- 2.1.1 The Council will comprise 98 ~~Councillors, known as m~~Members, with each ~~member~~Member representing one electoral division.
- 2.1.2 Only those over 18 years of age who are either registered voters of the ~~local authority~~Wiltshire Council area, or who live, work or occupy land there will be eligible to hold the office of Member.

Commented [EK4]: To make clear references to Members in constitution - which was a previous decision of CFG - means councillors

2.2 Election and terms of office of members

- ~~2.2.1~~ ~~2.2.1~~ — Members ~~will be~~were first elected ~~to the Council~~ on 4 June 2009 and regular election of members will be held on the first Thursday in May every four years thereafter unless this is varied by order of the ~~appropriate~~ Secretary of State.
- ~~2.2.2~~ The terms of office of Members will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.
- ~~2.2.3~~ ~~Except~~With the exception that the Chairman of ~~the~~ Council continues in office until ~~his/her~~their successor is appointed at the annual meeting of Council.

2.3 Roles and functions of all Members

- 2.3.1 All Members elected to Wiltshire Council ~~are will be~~ guided by the Role and Responsibilities of Members, which forms Part ~~12-11~~ of this Constitution.
- 2.3.2 The key roles and responsibilities of Members are to:
- champion their division;
 - be a community leader;
 - keep in touch with constituents and help resolve their problems;
 - attend meetings and contribute to the decision-making process;
 - be a 'corporate parent' for looked-after children;
 - represent the Council ~~on Outside Bodies;~~
 - undertake training ~~offered~~required for any particular function.

Commented [EK5]: To make clear Members are not representing the council officially at all times

Commented [EK6]: To clarify where training is required for a specific purpose - eg planning code

Rights and duties

- 2.3.3 Members will have a right of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.

2.3.4 Members will not make public, information which is exempt or confidential without the consent of the Council or divulge information given in confidence to anyone other than a Member or officer entitled to know it.

2.3.5 For these purposes, “confidential information” and “exempt information” are defined in the access to information rules in Part 5 of this Constitution. ~~The Members Code of Conduct provides further guidance on disclosure of such information at Part 12 of the Constitution.~~

Commented [EK7]: For guidance

2.4 Conduct

~~2.4.1~~ 2.4.1 Members will at all times adhere to

~~2.4.2~~ the ~~Members' Code of Conduct~~, as set out in Part 12 of this Constitution;

~~2.4.3~~ other codes of practice as approved from time to time by the Council, ~~and~~

~~2.4.4 Protocol 1 of the Constitution~~ ~~the protocol~~ on Member/~~o~~Officer relations ~~attached to this Constitution as Protocol 1.~~

2.5 Allowances

2.5.1 Members and ~~Ceo~~-opted ~~M~~members will be entitled to receive allowances in accordance with the Members' allowances scheme set out in Part 13 of this Constitution.

Article 3 - Members of the public and the Council

3.1 Rights of members of the public

3.1.1 Members of the public have ~~the following rights~~ ~~rights as set out in this article.~~ They have further rights relating to access to information details of which appear in the access to information rules in Part 5 of this Constitution.

Voting and petitions

3.1.2 Residents on the electoral roll for the area have the right to vote and sign a petition to request a referendum ~~for a mayoral form of governance~~ ~~for on whether~~ Wiltshire Council ~~should adopt a different form of governance,~~ ~~such as changing from the Leader and Cabinet model currently adopted.~~

Commented [EK8]: Reflects the wording of the annual notice required to be published

3.1.3 ~~Citizens~~ ~~The public~~ can petition the Council to take specified action(s). Such petitions will be dealt with under the Council's Petitions Scheme, which is set out in Part 4A of the Constitution.

Information

3.1.4 Members of the public have the right ~~to~~:

- ~~To~~ contact the Council by telephone, post, email, fax or in person. An acknowledgement will be sent within 2 working days, and a full response to all written correspondence within 15 working days from the day ~~your~~ correspondence is received. Where legislation dictates otherwise, ~~e-g-for~~

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example Freedom of Information requests, different timescales may apply. If ~~that is not possible~~ it is not possible to provide a response by the timescales an explanation will be given as to the reason for the delay, what action is being taken, and when a response will be sent;

- To contact their local Member about any matters of concern to them;
- To view the register of Members' interests;
- obtain a copy of the Constitution on payment of a fee or access it on-line or at by request from the library service~~local libraries~~;
- to attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed;
- to attend meetings of the Cabinet when key decisions are being considered except those parts where confidential or exempt information is likely to be disclosed;
- to find out from the forward plan what key decisions will be taken by the Cabinet and when;
- to see reports and background papers, and any records of decisions made by the Council and the Cabinet, except where a document contains confidential and/or exempt information;
- to inspect the Council's accounts and make their views known to the external auditor.

Participation

- 3.1.5 Members of the public have the right to participate in the Council's meetings as set out in ~~the guidance on public participation at meetings~~ at Part 4 of this Constitution (Council rules of procedure) ~~and in the Planning Code of Good Practice for Members as far as public participation at planning committees is concerned.~~

Commented [EK9]: Part 4 directs to the relevant sections

Complaints

- 3.1.6 Members of the public have the right to complain to:

- the Council under its complaints procedure, ~~which appears as set out in~~ Protocol 6 of this Constitution for complaints regarding council services;
- the Local Government and Social Care Ombudsman for complaints covered by the ombudsman scheme;
- the Monitoring Officer about alleged breaches of ~~the eCode of Conduct for Members in respect of~~ by elected Members and Ceo-opted Members of Wiltshire Council, ~~and Members of and City, Town and p~~ Parish Councils within its area, as set out in Protocol 11 of this Constitution.

Commented [EK10]: For clarity

3.2 Responsibilities of members of the public

- 3.2.1 Members of the public must not be violent, abusive or threatening to Members or officers and must not wilfully harm property owned by the Council, Members or officers.

Article 4 - The Full Council

4.1 Meanings

Policy Framework

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4.1.1 The ~~p~~Policy ~~F~~framework means the plans and strategies set out in Part 3~~B~~ of this Constitution.

Budget

4.1.2 The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council tax base, setting the Council tax, and making decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

4.2 **Functions of the Full Council**

4.2.1 Only the Full Council will exercise the following functions:

- adopting and changing the Constitution;
- approving, adopting or amending the policy framework and the budget;
- subject to the urgency procedure contained in the access to information procedure rules in Part 5 of this Constitution, making decisions about any matter in the discharge of a Cabinet function which is covered by the policy framework or the budget, where such a decision would fall outside the policy framework or budget;
- appointing and removing the leader of the Council;
- agreeing ~~and~~ or amending the terms of reference for committees of the Council, other than joint committees, deciding on their composition, and making appointments to them;
- appointing representatives to outside bodies unless the appointment is a Cabinet function or has been delegated by the Council to an officer;
- adopting a Members' allowances scheme;
- changing the name of the Wiltshire Council area;
- confirming the designation of the Head of Paid Service and other statutory officer posts;
- making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills
- agreeing the cycle of Full Council meetings;
- all local choice functions set out in Part 3~~B~~ of this Constitution which the Council decides should be undertaken by itself rather than the Cabinet;
- all other matters which, by law, must be reserved to Council.

4.3 **Council meetings**

4.3.1 There are three types of Council meeting:

- the annual meeting;
- ordinary meetings;
- extraordinary meetings;

4.3.2 They will be conducted in accordance with the ~~Council~~ procedure rules set out in Part 4 of this Constitution.

4.4 **Responsibility for functions**

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~~4.4.1~~ ~~4.4.1~~—The Council will maintain the tables in Part 3B of this Constitution, setting out the responsibilities for the Council's functions which are not the responsibility of the Cabinet.

~~4.4.2~~ Details of the Council's committee structure are set out at ~~Part 2~~ Schedule 1.

Article 5 - Chairing the Council

5.1 Role and function of the Chairman

5.1.1 The Chairman will be elected by the Council annually.

5.1.2 The Chairman of the Council, and in ~~his/her~~~~their~~ absence, the Vice-Chairman, will have the following roles and functions:

- to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary on advice from the Chief Executive or Monitoring Officer;
- to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of members of the Council and the interests of the community;
- to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which ~~M~~members who are not ~~on~~Members of the Cabinet are able to hold the Cabinet to account;
- to promote public involvement in the Council's activities;
- to attend, or nominate some other non-Cabinet member to attend, such civic functions as ~~he/she/they~~ determines appropriate, ~~given~~taking account of the essentially ceremonial character of the office, ~~and~~ acknowledging that representation on matters of a political nature is more appropriately handled by the ~~L~~leader of the Council or another member of the Cabinet;
- to agree matters of special urgency to the extent permitted by the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 as amended.
- ~~To be consulted on~~ the order of items on council agendas.

Commented [EK11]: Reflects actual practice

Article 6 - Overview and Scrutiny Committees

~~6.~~ ~~Appointment~~Overview and Scrutiny

~~1.1~~ ~~6.1.1~~ There ~~are~~ Overview and Scrutiny committees which support the work of the Cabinet and the Council as a whole.

~~1.2~~ They may review matters of local concern. Reviews may lead to reports and recommendations which advise the Cabinet and the Council on policies, budget and service delivery, or other relevant matters.

~~1.3~~ The Overview and Scrutiny committees also monitor the decisions of the Cabinet. They can 'call-in' a decision which has been made by the Cabinet but not yet implemented. This enables them to consider whether the decision has been taken in accordance with the principles of decision making in this constitution. They may recommend that the Cabinet reconsider the decision. They may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

Commented [EK12]: Adapted from part previously in Part 1

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Appointment

The Council will annually constitute and appoint an Overview and Scrutiny Management Committee and any other Select Committees in accordance with the agreed structure at schedule 1, each comprising at least seven Members, to discharge the functions conferred by the Local Government Act 2000, as amended, and associated regulations.

6.2 Terms of reference

6.2.1 The Overview and Scrutiny Management Committee will be responsible for:

- Overall management of the overview and scrutiny function in line with this article and the Overview and Scrutiny Procedure Rules set out in Part 8 of the Constitution, including call-in of Executive decisions and Member requests for reviews;
- Co-ordination of the overall Overview and Scrutiny work programme, aligned to the Council's priorities;
- Leading the working relationship with the Cabinet on the basis of agreed core values;
- Establishing any sub-committees, endorsing the formation of task groups, rapid scrutiny exercises, appointing representatives to project boards and delegating responsibility as appropriate;
- Assigning dedicated overview and scrutiny resources (officer team and budget);
- Overview, policy development and scrutiny of policy framework and other corporate and organisational matters;
- Overview and Scrutiny engagement on budget setting, budget monitoring and the Medium Term Financial Strategy (MTFS);
- Overview, policy development and scrutiny of the Council's Business Plan;
- Preparing an annual review report and undertaking periodic performance monitoring;
- developing appropriate overview and scrutiny operational protocols.

6.2.2 The Management Committee has the power of direction over the standing Select Committees. Its membership should where possible include the Chairman of each of the standing Select Committees.

6.2.3 The Select Committees will deliver that part of the overall work programme relevant to their service areas under the direction of the Management Committee and They will report back to the management-Management committee-Committee on its work, seek approval for establishment of any Task Groups or rapid scrutiny exercises, and make recommendations as necessary they consider necessary or appropriate.

Commented [EK13]: Reflects current procedure

6.2.4 The Management Committee and Select Committees will together:

- perform all overview and scrutiny functions on behalf of the Council;
- review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;

- make reports and recommendations [as appropriate](#) to the Full Council and the Cabinet or relevant Cabinet ~~M~~member and any relevant partner in connection with the discharge of any functions;
- foster and encourage an inclusive, structured, non-partisan and non-adversarial approach to overview and scrutiny which is reliant on evidence rather than anecdote.

6.2.4 The Management Committee will also work with the Audit [and Governance](#) Committee to refer matters of governance and/or the control environment for further review. Likewise, the Audit [and Governance](#) Committee can refer matters arising from its remit that have a specific impact or risk to the Council's policy or operation to the Management Committee to consider the need for review.

6.2.5 In addition to the above, the committee responsible for health scrutiny will:

- review and scrutinise any matter relating to the planning, provision and operation of health services in Wiltshire, including any significant change to service provision and those jointly commissioned or delivered by the Council;
- require the attendance of an officer of a local NHS body to answer questions and provide explanations about the planning, provision and operation of health services in Wiltshire;
- require a local NHS body to provide information about the planning, provision and operation of health services in Wiltshire, subject to the exemptions outlined in the Health and Social Care Act 2001;
- participate in cross-boundary overview and scrutiny of health services with other local authorities, including the establishment of joint committees, or the delegation of functions to another local authority;
- report to the secretary of state for health:
 - where the committee is concerned that consultation on substantial variation or development of services has been inadequate;
 - where the committee considers that the proposal is not in the interests of the local health service;
- maintain an overview of the Council's responsibilities and role in relation to health and wellbeing.

6.3 Finance

6.3.1 The Overview and Scrutiny Management Committee will exercise overall responsibility for the finances made available to [the overview and scrutiny function](#).

6.4 Proceedings of Overview and Scrutiny Committees

6.4.1 The Overview and Scrutiny Management Committee and Select Committees will conduct their proceedings in accordance with the overview and scrutiny procedure rules set out in Part 8 of this Constitution.

Article 7 - The [Executive/Cabinet](#)

7.1 Role

7.1.1 The Executive of the Council shall be known as 'The Cabinet'.

7.1.2 The Cabinet will carry out all of the Council's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

7.2 Form and composition

7.2.1 The Cabinet will consist of the Leader of the Council together with at least two, but not more than nine members of the Council appointed to the Cabinet by the Leader of the Council.

7.2.2 The Leader of the Council will report all Cabinet appointments or changes, including alteration of portfolio responsibilities, to the first available meeting of the Council.

Commented [EK14]: For clarity

7.3 Leader and Deputy Leader of the Council

7.3.1 The Council will operate a Leader and Cabinet Executive in accordance with the Localism Act 2011 with the following Executive arrangements:

- appointment by the Council of an Executive Leader of the Council, hereafter to be referred to as the Leader, for a term of four years, commencing with the day of election as leader;
- the ~~Executive leader~~Leader to determine the number of Members who may be appointed to the ~~Executive Cabinet~~, subject to a minimum of two and a maximum of nine (excluding the Leader);
- the ~~Executive leader~~Leader to appoint one of the members of the ~~Cabinet Executive~~ to be ~~his or her~~their deputy;
- the ~~deputy~~Deputy Executive ~~leader~~Leader, hereafter to be referred to as the Deputy Leader, to hold office until the end of the term of office of the ~~Executive leader~~Leader, unless the ~~Deputy Leader~~deputy Executive leader resigns as deputy, or ceases to be a member of the Council;
- the ~~Executive leader~~Leader to have power to remove the ~~Deputy Leader~~deputy Executive leader from office if ~~he or she~~they thinks fit;
- the ~~Executive~~Leader to appoint a ~~deputy Executive leader~~Deputy Leader when a vacancy occurs in that office;
- the ~~Deputy Leader~~deputy Executive leader to act in place of ~~the Executive leader~~Leader if for any reason the ~~Executive leader~~Leader is unable to act, or the office of ~~Executive leader~~Leader is vacant;
- the ~~Executive Cabinet~~ to act, or arrange for a member of the ~~Executive Cabinet~~ to act, if for any reason both the ~~Executive leader~~Leader and the ~~Deputy Leader~~deputy Executive leader are unable to act, or their respective offices are vacant;
- In the event of the office of Leader of the Council becoming vacant, the Deputy Leader, if eligible, shall assume the office of Leader until the vacancy is filled by the Council for the remainder of the council term.

Commented [EK15]: For consistency

7.3.2 The Leader of the Council will hold office until:

- ~~he/she~~They resigns from the office; or
- ~~he/she~~They are no longer a Member; or
- ~~he/she is~~They are removed from office by resolution of the Council.

Commented [EK16]: Moved not amended

7.4 **Other Cabinet Members, Cabinet Committees, and Portfolio Holders**

7.4.1 Other Cabinet Members shall hold office until:

- they resign from office; or
- they are no longer Members; or
- they are removed from office by the Lleader, who must give written notice of any removal to the Chief Executive. The removal will take effect two working days after receipt of the notice by the Chief Executive.

7.4.2 ~~The Leader of the Council shall appoint one of the members of the Cabinet as deputy leader.~~

7.4.3 ~~In the event of the office of Leader of the Council becoming vacant, the deputy leader, if eligible, shall assume the office of leader until the vacancy is filled by the Council for the remaining term.~~

~~As set out in Part 3C Cabinet Committees may be established, such as the Cabinet Shareholder Committee in relation to Council owned companies.~~

~~The Leader may also appoint other Members as 'Portfolio Holders' to assist Cabinet Members with the oversight, policy development and management of their areas of responsibilities.~~

~~Portfolio Holders are not Members of the Cabinet, and cannot exercise or be delegated any executive functions.~~

Commented [EK17]: Moved not amended

Commented [EK18]: Inclusions to reflect changes to executive arrangements

7.5 **Proceedings of the Cabinet**

~~7.5.1~~ ~~7.5.1~~ Proceedings of the Cabinet shall take place in accordance with the Cabinet ~~P~~procedure ~~R~~rules set out in Part 7 of this Constitution.

~~7.5.2~~ Meetings of the Cabinet will be chaired by the Lleader. No substitutes are permitted on Cabinet.

7.6 **Responsibility for functions**

7.6.1 The leader will maintain a list in Parts 3C and 3D of this Constitution setting out which individual members of the Cabinet, committees of the Cabinet, officers, or joint arrangements, are responsible for the exercise of particular ~~Cabinet~~ Executive functions.

7.6.2 Any changes in these functions are to be reported by the ~~leader~~ Leader to the first available Council meeting.

Article 8 - Regulatory functions and other committees

8.1 The Council will appoint the committees set out in Part ~~3B~~ 3B of this Constitution (responsibility for Council functions) to discharge the functions detailed under each committee.

Article 9 - The Standards Committee

9.1 Standards Committee

9.1.1 The Council will establish a Standards Committee and appoint elected members to it annually.

~~9.2 Composition~~

~~9.2.1 This Committee will comprise 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.~~

~~9.2.2 Appointments to the Committee will be made annually by the Council having regard to the rules on political proportionality.~~

~~9.2.3 The term of office for co-opted non-voting members will normally be 4 years.~~

~~9.2.4 Co-opted non-voting members will be eligible for re-appointment for a second term.~~

~~9.2.5 Substitutes will be permitted in accordance with Part 4 of the Constitution.~~

9.2.6 The Standards Committee will have the roles and functions set out in Part 3 of this Constitution.

Article 10 - Area Committees

10.1 For the purposes of this Constitution ~~Area Board~~ Area Boards as appointed by the Council under section 102 of the Local Government Act 1972 are constituted as area committees within the meaning of Section 18 of the Local Government Act 2000 and regulations made under that section for the purpose of discharging functions delegated by the executive ~~s~~ are Area Committees.

~~10.2 Conflicts of interest – membership of area committees and overview and scrutiny committees~~

~~Conflict of interest~~

~~10.2.1 If an overview and scrutiny committee is scrutinising specific decisions or proposals in relation to the business of an area committee of which the Member concerned is a member, then the member may not speak or vote at the overview and scrutiny committee meeting unless a dispensation to do so is given by the Standards Committee.~~

~~General policy reviews~~

~~10.2.2 Where the Overview and Scrutiny Committee is reviewing policy generally the Member must declare his/her interest before the relevant agenda item is reached, but need not withdraw.~~

~~10.310.2 Area cCommittees - access to information~~

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Commented [EK19]: Removed as redundant- included in Part 3B

Commented [EK20]: Reflects wording in Part 3, more detailed

Commented [EK21]: CFG considered to be over proscriptive

- 10.3.1 ~~Any~~ Area committees, such as Area Boards, will comply with the access to information procedure rules in Part 5 of this Constitution.
- 10.3.2 Agenda and notices for area committee meetings will clearly state which items on the agenda relate to the functions of the Cabinet and which do not relate to Cabinet functions.

10.4.10.3 **Cabinet Members on ~~A~~area ~~C~~Committees**

- 10.4.1 A ~~member~~Member of the Cabinet may serve on an ~~A~~area ~~C~~committee if otherwise eligible to do so as a Member.

10.5.10.4 **Area ~~B~~boards**

~~10.4.1~~ ~~10.5.4~~ The Council will establish 18 ~~area board~~Area Boards to promote the development of stronger and more resilient communities across ~~the 20 community areas in~~ Wiltshire.

Commented [EK22]: The Boards no longer align in all cases to what the old community areas looked like

10.5 Role and function

10.8.1 ~~The purpose of Area Boards is to promote the development of stronger and more resilient communities across Wiltshire's community areas.~~

~~Area Boards will have the role, procedure, and functions set out in Part 3B of this Constitution.~~

Commented [EK23]: Matching Part 3B

10.6 Composition

10.6.1 The ~~area board~~Area Board will be constituted as area committees to enable them to exercise local, efficient, transparent and accountable decision making in accordance with arrangements delegated by the ~~H~~Leader

10.6.2 Each ~~area board~~Area Board will comprise membership as set out in Part 3B of the Constitution~~the following membership:~~

- ~~a) the elected unitary Members representing the electoral divisions covered by the area board;~~
- ~~b) an elected representative from each town or parish Council within the area covered by the area board;~~
- ~~e) representatives from the following groups and organisations:~~
 - ~~• local neighbourhood policing team (inspector with a sergeant as deputy);~~
 - ~~• Wiltshire National Health Service;~~
 - ~~• Dorset and Wiltshire Fire and Rescue Service;~~
 - ~~• Housing Association or housing officer;~~
 - ~~• Community Area Partnership and/or other groups representative of the local community;~~
 - ~~• Youth Advisory Group;~~

d) ~~Other participants from the local community including (but not limited to) any of the following groups: the military, users' groups such as the Wiltshire and Swindon User Group, Healthwatch, partnership boards, minority ethnic groups, elder people's groups, colleges, school Councils, governors, local businesses, Chamber of Commerce, cultural organisations, Area of Outstanding Natural Beauty groups. A~~

Commented [EK24]: Detail included in terms of reference in Part 3B

10.7 ~~D~~ Decision-making

10.7.1 Only the elected unitary Members on the ~~area board~~Area Board may vote on matters involving the discharge of Executive functions within the scope of the delegation to ~~area board~~Area Boards. However, ~~area board~~Area Boards will ~~seek to reach decisions by consensus where possible, involving all participants, where appropriate seek the views of any other participants before the~~ final decision is made by the unitary Members.

Commented [EK25]: For clarity - can seek views, but only AB's can decide

~~10.8~~ Role and function

~~10.8.1~~ The area boards will have the role and functions set out in Part 3 of this Constitution.

~~10.9~~10.8 Procedure Rule and Guidance

10.9.1 ~~Area board~~Area Boards will follow such procedures rules and guidance as issued from time to time by the Leader.

~~10.10~~10.9 Access to information

10.10.1 ~~Area board~~Area Boards are subject to the access to information procedure rules in Part 5 of this Constitution.

Article 11 - Joint arrangements

11.1 Arrangements to promote wellbeing

11.1.1 The Leader/Cabinet, in order to promote the economic, social or environmental wellbeing of Wiltshire, may:

- enter into arrangements or agreements with any person or body;
- co-operate with, or facilitate, or co-ordinate the activities of any person or body;
- exercise on behalf of that person or body any functions of that person or body.

11.2 Joint arrangements

11.2.1 The Council may establish joint arrangements with one or more local authorities and ~~or their Cabinets~~ to exercise functions which are not Cabinet functions in any of the participating authorities, or to advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities, such as the Police and Crime Panel or Wiltshire Pension Fund Committee.

Commented [EK26]: To illustrate an example of a joint committee

11.2.2 The Leader/Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are Cabinet functions. -Such arrangements may involve the appointment of joint committees with these other local authorities.

11.2.3 Except as set out below, the Leader / Cabinet may appoint only Cabinet ~~M~~members to a such joint Committee and those members need not reflect the political composition of the local authority as a whole.

11.2.4 The Leader-/Cabinet may appoint non-Cabinet members to a joint committee in the following circumstances:

- the joint committee has functions for only part of Wiltshire, and that area is smaller than two-fifths of Wiltshire by area or population. In such cases, the Leader-/Cabinet may appoint to the joint committee any Member who is a Member for an electoral division which is wholly or partly contained within the area;
- the joint committee relates to functions of the Cabinet of the Council. In such cases, the Cabinet of the Council may appoint to the joint committee any Member who is a Member for an electoral division which is wholly or partly contained within the area.

11.2.5 In both of these cases the political balance requirements do not apply to such appointments.

11.2.6 Details of any joint arrangements including any delegations to joint committees will be found or summarised in the Council's scheme of delegations in Part 3 of this Constitution.

11.3 Access to information

11.3.1 The access to information procedure rules in Part 5 of this Constitution apply to any joint committee.

11.3.2 If all the members of a joint committee are members of the Cabinet in each of the participating authorities then its access to information regime is the same as that applied to the Cabinet.

11.3.3 If the joint committee contains members who are not on the Cabinet of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply.

11.4 Delegation to and from other local authorities

11.4.1 The Council may delegate non-Cabinet functions to another local authority or the Cabinet of another local authority in certain circumstances ([Section 101 of the Local Government Act 1972 The Local Authorities \(Arrangements for the Discharge of Functions\) \(England\) Regulations 2012](#)).

11.4.2 The Leader-/Cabinet may delegate Cabinet functions to another local authority or the Cabinet of another local authority in certain circumstances.

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11.4.3 The decision whether or not to accept such a delegation from another local authority shall be referred to ~~the Council meeting~~ a meeting of Council for approval.

11.5 **Contracting out**

11.5.1 The Cabinet may contract out to another body or organisations Cabinet functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

Article 12 - Officers

12.1 **Management structure**

General

12.1.1 The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

~~Departmental Senior Leadership s~~ Structure

12.1.2 The Head of Paid Service will determine and publicise a description of the ~~overall departmental structure~~ Senior Leadership Structure of the Council ~~showing the management structure and deployment of officers. This is set out at Part 16 of this Constitution.~~

Commented [EK27]: Reflects actual terminology

Chief Executive

12.1.3 The Council will engage a Chief Executive who will fulfil the statutory role of ~~H~~ Head of P ~~s~~ ervice for the purposes of Section 4(1) of the Local Government and Housing Act 1989 and whose responsibilities shall include:

- overall responsibility for running the Council within the policies currently adopted by the Council and for managing the Council to achieve its aims.
- authority over all other employees of the Council subject to the officer employment procedure rules as set out in Part 14 of the Constitution.
- being the P ~~p~~ roper O ~~e~~ fficer for all statutory purposes unless otherwise determined by him/her except as otherwise provided in this constitution

Statutory posts

12.1.4 The Council will designate the following statutory posts as shown:

Commented [EK28]: Up to date list

<u>Designation</u>	<u>Legal reference</u>	<u>Post</u>
<u>Head of Paid Service</u>	<u>Local Government and Housing Act 1989, section 4</u>	<u>Chief Executive</u>

<u>Monitoring Officer</u>	<u>Local Government and Housing Act 1989, section 5</u>	<u>Director - Legal and Governance</u>
<u>Chief Finance Officer</u>	<u>Local Government Act 1972, section 151</u>	<u>Corporate Director, Resources / Deputy Chief Executive</u>
<u>Director of Children's Services</u>	<u>Children Act 2004, section 18</u>	<u>Corporate Director, People</u>
<u>Director of Public Health</u>	<u>National Health Service Act 2006, section 73A (1)</u>	<u>Director of Public Health</u>
<u>Director of Adult Social Services</u>	<u>Local Authority Social Services Act 1970, section 6 (A1)</u>	<u>Director - Adult Social Care</u>
<u>Returning Officer/Counting Officer, and Electoral Registration Officer</u>	<u>Representation of the People Act 1983, section 8 and section 35</u>	<u>Chief Executive</u>
<u>Deputy Electoral Registration Officers</u>	<u>Section 52(2) Elections Act 2022</u>	<u>Director - Legal and Governance, Electoral Services Specialist Manager, Head of Democracy, Governance, and Customer Services</u>
<u>Designated Scrutiny Officer</u>	<u>Local Government Act 2000, section 9FB</u>	<u>Democracy and Complaints Manager</u>
<u>Data Protection Officer</u>	<u>Data Protection Act 2018, sections 69-71</u>	<u>Data Protection Lead</u>

Commented [EK29]: New requirement

12.1.5 Such posts will have the functions described in paragraphs 12.2 - 12.9 below.

12.2 Functions of the Head of Paid Service

Discharge of functions by the Council

12.2.1 The Head of Paid Service will report to the Full Council on the manner in which the discharge of the Council's functions is co-ordinated.

Restrictions on functions

12.2.2 The Head of Paid Service may not be the Monitoring Officer, but may hold the post of Chief Finance Officer if a qualified accountant.

12.3 Functions of the Monitoring Officer

Maintaining the Constitution

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12.3.1 The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members of the Council, staff and the public.

Ensuring lawfulness and fairness of decision making

12.3.2 After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the Full Council, or to the Cabinet in relation to a Cabinet function, if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

Supporting the Standards Committee

12.3.3 The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.

12.3.4 ~~He/she~~They will be responsible for all Monitoring Officer functions in respect of parish and town Councils within the area of the authority, and for making arrangements in conjunction with the Standards Committee for the provision of advice and training to members of the Council and members of parish and town Councils on the ethical framework.

Conducting investigations

12.3.5 The Monitoring Officer will conduct investigations into matters referred under the Council's arrangements for dealing with complaints under the ~~code~~ Code of conduct.

Advising whether Cabinet decisions are within the Budget and Policy Framework

12.3.6 The Monitoring Officer will advise whether decisions of the Cabinet are in accordance with the Budget and Policy Framework.

Providing advice

12.3.7 The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Members of the Council.

Complaints

12.3.8 The Monitoring Officer will act as corporate complaints officer and generally advise the Chief Officers of the Council in this regard.

Restrictions on posts

12.3.9 The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

12.4 Functions of the Chief Finance Officer/Section 151 Officer

Ensuring lawfulness and financial prudence of decision making

12.7.1 After consulting the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the Full Council or to the Cabinet in relation to a Cabinet function and the Council's external auditor if he or she considers that any

Commented [EK30]: Moved not changed - so order reflects table above

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proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency, or if the Council is about to enter an item of account unlawfully.

Administration of financial affairs

12.7.2 The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council including:

- the proper administration of the authority's financial affairs, including the Wiltshire Pension Fund and trust funds vested in the Council;
- setting and monitoring compliance with financial management standards;
- advising on the corporate financial position and on the key financial controls necessary to secure sound financial management;
- providing financial information;
- preparing the revenue budget and capital programme;
- the maintenance of an adequate and effective internal audit
- treasury management.

12.7.3 Regulation 5 of the Audit and Accounts (England) Regulations 2011 requires the Chief Finance Officer to determine the accounting records, and accounting control systems and to ensure that the accounting control systems are observed and that accounting records are kept up to date.

12.7.4 Section 114 of the Local Government Finance Act 1988 requires the Chief Finance Officer to report to the Full Council, the Cabinet and external auditor if the authority or one of its officers:

- has made, or is about to make, a decision which involves incurring unlawful expenditure;
- has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the authority;
- is about to make an unlawful entry in the authority's accounts.

Contributing to corporate management

12.7.5 The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

Providing advice

12.7.6 The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all Members of the Council and will support and advise Members of the Council and officers in their respective roles.

Give financial information

12.7.7 The Chief Finance Officer will provide financial information to the media, members of the public and the community.

Financial Regulations and Financial Procedure Rules

12.7.8 The Chief Finance Officer shall be responsible for the Financial Regulations and Procedure Rules as set out at Part 9 of this Constitution

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12.4.12.5 **Function of the Director of Children's Services**

12.4.1 To:

- participate in the corporate management of the Council;
- direct the children and education teams in the provision of educational services and childcare services in support of the Council's corporate goals;
- ensure the Council meets its statutory obligations under the Children Acts 1989 and 2004 and Section 75 of the National Health Service Act 2006 and as Local Education Authority;
- acts as the Council's statutory Director of Children's Services under section 18 of the Children Act 2004.

12.6 **Function of the Director of Public Health**

12.6.1 To act as the Council's statutory Director of Public Health under section 73A of the National Health Service Act 2006.

Commented [EK31]: Moved not changed - so order reflects table above

12.5.12.7 **Function of the Director of Adult Social Services**

12.5.1 To:

- participate in the corporate management of the Council
- direct the adult social care teams in the provision of adult care services, libraries, arts and heritage, community planning and governance and community safety services in support of the Council's corporate goals and manage its partnership arrangements with external bodies, particularly the voluntary sector and health service
- ensure that the Council meets its statutory obligations under adult social services and other legislation
- act as the Council's statutory director of adult social services under section 6 of the Local Authority Social Services Act 1970.

12.6 **Function of the Director of Public Health**

12.6.1 To act as the Council's statutory Director of Public Health under section 73A of the National Health Service Act 2006.

12.7 **Functions of the Chief Finance Officer/Section 151 Officer**

Ensuring lawfulness and financial prudence of decision making

12.7.1 After consulting the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the Full Council or to the Cabinet in relation to a Cabinet function and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency, or if the Council is about to enter an item of account unlawfully.

Administration of financial affairs

12.7.2 The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council including:

Commented [EK32]: Moved not changed - so order reflects table above

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- ~~the proper administration of the authority's financial affairs, including the Wiltshire Pension Fund and trust funds vested in the Council;~~
- ~~setting and monitoring compliance with financial management standards;~~
- ~~advising on the corporate financial position and on the key financial controls necessary to secure sound financial management;~~
- ~~providing financial information;~~
- ~~preparing the revenue budget and capital programme;~~
- ~~the maintenance of an adequate and effective internal audit~~
- ~~treasury management.~~

~~12.7.3 Regulation 5 of the Audit and Accounts (England) Regulations 2011 requires the Chief Finance Officer to determine the accounting records, and accounting control systems and to ensure that the accounting control systems are observed and that accounting records are kept up to date.~~

~~12.7.4 Section 114 of the Local Government Finance Act 1988 requires the Chief Finance Officer to report to the Full Council, the Cabinet and external auditor if the authority or one of its officers:~~

- ~~has made, or is about to make, a decision which involves incurring unlawful expenditure;~~
- ~~has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the authority;~~
- ~~is about to make an unlawful entry in the authority's accounts.~~

Contributing to corporate management

~~12.7.5 The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.~~

Providing advice

~~12.7.6 The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all Members of the Council and will support and advise Members of the Council and officers in their respective roles.~~

Give financial information

~~12.7.7 The Chief Finance Officer will provide financial information to the media, members of the public and the community.~~

Financial Regulations and Financial Procedure Rules

~~12.7.8 The Chief Finance Officer shall be responsible for the Financial Regulations and Procedure Rules as set out at Part 9 of this Constitution~~

Function of Electoral Registration Officer and Deputy Registration Officers

To:

- Maintain an accurate and complete electoral register for the Wiltshire Council authority area
- Be a data controller specifically for electoral data
- Structure the electoral register to implement and update boundary changes

Commented [EK33]: New requirement

- Carry out statutory duties in accordance with electoral legislation

Function of Returning Officer

To:

- Organise and administer UK Parliamentary constituency elections, Police and Crime Commissioner Elections, Wiltshire Council Unitary Elections, City Town and Parish Council elections, Neighbourhood planning referenda, parish polls and any other elections or referenda as required within the Wiltshire Council authority area.
- Be a data controller specifically for electoral data
- Carry out statutory duties in accordance with electoral legislation

12.8 **Functions of the Designated Scrutiny Officer**

12.8.1 To promote the role of the authority's Overview and Scrutiny Committees.

12.8.2 To provide support to the authority's Overview and Scrutiny Committees.

12.8.3 To provide support and guidance to:

- Members of the authority;
- Members of the Executive of the authority, and;
- Officers of the authority.

in relation to the functions of the authority's Overview and Scrutiny Committees.

12.9 **Functions of the Data Protection Officer (DPO)**

12.2.3 As follows:

- Informing the Council, its employees and any data processors it engages, of their obligations in respect of data protection legislation;
- Providing advice on the completion and monitoring of requirements to conduct data protection impact assessments;
- Co-Operating with and acting as the contact point for the Information Commissioner;
- Monitoring compliance with policies in relation to the protection of personal data;
- Monitoring compliance with the data protection legislation;
- Reporting any significant issues to the council's corporate leadership team.

12.10 **Duty to provide sufficient resources to the Head of Paid Service, Monitoring Officer and Chief Finance Officer**

12.10.1 The Council will provide the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

12.11 **Conduct**

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12.11.1 Officers will comply with the Officers' Code of Conduct set out in Part 15 of this Constitution and the Protocol on Member-Officer Relations in Protocol 1 of this Constitution.

12.12 Employment

12.12.1 The recruitment, selection and dismissal of officers will comply with the Officer Employment Procedure Rules set out in Part 14 of this Constitution.

Politically Restricted Posts

The council's position regarding roles which are politically restricted shall be set out in the Politically Restricted Posts Policy and Procedure

Commented [EK34]: To provide notice of the HR policy

Article 13 - Decision Making

13.1 Responsibility for decision making

13.1.1 The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Parts 3, 3A, 3B, 3C and 3D of this Constitution.

13.2 Principles of decision making

13.2.1 All decisions of the Council will be made in accordance with the following principles:

- to produce action that is proportionate to the desired outcome;
- to ensure open, fair and honest administration;
- to be clear over desired outcomes and aims;
- to record the options considered and discarded;
- to state the reasons for the action;
- to consult interested parties where appropriate and practicable;
- to consult appropriate officers and to seek their professional advice;
- to show due respect for human rights, and to provide equality of opportunity;
- to obtain best value and operate efficiently, effectively and economically;
- to serve Wiltshire communities and to work in partnership with other agencies having the same aim;
- to promote the economic, social, and environmental well-being of the county;
- to determine issues at the lowest level commensurate with their importance;
- to keep and sustain what is useful in the traditions of the authority and to reject any practices or services retained purely out of sentiment.

13.3 Decisions

Decisions reserved to Full Council

13.3.1 Decisions relating to the functions set out in Article 4 will be made by the Full Council and not delegated without a decision of Full Council to do so.

Commented [EK35]: For clarity - council may delegate what it chooses

Key decisions

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~~13.3.2 Key decisions are those described in Part 1 of this Constitution, or any decision defined as a key decision in legislation.~~

Commented [EK36]: Expanded definition moved from part 1 to below

13.4 Decision making by the Full Council

13.4.1 The Council meeting will follow the Council procedure rules set out in Part 4 of this Constitution when considering any matter.

13.5 Decision making by the Cabinet

13.5.1 The Cabinet will follow the Cabinet Procedure Rules set out in Part 7 of this Constitution when considering any matter.

Key decisions

13.3.2

~~1.4 When major decisions ("key decisions") are to be discussed or made, they are published in the Cabinet's forward work plan, in so far as they can be anticipated.~~

~~1.5 Wiltshire Council defines a key decision as:~~

~~1.5.1 any decision which would result in the closure of an amenity or total withdrawal of a service;~~

~~1.5.2 any restriction of service greater than 5 per cent measured by reference to current expenditure or hours of availability to the public;~~

~~1.5.3 any action incurring expenditure or producing savings greater than 20 per cent of budget service areas against which the budget is determined by Full Council;~~

~~1.5.4 any decision in accordance with the Council's Financial Regulations (Part 9), involving financial expenditure of £500,000 or above, with the exception of operational expenditure by the Chief Executive identified within the approved budget and policy framework;~~

~~1.5.5 any proposal to change the policy framework;~~

~~1.5.6 any proposal which would have a significant effect on communities living or working in an area comprising two or more electoral divisions;~~

~~1.5.7 any contract (or programme) which:~~

- ~~o exceeds an annual value of £1 million or the total contract value exceeds £4million including any optional extension period;~~
- ~~o involves the transfer of 50 or more employees in or out of the council; or~~
- ~~o relates to a matter which is commercially, politically or strategically sensitive.~~

~~1.6 If key decisions are to be discussed with council officers at a meeting of the Cabinet, the meeting will be open for the public to attend except where matters of a confidential or exempt nature are to be discussed.~~

~~1.7 The Cabinet has to make decisions which are in line with the Council's budget and policy framework. If it considers that a decision is required which is outside the budget or policy framework, it must refer the matter to the whole council for a decision.~~

Commented [EK37]: Previously included in Part 1 - unchanged

13.6 Decision making by Overview and Scrutiny Committees

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- 13.6.1 Overview and Scrutiny Committees will follow the Overview and Scrutiny Procedures Rules set out in Part 8 of this Constitution when considering any matter.
- 13.7 **Decision making by other committees and sub-committees established by the Council**
- 13.7.1 Other Council committees and sub-committees will follow those parts of the Council Procedure Rules set out in Part 4 of this Constitution as apply to them.
- 13.8 **Decision making by Council bodies acting as tribunals**
- 13.8.1 The Council, a Member of the Council, or an officer acting as a tribunal or in a quasi-judicial manner, or determining/considering (other than for the purposes of giving advice) the civil rights and obligations, or the criminal responsibility of any person, will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

Article 14 - Finance, contracts and legal matters

- 14.1 **Financial management**
- 14.1.1 The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules and Financial Regulations set out in Part 9 of this Constitution.
- 14.2 **Contracts**
- 14.2.1 Every contract made by the Council will comply with the contract regulations set out in Part 10 of this Constitution.
- 14.3 **Legal proceedings**
- 14.3.1 The Solicitor to the Council, or other person authorised by him/her, is authorised to institute, defend, settle or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council, or in any case where the Solicitor to the Council considers that such action is necessary to protect the Council's interests.
- 14.4 **Authentication of documents**
- 14.4.1 Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Solicitor to the Council, or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person
- 14.5 **Common Seal of the Council**

~~14.5.1~~ ~~14.5.1~~ The Common Seal of the Council will be kept in a safe place in the custody of the Solicitor to the Council.

14.5.2 A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision.

14.5.3 The Common Seal will be affixed to those documents which, in the opinion of the Solicitor to the Council, should be sealed.

14.5.4 The affixing of the Common Seal will be attested by the Solicitor to the Council or some other person authorised by him/her.

Article 15 - Review and revision of the Constitution

15.1 Duty to monitor and review the Constitution

15.1.1 The Standards Committee on the advice of the Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

15.2 ~~Protocol~~ Procedure for monitoring and review of the Constitution by the Monitoring Officer

15.2.1 A key role for the Monitoring Officer is to monitor the effectiveness of the Constitution and to make recommendations for ways in which it could be amended in order to better achieve ~~better~~ the purposes set out in Article 1, and otherwise ensure it remains up to date.

15.2.2 In undertaking this task the Monitoring Officer may:

- observe any meetings of different parts of the ~~M~~member and officer structure;
- undertake an audit trail of a sample of decisions;
- record and analyse issues raised with ~~him/her~~them by ~~members~~Members, officers, the public and other relevant stakeholders;
- compare practices in this authority with those in other comparable authorities, or national examples of best practice.

15.3 Changes to the Constitution

Approval

15.3.1 Changes to the Constitution will usually be approved by the Full Council ~~only~~ after consideration of ~~the any~~ proposals by the Standards Committee and the Monitoring Officer ~~;~~.

15.3.2 ~~An exception to this is that~~The the Monitoring Officer also has the delegated authority to amend the Constitution to

- ~~reflect~~ decisions of Full Council ~~;~~;
- Reflect changes in the law;

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•, to correct errors or clarify ambiguities, where to do so does not alter (but gives further effect to) the Executive arrangements or the principles enshrined in the Constitution.

Any changes made by the Monitoring Officer under this delegated authority will be reported to the Standards Committee, or any body established by the Standards Committee for that purpose.

Commented [EK38]: So that Standards sighted on any minor delegated change

Change from a Leader and Cabinet form of Executive to alternative arrangements, or vice versa

15.3.3 The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up any proposals.

Article 16 - Suspension, interpretation and publication of the Constitution

16.1 Limit to suspension

16.1.1 The Articles of this Constitution may not be suspended. The rules specified below may be suspended by the Full Council to the extent permitted within those rules and the law.

16.2 Procedure to suspend

16.2.1 A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of Members is present. The extent and duration of any suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

16.3 Rules capable of suspension

16.3.1 The Council's procedure rules, set out within Part 4 of the Constitution, refer to which of the following rules may be suspended.

16.4 Interpretation

16.4.1 The ruling of the Chairman of the Council as to the interpretation or application of this Constitution, or as to any proceedings of the Council, shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

16.5 Publication

16.5.1 The Monitoring Officer will ~~provide~~ make available an electronic ~~or printed~~ copy of this Constitution to every Member of the authority upon delivery to ~~him/her~~ them of that individual's declaration of acceptance of office on the Member's first being elected to the Council.

16.5.2 The Monitoring Officer will ensure that copies are available for inspection at Council offices, ~~libraries,~~ on the internet, and in other appropriate locations, and

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can be purchased by members of the local press and the public on payment of a reasonable fee.

16.5.3 ~~The Monitoring Officer will ensure that a summary of the Constitution is made widely available within the area and is updated as necessary.~~

Commented [EK39]: Full constitution available - Part 1 providing summary

16.5.4 Access by electronic means shall be sufficient for the purposes of this rule.

Article 17 - Description of Executive arrangements

17.1 The following parts of this Constitution constitute the Executive arrangements:

17.1.1 overview and scrutiny committees and the overview and scrutiny procedure rules;

17.1.2 the Cabinet and the Cabinet procedure rules

~~17.1.3 area committees and forums – should any be appointed~~

~~17.1.4~~ 17.1.3 ~~area board~~ Area Boards when discharging Executive functions

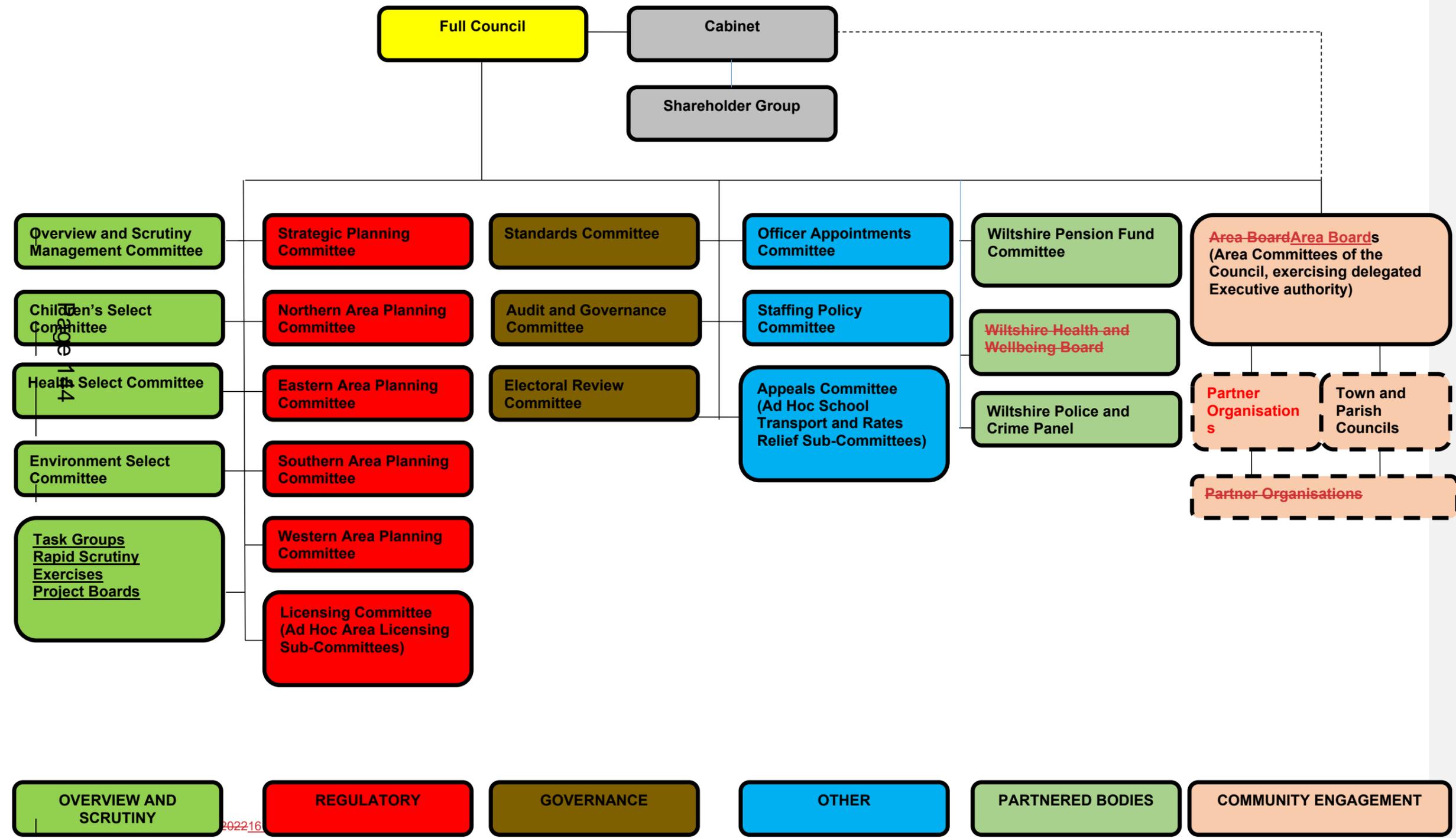
~~17.1.5~~ 17.1.4 joint **executive** arrangements – should any be established

~~17.1.6~~ 17.1.5 decision-making and the access to information procedure rules

~~17.1.7~~ 17.1.6 Parts 3C and 3D (responsibility for functions).

PART 2 SCHEDULE 1 – WILTSHIRE COUNCIL COMMITTEE STRUCTURE

Commented [EK40]: Whilst HWB treated as committee for purposes of some business, it is not a politically proportionate or area committee as with the others



202216

**Wiltshire Council
Constitution
Part 2
Articles of the Constitution**

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PART 2

ARTICLES OF THE CONSTITUTION

Article 1 - Main provisions of the Constitution

Powers of the Council

1. The Council will exercise all its powers and duties in accordance with the law and this Constitution.

The Constitution

2. This Constitution, and all its Parts and Protocols, is the Constitution of the Wiltshire Council.

Purpose of the Constitution

3. The purpose of the Constitution is to:
 - 3.1 enable decisions to be taken efficiently and effectively;
 - 3.2 support the active involvement of members of the public in the process of local authority decision making, and protect the rights of the public including as set out at Article 3;
 - 3.3 enable the Council to provide clear leadership to the community of Wiltshire in partnership with residents of the local authority area, businesses and other organisations;
 - 3.4 help Members represent their constituents more effectively;
 - 3.5 create a powerful and effective means of holding decision-makers to public account;
 - 3.6 ensure that no-one will review or scrutinise a decision in which they were directly involved;
 - 3.7 ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions;
 - 3.8 provide a means of improving the delivery of services to the community.

4. The Council's goals are to:

- deliver high quality, low cost, customer-focused services;
- ensure local, open, honest decision making and;
- work together to support Wiltshire's communities.

5. The Council will adopt a Business Plan setting out any specific missions or themes.

Interpretation and review of the Constitution

6. Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.
7. The Council will monitor and evaluate the operation of the Constitution and amend it to reflect current legislation and best practice.

Article 2 - Members of the Council

Composition and eligibility

1. The Council will comprise 98 Councillors, known as Members, with each Member representing one electoral division.
2. Only those over 18 years of age who are either registered voters of the Wiltshire Council area, or who live, work or occupy land there will be eligible to hold the office of Member.

Election and terms of office of members

3. Members were first elected to the Council on 4 June 2009 and regular election of members will be held on the first Thursday in May every four years thereafter unless this is varied by order of the appropriate Secretary of State.
4. The terms of office of Members will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.
5. With the exception that the Chairman of the Council continues in office until their successor is appointed at the annual meeting of Council.

Roles and functions of all Members

6. All Members elected to Wiltshire Council will be guided by the Role and Responsibilities of Members, which forms Part 11 of this Constitution.
7. The key roles and responsibilities of Members are to:
 - 7.1 champion their division;
 - 7.2 be a community leader;
 - 7.3 keep in touch with constituents and help resolve their problems;
 - 7.4 attend meetings and contribute to the decision-making process;
 - 7.5 be a 'corporate parent' for looked-after children;
 - 7.6 represent the Council on Outside Bodies;
 - 7.7 undertake training required for any particular function

Rights and duties

8. Members will have a right of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
9. Members will not make public, information which is exempt or confidential without the consent of the Council or divulge information given in confidence to anyone other than a Member or officer entitled to know it.
10. For these purposes, "confidential information" and "exempt information" are defined in the access to information rules in Part 5 of this Constitution. The Members Code of Conduct provides further guidance on disclosure of such information at Part 12 of the Constitution.

Conduct

11. Members will at all times adhere to
 - 11.1 the Code of Conduct as set out in Part 12 of this Constitution;
 - 11.2 other codes of practice as approved from time to time by the Council;
 - 11.3 Protocol 1 of this Constitution on Member/Officer relations.

Allowances

12. Members and Co-opted Members will be entitled to receive allowances in accordance with the Members' allowances scheme set out in Part 13 of this Constitution.

Article 3 - Members of the public and the Council

Rights of members of the public

1. Members of the public have rights as set out in this article. They have further rights relating to access to information details of which appear in the access to information rules in Part 5 of this Constitution.

Voting and petitions

2. Residents on the electoral roll for the area have the right to vote and sign a petition to request a referendum on whether Wiltshire Council should adopt a different form of governance, such as changing from the Leader and Cabinet model currently adopted.
3. The public can petition the Council to take specified actions. Such petitions will be dealt with under the Council's Petitions Scheme, which is set out in Part 4A of the Constitution.

Information

4. Members of the public have the right:
 - 12.1 To contact the Council by telephone, post, email, fax or in person. An acknowledgement will be sent within 2 working days, and a full response to all written correspondence within 15 working days from the day correspondence is received. Where legislation dictates otherwise, for example Freedom of Information requests, different timescales may apply. If it is not possible to provide a response by the timescales an explanation will be given as to the reason for the delay, what action is being taken, and when a response will be sent;
 - 12.2 To contact their local Member about any matters of concern to them;
 - 12.3 To view the register of Members' interests;
 - 12.4 To obtain a copy of the Constitution on payment of a fee or access it online or by request from the library service;
 - 12.5 To attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed;
 - 12.6 To attend meetings of the Cabinet when key decisions are being considered except those parts where confidential or exempt information is likely to be disclosed;

- 12.7 To find out from the forward plan what key decisions will be taken by the Cabinet and when;
- 12.8 To see reports and background papers, and any records of decisions made by the Council and the Cabinet, except where a document contains confidential and/or exempt information;
- 12.9 To inspect the Council's accounts and make their views known to the external auditor.

Participation

5. Members of the public have the right to participate in the Council's meetings as set out in at Part 4 of this Constitution (Council rules of procedure).

Complaints

6. Members of the public have the right to complain to:
 - 6.1 The Council under its complaints procedure, as set out in Protocol 6 of this Constitution, for complaints regarding council services;
 - 6.2 The Local Government and Social Care Ombudsman for complaints covered by the ombudsman scheme;
 - 6.3 The Monitoring Officer about alleged breaches of a Code of Conduct by elected Members and Co-opted Members of Wiltshire Council, and Members of City, Town and Parish Councils within its area, as set out in Protocol 11 of this Constitution.

Responsibilities of members of the public

7. Members of the public must not be violent, abusive or threatening to Members or officers and must not wilfully harm property owned by the Council, Members or officers.

Article 4 - The Full Council

Meanings

Policy Framework

1. The Policy Framework means the plans and strategies set out in Part 3B of this Constitution.

Budget

2. The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council tax base, setting the Council tax, and making decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

Functions of the Full Council

3. Only the Full Council will exercise the following functions:
 - 3.1 adopting and changing the Constitution;
 - 3.2 approving, adopting or amending the policy framework and the budget;

- 3.3 subject to the urgency procedure contained in the access to information procedure rules in Part 5 of this Constitution, making decisions about any matter in the discharge of a Cabinet function which is covered by the policy framework or the budget, where such a decision would fall outside the policy framework or budget;
- 3.4 appointing and removing the leader of the Council;
- 3.5 agreeing or amending the terms of reference for committees of the Council, other than joint committees, deciding on their composition, and making appointments to them;
- 3.6 appointing representatives to outside bodies unless the appointment is a Cabinet function or has been delegated by the Council to an officer;
- 3.7 adopting a Members' allowances scheme;
- 3.8 changing the name of the Wiltshire Council area
- 3.9 confirming the designation of the Head of Paid Service and other statutory officer posts;
- 3.10 making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills
- 3.11 agreeing the cycle of Full Council meetings;
- 3.12 all local choice functions set out in Part 3B of this Constitution which the Council decides should be undertaken by itself rather than the Cabinet;
- 3.13 all other matters which, by law, must be reserved to Council.

Council meetings

- 4. There are three types of Council meeting:
 - 4.1 the annual meeting;
 - 4.2 ordinary meetings;
 - 4.3 extraordinary meetings;
- 5. They will be conducted in accordance with the procedure rules set out in Part 4 of this Constitution.

Responsibility for functions

- 6. The Council will maintain the tables in Part 3B of this Constitution, setting out the responsibilities for the Council's functions which are not the responsibility of the Cabinet.
- 7. Details of the Council's committee structure are set out at Part 2 Schedule 1.

Article 5 - Chairing the Council

Role and function of the Chairman

- 1. The Chairman will be elected by the Council annually.
- 2. The Chairman of the Council, and in their absence, the Vice-Chairman, will have the following roles and functions:
 - 2.1 To uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary on advice from the Chief Executive or Monitoring Officer;

- 2.2 To preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of members of the Council and the interests of the community;
- 2.3 To ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Members who are not Members of the Cabinet are able to hold the Cabinet to account;
- 2.4 To promote public involvement in the Council's activities;
- 2.5 To attend, or nominate some other non-Cabinet member to attend, such civic functions as they determine appropriate, taking account of the essentially ceremonial character of the office, and acknowledging that representation on matters of a political nature is more appropriately handled by the Leader of the Council or another member of the Cabinet;
- 2.6 To agree matters of special urgency to the extent permitted by the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 as amended.
- 2.7 To be consulted on the order of items on council agendas.

Article 6 - Overview and Scrutiny Committees

Overview and Scrutiny

1. There are Overview and Scrutiny committees which support the work of the Cabinet and the Council as a whole.
2. They may review matters of local concern. Reviews may lead to reports and recommendations which advise the Cabinet and the Council on policies, budget and service delivery, or other relevant matters.
3. The Overview and Scrutiny committees also monitor the decisions of the Cabinet. They can 'call-in' a decision which has been made by the Cabinet but not yet implemented. This enables them to consider whether the decision has been taken in accordance with the principles of decision making in this constitution. They may recommend that the Cabinet reconsider the decision. They may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

Appointment

4. The Council will annually constitute and appoint an Overview and Scrutiny Management Committee and any other Select Committees in accordance with the agreed structure at schedule 1, each comprising at least seven Members, to discharge the functions conferred by the Local Government Act 2000, as amended, and associated regulations.

Terms of reference

5. The Overview and Scrutiny Management Committee will be responsible for:
 - 5.1 Overall management of the overview and scrutiny function in line with this article and the Overview and Scrutiny Procedure Rules set out in Part 8 of the Constitution, including call-in of Executive decisions and Member requests for reviews;
 - 5.2 Co-ordination of the overall Overview and Scrutiny work programme, aligned to the Council's priorities;

- 5.3 Leading the working relationship with the Cabinet on the basis of agreed core values;
 - 5.4 Establishing any sub-committees, endorsing the formation of task groups, rapid scrutiny exercises, appointing representatives to project boards and delegating responsibility as appropriate;
 - 5.5 Assigning dedicated overview and scrutiny resources (officer team and budget);
 - 5.6 Overview, policy development and scrutiny of policy framework and other corporate and organisational matters;
 - 5.7 Overview and Scrutiny engagement on budget setting, budget monitoring and the Medium Term Financial Strategy (MTFS);
 - 5.8 Overview, policy development and scrutiny of the Council's Business Plan;
 - 5.9 Preparing an annual report and undertaking periodic performance monitoring;
 - 5.10 developing appropriate overview and scrutiny operational protocols.
6. The Management Committee has the power of direction over the Select Committees. Its membership should where possible include the Chairman of each of the standing Select Committees.
 7. The Select Committees will deliver that part of the overall work programme relevant to their service areas under the direction of the Management Committee. They will report to the Management Committee on its work, seek approval for establishment of any Task Groups or rapid scrutiny exercises, and make recommendations as they consider necessary or appropriate.
 8. The Management Committee and Select Committees will together:
 - 8.1 Perform all overview and scrutiny functions on behalf of the Council;
 - 8.2 Review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
 - 8.3 Make reports and recommendations as appropriate to the Full Council and the Cabinet or relevant Cabinet Member and any relevant partner in connection with the discharge of any functions;
 - 8.4 Foster and encourage an inclusive, structured, non-partisan and non-adversarial approach to overview and scrutiny which is reliant on evidence rather than anecdote.
 9. The Management Committee will also work with the Audit and Governance Committee to refer matters of governance and/or the control environment for further review. Likewise, the Audit and Governance Committee can refer matters arising from its remit that have a specific impact or risk to the Council's policy or operation to the Management Committee to consider the need for review.
 10. In addition to the above, the committee responsible for health scrutiny will:
 - 10.1 Review and scrutinise any matter relating to the planning, provision and operation of health services in Wiltshire, including any significant change to service provision and those jointly commissioned or delivered by the Council;
 - 10.2 Require the attendance of an officer of a local NHS body to answer questions and provide explanations about the planning, provision and operation of health services in Wiltshire;

- 10.3 Require a local NHS body to provide information about the planning, provision and operation of health services in Wiltshire, subject to the exemptions outlined in the Health and Social Care Act 2001;
- 10.4 Participate in cross-boundary overview and scrutiny of health services with other local authorities, including the establishment of joint committees, or the delegation of functions to another local authority;
- 10.5 Report to the secretary of state for health:
 - 10.5.1 where the committee is concerned that consultation on substantial variation or development of services has been inadequate;
 - 10.5.2 where the committee considers that the proposal is not in the interests of the local health service;
- 10.6 maintain an overview of the Council's responsibilities and role in relation to health and wellbeing.

Finance

- 11. The Overview and Scrutiny Management Committee will exercise overall responsibility for the finances made available to the overview and scrutiny function

Proceedings of Overview and Scrutiny Committees

- 12. The Overview and Scrutiny Management Committee and Select Committees will conduct their proceedings in accordance with the overview and scrutiny procedure rules set out in Part 8 of this Constitution.

Article 7 - The Executive/Cabinet

Role

- 1. The Executive of the Council shall be known as 'The Cabinet'.
- 2. The Cabinet will carry out all of the Council's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

Form and composition

- 3. The Cabinet will consist of the Leader of the Council together with at least two, but not more than nine members of the Council appointed to the Cabinet by the Leader
- 4. The Leader of the Council will report all Cabinet appointments or changes, including alteration of portfolio responsibilities, to the first available meeting of the Council.

Leader and Deputy Leader of the Council

- 5. The Council will operate a Leader and Cabinet Executive in accordance with the Localism Act 2011 with the following Executive arrangements:
 - 5.1 Appointment by the Council of an Executive Leader of the Council, hereafter to be referred to as the Leader, for a term of four years, commencing with the day of election as Leader;
 - 5.2 The Leader to determine the number of Members who may be appointed to the Cabinet, subject to a minimum of two and a maximum of nine (excluding the Leader);

- 5.3 The Leader to appoint one of the members of the Cabinet to be their deputy;
 - 5.4 The Deputy Executive Leader, hereafter to be referred to as the Deputy Leader, to hold office until the end of the term of office of the Leader, unless the Deputy Leader resigns as deputy, or ceases to be a member of the Council;
 - 5.5 The Leader to have power to remove the Deputy Leader from office if they think fit;
 - 5.6 The Leader to appoint a Deputy Leader when a vacancy occurs in that office;
 - 5.7 The Deputy Leader to act in place of Leader if for any reason the Leader is unable to act, or the office of Leader is vacant;
 - 5.8 The Cabinet to act, or arrange for a member of the Cabinet to act, if for any reason both the Leader and the Deputy Leader are unable to act, or their respective offices are vacant;
 - 5.9 In the event of the office of Leader of the Council becoming vacant, the Deputy Leader, if eligible, shall assume the office of Leader until the vacancy is filled by the Council for the remainder of the council term.
6. The Leader of the Council will hold office until:
- 6.1 They resign from the office; or
 - 6.2 They are no longer a Member; or
 - 6.3 They are removed from office by resolution of the Council.

Other Cabinet Members, Cabinet Committees, and Portfolio Holders

7. Other Cabinet Members shall hold office until:
- 7.1 they resign from office; or
 - 7.2 they are no longer Members; or
 - 7.3 they are removed from office by the Leader, who must give written notice of any removal to the Chief Executive. The removal will take effect two working days after receipt of the notice by the Chief Executive.
8. As set out in Part 3C Cabinet Committees may be established such as the Cabinet Shareholder Committee, in relation to Council owned companies.
9. The Leader may also appoint other Members as 'Portfolio Holders' to assist Cabinet Members with the oversight, policy development and management of their areas of responsibilities.
10. Portfolio Holders are not Members of the Cabinet, and cannot exercise or be delegated any executive functions.

Proceedings of the Cabinet

11. Proceedings of the Cabinet shall take place in accordance with the Cabinet Procedure Rules set out in Part 7 of this Constitution.
12. Meetings of the Cabinet will be chaired by the Leader. No substitutes are permitted on Cabinet.

Responsibility for functions

13. The Leader will maintain a list in Parts 3C and 3D of this Constitution setting out which individual members of the Cabinet, committees of the Cabinet, officers, or joint arrangements, are responsible for the exercise of particular Executive functions.
14. Any changes in these functions are to be reported by the Leader to the first available Council meeting.

Article 8 - Regulatory functions and other committees

1. The Council will appoint the committees set out in Part 3B of this Constitution (responsibility for Council functions) to discharge the functions detailed under each committee.

Article 9 - The Standards Committee

Standards Committee

1. The Council will establish a Standards Committee and appoint elected members to it annually.
2. The Standards Committee will have the roles and functions set out in Part 3B of this Constitution.

Article 10 - Area Committees

3. For the purposes of this Constitution Area Boards as appointed by the Council under section 102 of the Local Government Act 1972 are constituted as area committees within the meaning of Section 18 of the Local Government Act 2000 and regulations made under that section for the purpose of discharging functions delegated by the executive

Area Committees - access to information

4. Any Area committees, such as Area Boards, will comply with the access to information procedure rules in Part 5 of this Constitution.
5. Agenda and notices for area committee meetings will clearly state which items on the agenda relate to the functions of the Cabinet and which do not relate to Cabinet functions.

Cabinet Members on Area Committees

6. A Member of the Cabinet may serve on an Area Committee if otherwise eligible to do so as a Member.

Area Boards

7. The Council will establish 18 Area Boards to promote the development of stronger and more resilient communities across Wiltshire.

Role and function

8. The purpose of Area Boards is to promote the development of stronger and more resilient communities across Wiltshire's community areas.
9. Area Boards will have the role, procedure, and functions set out in Part 3B of this Constitution.

Composition

10. The Area Boards will be constituted as area committees to enable them to exercise local, efficient, transparent and accountable decision making in accordance with arrangements delegated by the Leader
11. Each Area Board will comprise membership as set out in Part 3B of the Constitution.

Decision-making

12. Only the elected unitary Members on the Area Board may vote on matters involving the discharge of Executive functions within the scope of the delegation to Area Boards. However, Area Boards will where appropriate seek the views of any other participants before the final decision is made by the unitary Members.

Procedure Rule and Guidance

13. Area Boards will follow such procedures rules and guidance as issued from time to time by the Leader.

Access to information

14. Area Boards are subject to the access to information procedure rules in Part 5 of this Constitution.

Article 11 - Joint arrangements

Arrangements to promote wellbeing

1. The Leader/Cabinet, in order to promote the economic, social or environmental wellbeing of Wiltshire, may:
 - 1.1 enter into arrangements or agreements with any person or body;
 - 1.2 co-operate with, or facilitate, or co-ordinate the activities of any person or body;
 - 1.3 exercise on behalf of that person or body any functions of that person or body.

Joint arrangements

2. The Council may establish joint arrangements with one or more local authorities and to exercise functions which are not Cabinet functions in any of the participating authorities, or to advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities, such as the Police and Crime Panel or Wiltshire Pension Fund Committee.

3. The Leader/Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are Cabinet functions. Such arrangements may involve the appointment of joint committees with these other local authorities.
4. Except as set out below, the Leader / Cabinet may appoint only Cabinet Members to such a joint Committee and those members need not reflect the political composition of the local authority as a whole.
5. The Leader/Cabinet may appoint non-Cabinet members to a joint committee in the following circumstances:
 - 5.1 The joint committee has functions for only part of Wiltshire, and that area is smaller than two-fifths of Wiltshire by area or population. In such cases, the Leader/Cabinet may appoint to the joint committee any Member who is a Member for an electoral division which is wholly or partly contained within the area;
 - 5.2 The joint committee relates to functions of the Cabinet of the Council. In such cases, the Cabinet of the Council may appoint to the joint committee any Member who is a Member for an electoral division which is wholly or partly contained within the area.
6. In both of these cases the political balance requirements do not apply to such appointments.
7. Details of any joint arrangements including any delegations to joint committees will be found or summarised in the Council's scheme of delegations in Part 3 of this Constitution.

Access to information

8. The access to information procedure rules in Part 5 of this Constitution apply to any joint committee.
9. If all the members of a joint committee are members of the Cabinet in each of the participating authorities then its access to information regime is the same as that applied to the Cabinet.
10. If the joint committee contains members who are not on the Cabinet of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply.

Delegation to and from other local authorities

11. The Council may delegate non-Cabinet functions to another local authority or the Cabinet of another local authority in certain circumstances (Section 101 of the Local Government Act 1972 The Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012).
12. The Leader/Cabinet may delegate Cabinet functions to another local authority or the Cabinet of another local authority in certain circumstances.
13. The decision whether or not to accept such a delegation from another local authority shall be referred to a meeting of Council for approval.

Contracting out

14. The Cabinet may contract out to another body or organisations Cabinet functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994 or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

Article 12 - Officers

Management structure

General

1. The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

Senior Leadership Structure

2. The Head of Paid Service will determine and publicise a description of the Senior Leadership Structure of the Council.

Chief Executive

3. The Council will engage a Chief Executive who will fulfil the statutory role of Head of Paid Service for the purposes of Section 4(1) of the Local Government and Housing Act 1989 and whose responsibilities shall include:
 - 3.1 Overall responsibility for running the Council within the policies currently adopted by the Council and for managing the Council to achieve its aims;
 - 3.2 Authority over all other employees of the Council subject to the officer employment procedure rules as set out in Part 14 of the Constitution;
 - 3.3 Being the Proper Officer for all statutory purposes unless otherwise determined by him/her except as otherwise provided in this Constitution.

Statutory posts

4. The Council will designate the following statutory posts as shown:

Designation	Legal reference	Post
Head of Paid Service	Local Government and Housing Act 1989, section 4	Chief Executive
Monitoring Officer	Local Government and Housing Act 1989, section 5	Director - Legal and Governance
Chief Finance Officer	Local Government Act 1972, section 151	Corporate Director, Resources / Deputy Chief Executive

Director of Children's Services	Children Act 2004, section 18	Corporate Director, People
Director of Public Health	National Health Service Act 2006, section 73A (1)	Director of Public Health
Director of Adult Social Services	Local Authority Social Services Act 1970, section 6 (A1)	Director - Adult Social Care
Returning Officer/Counting Officer, and Electoral Registration Officer	Representation of the People Act 1983, section 8 and section 35	Chief Executive
Deputy Electoral Registration Officers	Section 52(2) Elections Act 2022	Director - Legal and Governance, Electoral Services Specialist Manager, Head of Democracy, Governance, and Customer Services
Designated Scrutiny Officer	Local Government Act 2000, section 9FB	Democracy and Complaints Manager
Data Protection Officer	Data Protection Act 2018, sections 69-71	Data Protection Lead

5. Such posts will have the functions described in paragraphs 6 - XX below.

Functions of the Head of Paid Service

Discharge of functions by the Council

6. The Head of Paid Service will report to the Full Council on the manner in which the discharge of the Council's functions is co-ordinated.

Restrictions on functions

7. The Head of Paid Service may not be the Monitoring Officer, but may hold the post of Chief Finance Officer if a qualified accountant.

Functions of the Monitoring Officer

Maintaining the Constitution

8. The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members of the Council, staff and the public.

Ensuring lawfulness and fairness of decision making

9. After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the Full Council, or to the Cabinet in relation to a

Cabinet function, if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

Supporting the Standards Committee

10. The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
11. They will be responsible for all Monitoring Officer functions in respect of parish and town Councils within the area of the authority, and for making arrangements in conjunction with the Standards Committee for the provision of advice and training to members of the Council and members of parish and town Councils on the ethical framework.

Conducting investigations

12. The Monitoring Officer will conduct investigations into matters referred under the Council's arrangements for dealing with complaints under the Code of conduct.

Advising whether Cabinet decisions are within the Budget and Policy Framework

13. The Monitoring Officer will advise whether decisions of the Cabinet are in accordance with the Budget and Policy Framework.

Providing advice

14. The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Members of the Council.

Complaints

15. The Monitoring Officer will act as corporate complaints officer and generally advise the Chief Officers of the Council in this regard.

Restrictions on posts

16. The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

Functions of the Chief Finance Officer/Section 151 Officer

Ensuring lawfulness and financial prudence of decision making

17. After consulting the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the Full Council or to the Cabinet in relation to a Cabinet function and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency, or if the Council is about to enter an item of account unlawfully.

Administration of financial affairs

18. The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council including:

- 18.1 The proper administration of the authority's financial affairs, including the Wiltshire Pension Fund and trust funds vested in the Council;
 - 18.2 Setting and monitoring compliance with financial management standards;
 - 18.3 Advising on the corporate financial position and on the key financial controls necessary to secure sound financial management;
 - 18.4 Providing financial information;
 - 18.5 Preparing the revenue budget and capital programme;
 - 18.6 The maintenance of an adequate and effective internal audit
 - 18.7 Treasury management.
19. Regulation 5 of the Audit and Accounts (England) Regulations 2011 requires the Chief Finance Officer to determine the accounting records, and accounting control systems and to ensure that the accounting control systems are observed and that accounting records are kept up to date.
20. Section 114 of the Local Government Finance Act 1988 requires the Chief Finance Officer to report to the Full Council, the Cabinet and external auditor if the authority or one of its officers:
- 20.1 Has made, or is about to make, a decision which involves incurring unlawful expenditure;
 - 20.2 Has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the authority;
 - 20.3 Is about to make an unlawful entry in the authority's accounts.

Contributing to corporate management

21. The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

Providing advice

22. The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all Members of the Council and will support and advise Members of the Council and officers in their respective roles.

Give financial information

23. The Chief Finance Officer will provide financial information to the media, members of the public and the community.

Financial Regulations and Financial Procedure Rules

24. The Chief Finance Officer shall be responsible for the Financial Regulations and Procedure Rules as set out at Part 9 of this Constitution

Functions of the Director of Children's Services

25. To:
- 25.1 Participate in the corporate management of the Council;
 - 25.2 Direct the children and education teams in the provision of educational services and childcare services in support of the Council's corporate goals;

- 25.3 Ensure the Council meets its statutory obligations under the Children Acts 1989 and 2004 and Section 75 of the National Health Service Act 2006 and as Local Education Authority;
- 25.4 Acts as the Council's statutory Director of Children's Services under section 18 of the Children Act 2004.

Functions of the Director of Public Health

- 26. To act as the Council's statutory Director of Public Health under section 73A of the National Health Service Act 2006.

Functions of the Director of Adult Social Services

- 27. To:
 - 27.1 Participate in the corporate management of the Council;
 - 27.2 Direct the adult social care teams in the provision of adult care services, libraries, arts and heritage, community planning and governance and community safety services in support of the Council's corporate goals and manage its partnership arrangements with external bodies, particularly the voluntary sector and health service;
 - 27.3 Ensure that the Council meets its statutory obligations under adult social services and other legislation;
 - 27.4 Act as the Council's statutory director of adult social services under section 6 of the Local Authority Social Services Act 1970.

Functions of Electoral Registration Officer and Deputy Registration Officers

- 28. To:
 - 28.1 Maintain an accurate and complete electoral register for the Wiltshire Council authority area;
 - 28.2 Be a data controller specifically for electoral data;;
 - 28.3 Structure the electoral register to implement and update boundary changes
 - 28.4 Carry out statutory duties in accordance with electoral legislation.

Functions of Returning Officer

- 29. To:
 - 29.1 Organise and administer UK Parliamentary constituency elections, Police and Crime Commissioner Elections, Wiltshire Council Unitary Elections, City Town and Parish Council elections, Neighbourhood planning referenda, parish polls and any other elections or referenda as required within the Wiltshire Council authority area;
 - 29.2 Be a data controller specifically for electoral data;
 - 29.3 Carry out statutory duties in accordance with electoral legislation.

Functions of the Designated Scrutiny Officer

- 30. To promote the role of the authority's Overview and Scrutiny Committees.
- 31. To provide support to the authority's Overview and Scrutiny Committees.

32. To provide support and guidance to:
- 32.1 Members of the authority;
 - 32.2 Members of the Executive of the authority, and;
 - 32.3 Officers of the authority.

in relation to the functions of the authority's Overview and Scrutiny Committees.

Functions of the Data Protection Officer (DPO)

33. As follows:
- 33.1 Informing the Council, its employees and any data processors it engages, of their obligations in respect of data protection legislation;
 - 33.2 Providing advice on the completion and monitoring of requirements to conduct data protection impact assessments;
 - 33.3 Co-Operating with and acting as the contact point for the Information Commissioner;
 - 33.4 Monitoring compliance with policies in relation to the protection of personal data;
 - 33.5 Monitoring compliance with the data protection legislation;
 - 33.6 Reporting any significant issues to the council's corporate leadership team.

Duty to provide sufficient resources to the Head of Paid Service, Monitoring Officer and Chief Finance Officer

34. The Council will provide the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

Conduct

35. Officers will comply with the Officers' Code of Conduct set out in Part 15 of this Constitution and the Protocol on Member-Officer Relations in Protocol 1 of this Constitution.

Employment

36. The recruitment, selection and dismissal of officers will comply with the Officer Employment Procedure Rules set out in Part 14 of this Constitution.

Politically Restricted Posts

37. The council's position regarding roles which are politically restricted shall be set out in the [Politically Restricted Posts Policy and Procedure](#).

Article 13 - Decision Making

Responsibility for decision making

1. The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to

particular areas or functions. This record is set out in Parts 3, 3A, 3B, 3C and 3D of this Constitution.

Principles of decision making

2. All decisions of the Council will be made in accordance with the following principles:
 - 2.1 To produce action that is proportionate to the desired outcome;
 - 2.2 To ensure open, fair and honest administration;
 - 2.3 To be clear over desired outcomes and aims;
 - 2.4 To record the options considered and discarded;
 - 2.5 To state the reasons for the action;
 - 2.6 To consult interested parties where appropriate and practicable;
 - 2.7 To consult appropriate officers and to seek their professional advice;
 - 2.8 To show due respect for human rights, and to provide equality of opportunity;
 - 2.9 To obtain best value and operate efficiently, effectively and economically;
 - 2.10 To serve Wiltshire communities and to work in partnership with other agencies having the same aim;
 - 2.11 To promote the economic, social, and environmental well-being of the county;
 - 2.12 To determine issues at the lowest level commensurate with their importance;
 - 2.13 To keep and sustain what is useful in the traditions of the authority and to reject any practices or services retained purely out of sentiment.

Decisions

Decisions reserved to Full Council

3. Decisions relating to the functions set out in Article 4 will be made by the Full Council and not delegated without a decision of Full Council to do so.

Decision making by the Full Council

4. The Council meeting will follow the Council procedure rules set out in Part 4 of this Constitution when considering any matter.

Decision making by the Cabinet

5. The Cabinet will follow the Cabinet Procedure Rules set out in Part 7 of this Constitution when considering any matter.

Key decisions

6. When major decisions ("key decisions") are to be discussed or made, they are published in the Cabinet's forward work plan, in so far as they can be anticipated.
7. Wiltshire Council defines a key decision as:
 - 7.1 Any decision which would result in the closure of an amenity or total withdrawal of a service;
 - 7.2 any restriction of service greater than 5 per cent measured by reference to current expenditure or hours of availability to the public;

- 7.3 any action incurring expenditure or producing savings greater than 20 per cent of budget service areas against which the budget is determined by Full Council;
 - 7.4 any decision in accordance with the Council's Financial Regulations (Part 9), involving financial expenditure of £500,000 or above, with the exception of operational expenditure by the Chief Executive identified within the approved budget and policy framework;
 - 7.5 any proposal to change the policy framework;
 - 7.6 any proposal which would have a significant effect on communities living or working in an area comprising two or more electoral divisions;
 - 7.7 any contract (or programme) which:
 - 7.7.1 exceeds an annual value of £1 million or the total contract value exceeds £4million including any optional extension period;
 - 7.7.2 involves the transfer of 50 or more employees in or out of the council; or
 - 7.7.3 relates to a matter which is commercially, politically or strategically sensitive.
8. If key decisions are to be discussed with council officers at a meeting of the Cabinet, the meeting will be open for the public to attend except where matters of a confidential or exempt nature are to be discussed.
9. The Cabinet has to make decisions which are in line with the Council's budget and policy framework. If it considers that a decision is required which is outside the budget or policy framework, it must refer the matter to the whole council for a decision.

Decision making by Overview and Scrutiny Committees

10. Overview and Scrutiny Committees will follow the Overview and Scrutiny Procedures Rules set out in Part 8 of this Constitution when considering any matter.

Decision making by other committees and sub-committees established by the Council

11. Other Council committees and sub-committees will follow those parts of the Council Procedure Rules set out in Part 4 of this Constitution as apply to them.

Decision making by Council bodies acting as tribunals

12. The Council, a Member of the Council, or an officer acting as a tribunal or in a quasi-judicial manner, or determining/considering (other than for the purposes of giving advice) the civil rights and obligations, or the criminal responsibility of any person, will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

Article 14 - Finance, contracts and legal matters

Financial management

1. The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules and Financial Regulations set out in Part 9 of this Constitution.

Contracts

2. Every contract made by the Council will comply with the contract regulations set out in Part 10 of this Constitution.

Legal proceedings

3. The Solicitor to the Council, or other person authorised by him/her, is authorised to institute, defend, settle or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council, or in any case where the Solicitor to the Council considers that such action is necessary to protect the Council's interests.

Authentication of documents

4. Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Solicitor to the Council, or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person

Common Seal of the Council

5. The Common Seal of the Council will be kept in a safe place in the custody of the Solicitor to the Council.
6. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision.
7. The Common Seal will be affixed to those documents which, in the opinion of the Solicitor to the Council, should be sealed.
8. The affixing of the Common Seal will be attested by the Solicitor to the Council or some other person authorised by him/her.

Article 15 - Review and revision of the Constitution

Duty to monitor and review the Constitution

1. The Standards Committee on the advice of the Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

Procedure for monitoring and review of the Constitution by the Monitoring Officer

2. A key role for the Monitoring Officer is to monitor the effectiveness of the Constitution and to make recommendations for ways in which it could be amended in order to better achieve the purposes set out in Article 1, and otherwise ensure it remains up to date.
3. In undertaking this task the Monitoring Officer may:
 - 3.1 Observe any meetings of different parts of the Member and officer structure;

- 3.2 Undertake an audit trail of a sample of decisions;
- 3.3 Record and analyse issues raised with them by Members, officers, the public and other relevant stakeholders
- 3.4 Compare practices in this authority with those in other comparable authorities, or national examples of best practice.

Changes to the Constitution

Approval

4. Changes to the Constitution will usually be approved by the Full Council after consideration of any proposals by the Standards Committee and the Monitoring Officer.
5. The Monitoring Officer also has the delegated authority to amend the Constitution to
 - 5.1 Reflect decisions of Full Council;
 - 5.2 Reflect changes in the law;
 - 5.2 To correct errors or clarify ambiguities, where to do so does not alter (but gives further effect to) the Executive arrangements or the principles enshrined in the Constitution.
6. Any changes made by the Monitoring Officer under this delegated authority will be reported to the Standards Committee, or any body established by the Standards Committee for that purpose.

Change from a Leader and Cabinet form of Executive to alternative arrangements, or vice versa

7. The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up any proposals.

Article 16 - Suspension, interpretation and publication of the Constitution

Limit to suspension

1. The Articles of this Constitution may not be suspended. The rules specified below may be suspended by the Full Council to the extent permitted within those rules and the law.

Procedure to suspend

2. A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of Members is present at Full Council. The extent and duration of any suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

Rules capable of suspension

3. The Council's procedure rules, set out within Part 4 of the Constitution, refer to which of the following rules may be suspended.

Interpretation

4. The ruling of the Chairman of the Council as to the interpretation or application of this Constitution, or as to any proceedings of the Council, shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

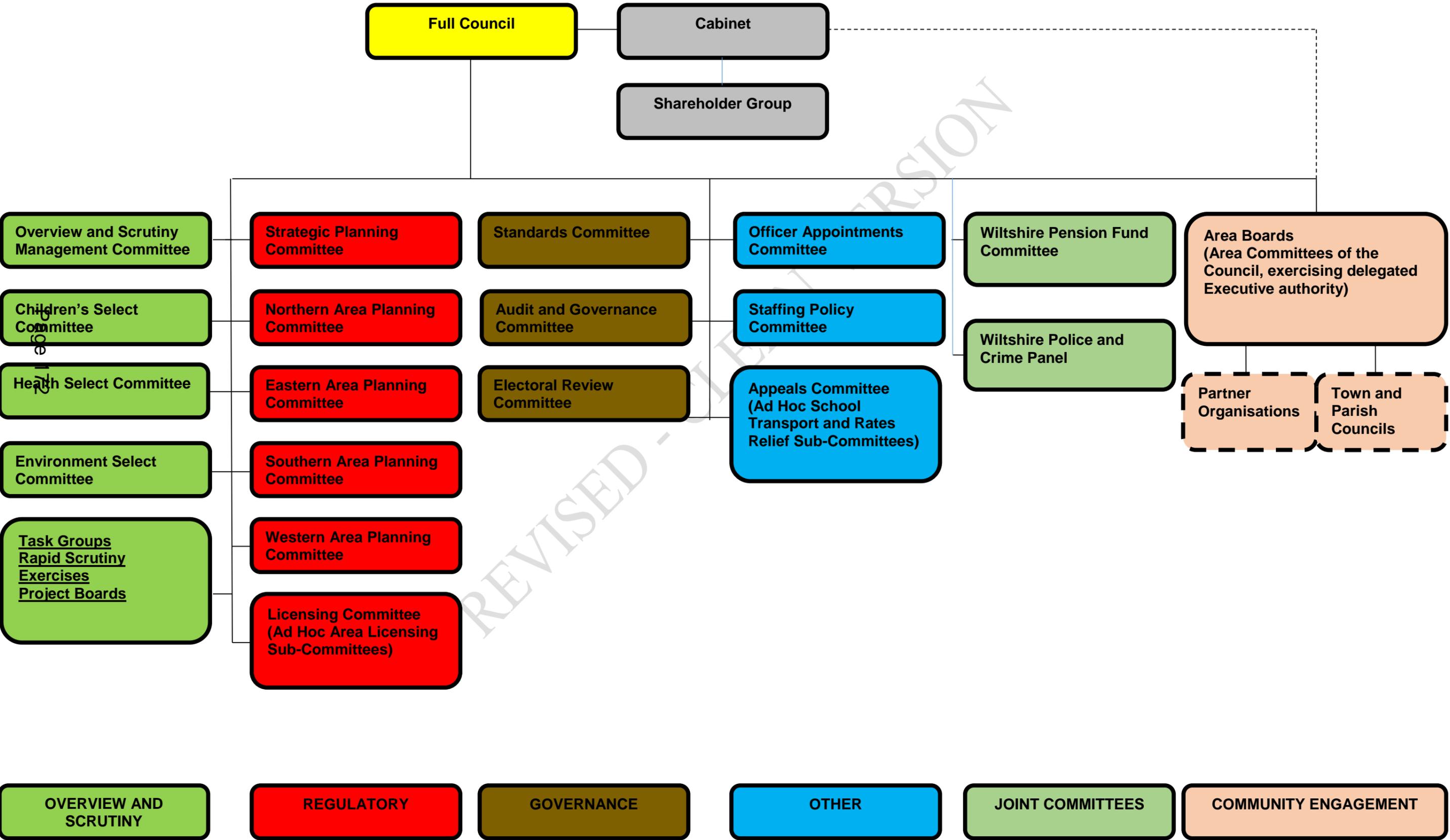
Publication

5. The Monitoring Officer will make available an electronic copy of this Constitution to every Member of the authority upon delivery to them of that individual's declaration of acceptance of office on the Member's first being elected to the Council.
6. The Monitoring Officer will ensure that copies are available for inspection at Council offices, on the internet, and in other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.
7. Access by electronic means shall be sufficient for the purposes of this rule.

Article 17 - Description of Executive arrangements

1. The following parts of this Constitution constitute the Executive arrangements:
 - 1.1 Overview and Scrutiny committees and the Overview and Scrutiny procedure rules (Part 8);
 - 1.2 The Cabinet and the Cabinet procedure rules (Part 7);
 - 1.3 Area Boards when discharging Executive functions;
 - 1.4 Joint executive arrangements – should any be established;
 - 1.5 Decision-making and the access to information procedure rules (Part 5);
 - 1.6 Parts 3C and 3D (responsibility for functions).

PART 2 SCHEDULE 1 – WILTSHIRE COUNCIL COMMITTEE STRUCTURE



**Wiltshire Council
Constitution
Part 3
Responsibility for Functions**

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Commented [EK1]: Moved to section with other Joint Committee with Swindon BC, Police and Crime Panel

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60

Commented [EK2]: Extended to cover Members

PART 3

RESPONSIBILITY FOR FUNCTIONS

SECTION A: GENERAL

1. **Introduction**

1.1 Part 3 of this Constitution deals with responsibility for functions and decision making.

2. **Definitions**

2.1 In this Part, the following words and phrases have the following meaning:

Chief Executive	The Head of Paid service. Note: the Chief Executive has chosen to appoint the Corporate Director for Resources as the Deputy Chief Executive, who may deputise for the Chief Executive as required on all corporate matters concerning the Council
Corporate Director	includes the Corporate Directors for People, Place and Resources and any Interim Corporate Director. For the purposes only of any sub-delegation arrangements the Director, Legal and Governance, shall be counted as a Corporate Director.
Executive decision	means a decision made or to be made by a decision maker in connection with the discharge of a function which is the responsibility of the executive Executive of a local authority.
Incidental decision	means a decision which relates to the day to day running of a service or the implementation of a decision made by Council, Cabinet or a Committee.
Proper Officer	means the Director, Legal and Governance, or such other officer as designated from time to time by the Chief Executive.
Register	means the register referred to in Part 3 Section D1 Paragraph 1.6 and stored and maintained on the Council's intranet.
Regulations	means the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Commented [EK3]: Technical adjustment - relating to schemes of sub-delegation authorisation as at Part 3D

2.2 In this Part ~~3~~ reference to any legislation includes reference to any successor legislation.

3. **Principles**

3.1 Wiltshire Council has a ~~L~~leader and ~~C~~cabinet ~~E~~executive model and as a result reference should be made to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 to determine whether a function is a council executive or non-executive function.

3.2 Section B of this Part 3 sets out the functions specifically reserved to the Council, Cabinet or Committees.

3.3 The Chief Executive, as Head of Paid service, has ultimate corporate leadership responsibility for the Council and its officers. He has chosen to be supported by the Corporate Directors and Directors, to help deliver organisational priorities and Council services.

- 3.4 Where a function has not been specifically reserved in accordance with [Principle Paragraph 3.2](#) above, the Chief Executive and the Corporate Director within whose remit the matter falls are empowered to make decisions on behalf of the Council in accordance with Part 3 Section D1 of the Constitution.
- 3.5 The Chief Executive and Corporate Directors may authorise officers to take decisions on their behalf provided a written scheme of sub delegation is recorded.
- 3.6 The Chief Executive and Corporate Directors may decide that any sub delegations they grant to officers within their team under their scheme of sub delegation may be subject to financial limitations. Whilst they may wish to consider using the signing and authorisation limits set for various officers under the Council's Budget and Policy Framework, they are not limited in this regard. The signing and authorisation limits set under the Budget and Policy Framework are financial management controls. A scheme of sub delegation is the delegation by the Chief Executive or a particular Corporate Director to other officers within their areas of responsibility to make particular types of decision for and in their name and therefore such sub delegation can be given up to the maximum limits of their own powers.
- 3.7 Decisions made under delegated powers should be recorded in accordance with Part 3 Section D1 Paragraphs 2.3 and 2.4.
- 3.8 The Chief Executive and Corporate Directors must ensure that schemes of sub delegation for decision making for their areas of responsibility are in place. They are also responsible for ensuring valid instruments of appointment for any powers exercised by officers by virtue of any statutory appointments are in place. The Chief Executive and Corporate Directors must ensure that schemes of sub delegation and instruments of appointment are recorded on the [Register of Sub-delegations](#).
- 3.9 Any decision taken by an officer on behalf of the Chief Executive or a Corporate Director shall remain the responsibility of the Chief Executive or Corporate Director as the case may be.
- 3.10 In making decisions officers will comply with [all other r](#)requirements of this Constitution including but not limited to:
- 3.10.1 [Articles of T](#)he Constitution (Part 2)
 - 3.10.2 Access to Information Procedure Rules (Part 5),
 - 3.10.3 Financial Regulations and Procedure Rules (Parts 9)
 - 3.10.4 Contract and Procurement Rules (Part 10)
 - 3.10.5 Leader's Protocol for Individual Decision Making by Cabinet Members (Protocol 5)
- 3.11 In deciding whether or not to exercise such delegated powers, officers should consider whether to consult the appropriate Cabinet Member(s) or committee chairman and have regard to their views. Officers shall always be entitled to refer matters for decision to the appropriate Member body where they consider it expedient to do so.

Commented [EK4]: For clarity

3.12 These delegations should be interpreted widely to aid the smooth running of the organisation, the effective deployment of resources, the efficient delivery of services, and the achievement of the Council's goals.

PART 3

RESPONSIBILITY FOR FUNCTIONS

SECTION B: FUNCTIONS OF COUNCIL, COMMITTEES AND CABINET

1. The Council

The Council will be responsible for the following functions, which it will exercise only in Full Council meetings:

- 1.1 Adopting the following statutory plans, strategies and documents as part of the policy framework of the Council:
 - 1.1.1 Emergency plans and civil contingency plans, as required by the Civil Contingencies Act 2004;
 - 1.1.2 Local Transport Plan, as required by the Transport Act 2000;
 - 1.1.3 Local development documents (including supplementary planning documents) which together comprise the Local Development Framework, as required by Planning and Compulsory Purchase Act 2004;
 - 1.1.4 Corporate Equality Plan, pursuant to the Public Sector Equality Duty under s149 of the Equality Act 2010;
 - 1.1.5 Homelessness Strategy, as required by the Homelessness Act 2002;
 - 1.1.6 Housing Renewal Strategy, as required by the Housing Act 2004;
 - 1.1.7 Licensing Authority Policy Statement, as required by the Licensing Act 2003;
 - 1.1.8 Gambling Act Statement of Principles, as required by the Gambling Act 2005;
 - 1.1.9 Pay Policy Statement, as required by the Localism Act 2011;
 - 1.1.10 Enforcement Policy, as required by the Legislative and Regulatory Reform Act 2006.
 - 1.1.11 Air Quality Strategy, as required by the Environment Act 1995;
 - 1.1.12 Contaminated Land Strategy, as required by Part2A of the Environmental Protection Act 1990.
- 1.2 Adopting the following non-statutory plans, strategies and documents which also form part of the policy framework of the Council:
 - 1.2.1 Corporate Parenting Policy;
 - 1.2.2 Business Plan;
 - 1.2.3 Treasury Management Policy;
 - 1.2.4 Capital Investment Strategy;
 - 1.2.5 Household Waste Management Strategy;
 - 1.2.6 Climate Strategy (including Carbon Reduction).
 - 1.2.7 Green and Blue Infrastructure Strategy
- 1.3 Approving the budget, including:
 - 1.3.1 Allocating financial resources to different services and projects;
 - 1.3.2 Establishing contingency funds;
 - 1.3.3 Setting the council tax;

- 1.3.4 Making decisions relating to the control of the Council's borrowing requirement;
- 1.3.5 Setting virement limits;
- 1.3.6 Annual Investment Strategy;
- 1.3.7 Annual policy for making a Minimum Revenue Provision (MRP).

1.4 Approving and amending the constitution, **except for changes approved by the Monitoring Officer as set out in Part 2 Article 15.3.2.)**

Commented [EK5]: For clarity - linking to explanation of standing delegation authority to correct errors/ambiguities and give effect to decisions of Council

1.5 Subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 5 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework, or the budget, where the decision maker is minded to make it in a manner which would be contrary to the policy framework, or contrary to/or not wholly in accordance with the budget.

1.6 Appointing and removing the Leader of the Council from office.

1.7 Agreeing and/or amending the terms of reference for committees other than joint committees, deciding on their composition and making appointments to them.

4.71.8 **Appointing Chairmen and Vice-Chairman of Committees, unless otherwise specified within this Constitution or where choosing to allow a committee to appoint its own Chairman and Vice-Chairman.**

Commented [EK6]: Existing practice

4.81.9 Adopting a Members' allowances scheme in accordance with the Local Authorities' (Members' Allowances) (England) Regulations 2003 following advice from an independent remuneration advisory panel comprising up to five non-elected Members. **This would include making any amendments to such a scheme.**

Commented [EK7]: For clarity - is a requirement

4.91.10 Confirming the appointment of the Head of Paid Service.

4.101.11 Appointing the returning officer and electoral registration officer.

4.111.12 Submitting proposals to the **appropriate** secretary of state under the Representation of the People Act 2000.

4.121.13 Carrying out community governance reviews and put in place or make changes to local community governance and electoral arrangements in accordance with the Local Government and Public Involvement in Health Act 2007.

4.131.14 Making, amending, revoking, re-enacting or adopting bylaws and promoting, or opposing, the making of local legislation or personal bills.

4.141.15 Agreeing the cycle of Council meetings.

4.151.16 Any function under a local act.

1.16 **Making arrangements for questions on the discharge of the functions of the Police and Crime Panel and the Fire Authority to be put at Council meetings.**

Commented [EK8]: Unnecessary - people can submit questions about both to council anyway, and either be forwarded to that body or addressed by relevant chair/cabinet member

1.17 Making appointments to the Police and Crime Panel in accordance with the relevant legislation and guidance.

2. Committees

The Council will exercise the following functions by delegation of powers to the under-mentioned committees:

2.1 Strategic Planning Committee

Composition

~~2.1.1~~ ~~2.1.1~~ The size of the committee and appointments to it will be determined by council. Appointments will be made having regard to rules on political proportionality.

~~2.1.2~~ Substitutes will be permitted in accordance with Part 4 of this Constitution.

~~2.1.3~~ Members shall not participate as Members of the Strategic Planning Committee until they have received appropriate training in respect of their functions on the committee.

Role and Functions

2.1.2 The committee will exercise the following functions, ~~To~~ make strategic planning decisions as follows:

- ~~• The implications of major developments outside of Wiltshire that could have an impact on local residents;~~
- To consider the following categories of applications for planning permission, if called in ~~by Members, in accordance with Part 3D3 of the Constitution (Scheme of Delegation – Planning), by Members;~~
 - Large-scale major developments which, by their nature (e.g. scale, location etc.) have wider strategic implications and raise issues of more than local importance. This will include applications of a similar nature by Wiltshire Council to develop any land of Wiltshire Council, or for development of any land by Wiltshire Council or by Wiltshire Council jointly with any other person which have similar implications or raise similar issues;
 - Planning applications for ~~mineral extraction or waste disposal~~ **minerals and waste development**, other than small scale works which are ancillary to an existing mineral working or waste disposal facility;
 - Applications which, if approved, would represent a significant departure from the policies of the statutory development plan, where they are recommended for approval;
 - Applications called in by a Division Member that cross the boundary of two Area Planning Committees;
- ~~• To consider the implications of major developments outside of Wiltshire that could have an impact on local residents and respond to the determining authority where appropriate. The implications of major developments outside of Wiltshire that could have an impact on local residents;~~

Commented [EK9]: To link to detailed rules. Already the case that these items only taken to committee if called in (or if officers determine to bring it to committee)

Commented [EK10]: More generic - current wording might suggest only mineral extraction and not other minerals matters. Update proposed by minerals and waste specialist, accepted by CFG

Commented [EK11]: Moved from above to be if called in - So if nearest thing to local member does not wish it to go to committee it is not required to do so.

- - Any application where the Corporate Director, Place considers it inappropriate to exercise delegated powers having regard to the public representations received and consultee responses;
 - Any application the Corporate Director, Place, ~~has determined deems raises issues that~~ should be dealt with by the Strategic Planning Committee.
- ~~To Consider consider~~ documents relating to the Local Development Framework and advise Cabinet where appropriate.

2.1.4 There shall be no referral down of applications from the Strategic Planning Committee to the Area Planning Committees.

Public Participation

2.1.5 Details of the rules concerning public participation at the Strategic Planning Committee are ~~documented referenced~~ in the Planning Code of Good Practice for Members of Wiltshire Council (Protocol 4).

Commented [EK12]: The rules are linked from Protocol 4, not within it

2.2 Area Planning Committees

2.2.1 There shall be four area planning committees with the following composition, role and functions.

Composition

2.2.2 The size of the committees and appointments to them will be determined by Council. ~~Appointments will be made having regard to rules on political proportionality. Appointment to each of the area planning committees will be politically proportional also~~ having regard to the wishes of group leaders, who would be asked to nominate **Members** wherever possible on a geographical basis. ~~The Corporate Director, Place, will be responsible for reviewing and updating the extent of the areas covered by each committee.~~

Commented [EK13]: For consistent wording with other committees

2.2.3 Substitutes will be permitted in accordance with Part 4 of this Constitution from those eligible, selected wherever possible on a geographical basis.

Commented [EK14]: This only effects the boundaries of the area committees - this is already the case, to enable updates. For example, after the 2021 divisions came in some more divisions crossed area committee boundaries (2 already did), and so the area boundaries were made to align to them, so all divisions are in a single area committee area.

2.2.4 Members shall not participate as Members of the area planning committees until they have received appropriate training in respect of their functions on the committee.

Planning Role and Functions

2.2.5 To consider planning applications not within the remit of the Strategic Planning Committee and not delegated to officers except where the Corporate Director, Place, ~~Corporate Director, Place~~ considers it inappropriate to exercise delegated powers having considered public representations and consultee responses.

2.2.6 To consider matters of local importance within the area such as:

- The designation and amendment of conservation areas;

- Village design statements ~~and parish plans~~ where Council approval is required for them to be considered as material considerations in dealing with planning applications;
- Consideration of planning applications called to an area committee by division Members in accordance with Part 3D3 of the Constitution, with the exception of those that fall to be determined by the Strategic Planning Committee.

2.2.7 There shall be no referral up of applications from the area planning committees to the Strategic Planning Committee.

2.2.8 The Corporate Director, Place-, after consultation with the relevant ~~Ce~~cabinet Member, shall be responsible for determining whether an application falls within the remit of Strategic Planning Committee or the relevant area planning committee in accordance with the criteria set out above. Where requested to do so, the Corporate Director, Place -shall be required to set out the reasons in writing.

Other Roles and Functions

2.2.9 Where an objection has been received and that objection has not been resolved by officers, to consider matters of local importance ~~within for the area such as~~following matters:

- Registration of common land or town and village greens;
- Variation of rights of common;
- Determination of applications under the Manufacture and Storage of Explosives Regulations 2005;
- Public rights of way, including modification of the definitive map and the regulation of the use of the highway.

Commented [EK15]: To specify these areas are the full list, not suggesting unspecified additional ones

Scheme of Delegation

2.2.10 The scheme of delegation to the Corporate Director, Place, ~~Corporate Director, Place-~~is detailed in Part 3 Section D3 of this Constitution.

Public Participation

2.2.11 Details of the rules concerning public participation at the Area Planning Committees are ~~documented-referenced~~ in the Planning Code of Good Practice for Members of Wiltshire Council (Protocol 4).

2.3 Licensing Committee

Composition

2.3.1 The size of the committee and appointments to it will be determined by Council with a Membership of between 10 and 15 Members. Appointments will be made having regard to the rules on political proportionality.

2.3.2 Substitutes will be permitted in accordance with Part 4 of this Constitution

2.3.3 Members shall not participate as Members of the Licensing Committee or any of its sub-committees in relation to Licensing Act and Gambling Act matters until they

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have received appropriate training in respect of their functions on the committee or sub-committees.

Role and Functions

- 2.3.4 Taxi, gambling, casino, gaming, entertainment, food, liquor and miscellaneous licensing.
- 2.3.5 To deal with all functions relating to licensing and registration as set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 to include all of the Council's responsibilities under the Licensing Act 2003, the Gambling Act 2005 and the Council's responsibilities in respect of licensing under the Criminal Justice and Police Act 2001 and the Violent Crime Reduction Act 2006. *In relation to the amalgamation of hackney carriage zones in accordance with Schedule 14 of the Local Government Act 1972 and associated responsibilities, to include the publication of statutory notice expressing intention to pass a resolution in accordance with the 1972 Act,* any other associated matters and any other similar licensing and registration functions.
- 2.3.6 The Licensing Committee has the power to appoint such sub-committees as may from time to time be necessary to discharge its duties including those under the Licensing Act 2003 and the Gambling Act 2005.
- 2.3.7 Each sub-committee will comprise three Members drawn from the Licensing Committee and appointed by the Proper Officer, who in this instance would be a Democratic Services Officer on behalf of the Monitoring Officer, having regard to the following:
- Availability of Members;
 - Members selected are not the representative for the area in which the premises subject to the hearing or review is situated;
 - Members do not have a ~~disclosable or other personal or prejudicial~~ interest in the matter to be determined;
 - Cross-party representation on all sub-committees is achieved where at all possible.

Commented [EK16]: Legal advice, for avoidance of doubt

Scheme of Delegation

- 2.3.8 Sub-committees will have full delegated powers to determine contested applications and adjudicate over the review of licences. These will be undertaken by way of licensing hearings and conducted in accordance with relevant legislation.
- 2.3.9 Delegations relevant to the Licensing Committee, licensing sub-committees and officers are detailed in Part 3 Section D4 of this Constitution.

2.4 Staffing Policy Committee

Composition

- 2.4.1 The size of the committee and appointments to it will be determined by Council. Appointments will be made having regard to rules on political proportionality.

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2.4.2 Substitutes will be permitted in accordance with Part 4 of this Constitution.

Role and Function

2.4.3 To determine, monitor and review staffing policies and practices to secure the best use and development of the Council's staff, including the power to deal with all matters relating to staff terms and conditions.

2.4.4 The Staffing Policy Committee will establish the following sub-committees to deal with matters relating to the dismissal or disciplinary action against individual Members of staff and staff grievances.

Senior Officers' Employment Sub-Committee

2.4.5 This sub-committee is authorised to dismiss and take disciplinary action against the officers categorised below as defined within the associated "Chief Officer posts" document in accordance with the officer employment procedure rules:

- The Head of Paid Service;
- Statutory chief officers;
- Non-statutory chief officers;
- Deputy chief officers;
- Assistants for political groups.

2.4.6 For this purpose, the sub-committee shall comprise at least three Members, at least one of whom shall be a Member of the Cabinet.

2.4.7 This sub-committee is also authorised to consider and respond to grievances raised by officers in the categories listed above under stage two to the Council's grievance procedure. For the determination of such grievances the sub-committee shall comprise at least three Members. There is no requirement for any of those Members to be a Member of the Cabinet.

Staffing Appeals Sub-Committee

2.4.8 This sub-committee is authorised to hear appeals against dismissal or disciplinary action:

- By the Senior Officers' Employment Sub-Committee in relation to the senior officers specified above;
- By the Head of Paid Service in relation to other staff.

2.4.9 The Staffing Appeals Sub-Committee has power in the case of an appeal against a warning to:

- Dismiss the appeal;
- Allow the appeal;
- Allow the appeal and substitute a different warning (greater or lesser);
- Dismiss the employee.

Commented [EK17]: Provides details about which roles fit the statutory and non-statutory positions eg which directors meet statutory definition, which non-statutory

2.4.10 The Staffing Appeals Sub-Committee has power in the case of an appeal against dismissal to:

- Dismiss the appeal;
- Dismiss the appeal but offer to re-engage the employee in the same or another post with effect from a date to be determined;
- Allow the appeal and reinstate;
- Allow the appeal and reinstate with a written or final written warning.

2.4.11 In the case of any appeal against dismissal or disciplinary action in respect of a senior officer as identified above, the Staffing Appeals Sub-Committee shall comprise at least three Members, at least one of whom shall be a Member of the Cabinet.

2.4.12 No Member who was involved in determining a matter which is the subject of an appeal will be appointed to the Staffing Appeals Sub-Committee.

Grievance Appeals Sub-Committee

2.4.13 This sub-committee is authorised to hear appeals under stage two of the Council's grievance procedure.

2.4.14 The sub-committee shall comprise at least three Members to hear an appeal. There is no requirement for any Member to be a Member of the Cabinet.

2.4.15 No Member who was involved in determining a matter which is the subject of an appeal will be appointed to the Grievance Appeals Sub-Committee.

Relevant Officers Panel

2.4.16 This is an advisory sub-committee established in accordance with the requirements of the Local Authorities (Standing Orders) (England)(Amendment) Regulations 2015 for the purpose of advising on matters relating to the dismissal of relevant officers of the council as defined in Part 14 Officer Employment Procedure Rules.

2.4.17 The Panel shall comprise three members and at least two relevant independent persons who have accepted an invitation to be appointed to the Panel.

2.4.18 The Monitoring Officer shall be responsible for providing training to the Panel

2.5 **Standards Committee**

Composition

2.5.1 ~~2.5.1~~ ~~—~~ ~~The size of the Standards Committee and appointments to it will be determined by Council. Appointments will be made having regard to rules on political proportionality, but may not include. This Committee will comprise up to 13 elected Members, other than the Leader or any other Member of the Cabinet, and.~~

Commented [EK18]: For consistency - not to specify the amount but leave up to council

~~2.5.2~~ ~~In addition to elected Members up to 84~~ co-opted non-voting Members shall be appointed, at least ~~50%~~2 of whom shall at appointment be serving town, parish or city Members from within the Council's area who are not Members or officers of the Council.

Commented [EK19]: Standards has always recommended, and council appointed, 4.

~~2.5.3~~ ~~2.5.2~~ — Appointments to the Committee will be made annually by the Council having regard to the rules on political proportionality.

~~2.5.4~~ ~~2.5.3~~ — The term of office for co-opted non-voting Members will normally be 4 years.

~~2.5.5~~ ~~2.5.4~~ — Co-opted non-voting Members will be eligible for re-appointment for ~~a second additional~~ terms, but may not serve more than 2 consecutive terms. ~~F~~

Commented [EK20]: For clarity

~~2.5.6~~ ~~2.5.5~~ — Substitutes will be permitted in accordance with Part 4 of the Constitution.

Roles and Function

~~2.5.7~~ ~~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, ~~on and where appropriate and, through the Member Development Group G,~~ arranging to train elected and co-opted Members on matters relating to the Members' ~~Ce~~code of ~~Ce~~conduct and ensuring that Members are aware of the standards expected of them under the ~~code, and to assist in promoting training and information for parish councils;~~
- 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 ~~ee~~Co-opted Members of Wiltshire Council, and ~~Members of City, Town, and Parish~~parish, town and city Members ~~councils 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.

Commented [EK21]: Group no longer exists

Commented [EK22]: To recognise role to assist parish councils

Standards Sub-Committees

~~2.5.8~~ ~~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~~ assess complaints etc etc to take in respect of ~~Member complaints~~ complaints regarding the conduct of Members of Wiltshire Council, or Members of city, town or parish councils under the Council's arrangements;
- A Hearing Sub-Committee to determine Member misconduct complaints under the Council's arrangements;
- A Dispensation Sub-Committee to determine requests for dispensation from the requirements relating to interests.

Commented [EK23]: For clarity

~~2.5.9~~ ~~2.5.8~~ —For the avoidance of doubt decisions of the Sub-Committees will be made by a simple majority of the elected Members present.

Assessment Sub-Committee

~~2.5.10~~ ~~2.5.9~~ —As it shall consider multiple complaints per meeting 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 will elect a Chairman and Vice-Chairman at their first meeting following their reappointment by Standards Committee after the annual meeting of Council. 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 [EK24]: Committee has always let the sub-committee elect its own chair - this makes that a formal rule

~~2.5.11~~ ~~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.

~~2.5.12~~ ~~2.5.14~~ 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 11](#).

~~2.5.13~~ ~~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.

Hearing Sub-Committee and Dispensation Sub-Committee

~~2.5.14~~ ~~2.5.13~~ —In each case the above Sub-Committees shall comprise 3 elected Members from whom a chairman will be elected. The Sub-Committee may include up to 2 non-voting co-opted Members of the Standards Committee.

~~2.5.15~~ ~~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 their substitutes.

2.5.16 ~~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 11.

2.5.17 The Dispensation Sub-Committee shall make decisions on requests for dispensations relating to Disclosable Pecuniary Interests in accordance with the Council's Dispensations Policy, which is to be approved by the Standards Committee.

2.5.18 Requests for dispensations relating to Other Registerable Interests and Non-Registerable Interests, as defined in Part 12 of the Constitution, shall be delegated to the Monitoring Officer to determine in accordance with the Dispensations Policy. It is the responsibility of the Member to submit a request, but the Monitoring Officer will have the authority to pro-actively engage with Members where it appears a dispensation may be appropriate or necessary.

2.5.19 In the event a Disclosable Pecuniary Interest dispensation request from a Member is received where there is insufficient time to convene a Dispensations Sub-Committee, in relation to a matter which is urgent and cannot reasonably be delayed or appropriately determined by another method, the Monitoring Officer will have authority to determine the request in accordance with the Dispensations Policy.

Commented [EK25]: Replicates pre-2022 position in respect of Disclosable Pecuniary Interests, with specific reference to the Dispensations Policy added. No such Sub-Committees were held between 2013-2023

Commented [EK26]: Lesser requests from the new code to be determined by Monitoring Officer. MO may remind members or chase to see if they want to submit, but the member must still submit. This allows for swift resolution of a request, whereas at present any request requires a Sub-Committee to be convened, which means at least 5 clear working days' notice

Commented [EK27]: So MO can determine DPIs if they are urgent

2.6 Officer Appointments Committee

2.6.1 This committee will comprise five Members to include at least one Member of Cabinet. It will be responsible for:

- Appointing the Head of Paid Service, subject to confirmation by the Council;
- Appointing Directors, subject to the officer employment procedure rules as set out in Part 14 of this Constitution.

2.7 Wiltshire Pension Fund Committee

2.7.1 This joint committee will comprise five Members from ~~the authority~~ Wiltshire Council and ~~co-opted~~ other Members as follows:

- Two voting Members from Swindon Borough Council;
- Two co-opted voting Employer Representatives;
- Two co-opted non-voting employee representatives, one representing Wiltshire Council employees, and one representing Swindon Borough Council employees.

2.7.2 It will exercise the functions of the Council as administering authority under the Local Government Superannuation Acts and Regulations and deal with all matters

relating thereto. The committee will publish meetings attendance records ~~in an Annual Report.~~

- 2.7.3 The voting Employer Representatives will serve a four-year fixed term from appointment. On expiry of the four-year term, applications for the position will be sought (from the incumbent and the applicable employer bodies) and an appointment process will be undertaken by the committee should more than one application be received for the role.
- 2.7.4 The full terms of reference for the Wiltshire Pension Fund Committee can be found at Protocol 2A. ~~Terms of reference for the Local Pensions Board, whose purpose is to assist the administering authority in its role as a scheme manager of the Scheme, can be found at Protocol 2B.~~

Commented [EK28]: To clarify role of Board

2.8 **Audit and Governance Committee** Composition

- 2.8.1 The size of the Audit and Governance Committee and appointments to it will be determined by Council. Appointments will be made having regard to rules on political proportionality.
- 2.8.2 The Audit and Governance Committee will exclude Members of the Cabinet. The exception is that up to two, of the Leader of the Council and the Cabinet Members with responsibility for finance and governance, will be appointed as non-voting Members of the Committee. As non-voting members they would not count toward the rules on political proportionality.
- 2.8.3 Substitute Members will be permitted in accordance with Part 4 of this Constitution.
- 2.8.4 In addition to the Elected Members on the Committee, the Committee can appoint up to 2 Independent Co-opted Members, who will be Non-Voting Members of the Committee. The Non-Voting Co-opted Independent Member(s) should have experience of audit and financial management, preferably with knowledge of local authorities.
- 2.8.5 Independent Co-opted Members will be appointed by a recruitment and selection process involving members of the Committee.
- 2.8.6 The term of office for Independent Co-opted Members will normally be 4 years.
- 2.8.7 Independent Co-opted Members will be eligible for re-appointment for a second term.
- 2.8.8 Independent Co-opted Members do not count towards the ~~Q~~quorum of the committee.

Role and Function

- 2.8.9 The Audit and Governance Committee will be responsible for:

2.8.10 External Audit Activity:

- To receive and comment on the external audit plan;
- To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance;
- **To monitor accounting policies and any changes made during the year;**
- To comment on the scope and depth of external audit work and to ensure it gives value for money;
- To monitor the implementation of management actions arising from external audit work.

Commented [EK29]: For clarity

2.8.11 Internal Audit Activity:

- To approve the terms of reference and strategy for internal audit, and the annual internal audit plan and subsequent changes thereto;
- To monitor and review the effectiveness of internal audit to ensure compliance with statutory requirements;
- To consider the annual report, opinion, and summary on internal audit activity and the level of assurance it provides on the Council's corporate governance arrangements;
- To consider specific internal audit reports as requested, **and receive details where it is proposed not to accept internal audit recommendations,** and monitor the implementation of agreed management actions.

Commented [EK30]: CFG suggestion, for clarity

2.8.12 Regulatory Framework:

- To monitor and review the effective development and operation of corporate governance, risk and performance management and internal control, and to receive progress reports as required;
- To oversee the process for production of the annual governance statement (AGS), to review the supporting evidence including the arrangements for governance of partnership working, and to approve the AGS;
- **To monitor the development and implementation of the Council's anti-fraud, bribery and corruption policy, anti-money laundering policy, and anti-tax evasion and strategy policy.**

Commented [EK31]: Updated list of policies

2.8.13 Financial Management and Accounts:

- To ensure the Council's arrangements for financial management are adequate and effective, and, together with its accounting policies, are regularly reviewed;
- To review and approve the annual statement of accounts;
- To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

2.9 Appeals Committee

Composition

2.9.1 The size of the committee and appointments to it will be determined by Council. Appointments will be made having regard to rules on political proportionality.

2.9.2 An **Appeals panel Sub-Committee C** will comprise three Members, drawn by the Proper Officer, who in this instance would be a Democratic Services Officer on behalf of the Monitoring Officer, from those Members of the Appeals Committee who have received appropriate training.

Commented [EK32]: Consistent naming

2.9.3 At each meeting of the Appeals ~~panel~~Sub-Committee, one of its Members shall be elected to chair the appeals panel for the duration of that meeting.

Function

2.9.4 An Appeals ~~Panel~~Sub-Committee is empowered to determine appeals against the following decisions of the authority:

- Education transport;
- Imposition of penalty points which would result in suspension for licensed hackney carriage, taxi and private hire vehicle operators, drivers and vehicles;
- Refusal of applications for discretionary rate relief and cases of exceptional hardship under the national non-domestic rating regulations, council tax and housing benefit regulations and Rates Relief Policies;
- Suspension, removal or exclusion of providers from the Council's Directory of Registered Early Years Providers;
- Any other function requiring an appeal to a Member body not specifically reserved to another body in the Constitution, or by the law.

2.9.5 No Member who was involved in determining a matter which is the subject of an appeal will be appointed to a ~~panel~~Sub-Committee hearing the appeal.

2.10 Electoral Review Committee

Composition

2.10.1 ~~The size of the Electoral Review Committee and appointments to it will be determined by Council. Appointments will be made having regard to rules on political proportionality. The Committee shall consist of ten members appointed in accordance with the rules on political proportionality.~~

Commented [EK33]: For consistent referencing

2.10.2 The Committee shall appoint a chairman and vice-chairman from among its membership.

Responsibilities

To oversee the provision of information required by the Local Government Boundary Commission for England (LGBCE) in carrying out any Electoral Review of Wiltshire, including any consultation arrangements with electors or stakeholder ~~and s.10.4~~ to update Full Council on the progress of any Electoral Review.

2.10.3

~~2.10.4 To update Full Council on the progress of any Electoral Review.~~

~~2.10.5~~ 2.10.4 To make recommendations to Full Council on proposed submissions to the LGBCE relating to:

- The total number of councillors on Wiltshire Council;
- The number and boundaries of electoral divisions within Wiltshire Council;
- The number of councillors to be returned by any electoral division;

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- The name of any electoral division.

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

2.10.72.10.6 To oversee all details relating to any community governance reviews within the Wiltshire Council area, including contacting all parishes or parties for proposals, setting the areas and scope for any review, its methodology including for any consultation arrangements, and its timescales, and determining what if any changes to recommend as part of the review, and to conclude a review or part of a review where no changes are recommended. The Committee will prepare final recommendations for any changes for consideration by Full Council.

Commented [EK34]: To include further detail on what the committee may do - already can, but being specific

2.10.82.10.7 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:

- The alteration, merging, creation or abolition of parishes;
- The naming of parishes and adoption of alternative styles for new parishes;
- Parish council size, number of councillors to be elected, and warding arrangements;
- Any other electorate-electoral arrangements.

2.10.92.10.8 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.

2.10.102.10.9 Where it would be appropriate to do so, to make recommendations to Full Council on the composition (Electoral Divisions and Parishes) of Area Boards, following completion of an Electoral Review or Community Governance Review, or another reason. The Committee may undertake such processes as it considers appropriate when preparing its recommendations.

2.10.112.10.10 To oversee the provision of information required in carrying out Polling District and Polling Place Reviews, including any consultation arrangements with electors or other stakeholders.

2.10.122.10.11 To make decisions in respect of proposed Polling District and Polling Place Reviews. The Returning Officer will also have authority to change a polling place where appropriate in the event of a by election or other unforeseen circumstances after consultation with the Chairman of the Committee, which will be reported to the Committee.

Commented [EK35]: Where a change is needed, to be clear who has authority to change a polling place in an emergency

2.10.132.10.12 To receive reports in relation to the operation and delivery of Electoral Services and make recommendations or decisions as appropriate on electoral matters not reserved to Full Council.

3. Cabinet

3.1 General

3.1.1 This section should be read in conjunction with the Cabinet Procedure Rules (Part 7).

3.1.2 The Leader, either directly or through Cabinet, will carry out within the Council's ~~Policy and Budget~~Budget and Policy Framework, all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

3.1.3 Without limiting the scope of paragraph 3.1.2, Cabinet either directly or by delegating its powers as set out in Part 3 Section C of this Constitution (Delegation of Executive Functions) has the following functions and responsibilities:

- Proposing the budget to Council, including the preparation of estimates and the amount of the proposed precept and any reconsideration or revision of those estimates;
- Agreeing the council tax base;
- Controlling capital expenditure;
- Proposing to Council new policies, ~~(or amendments to existing policies)~~, which fall within the Policy Framework as defined in paragraph 1 of Part 3 of this Constitution;
- Adopting on behalf of Wiltshire Council any plans, policies or strategies which do not form part of the policy framework and are not the responsibility of any other part of the local authority;
- Implementing and delivering the agreed Budget and Policy Framework.

3.2 Local Choice Options

3.2.1 In regard to local choice options, the following will be the responsibility of the Cabinet:

- Making arrangements pursuant to the School Standards and Framework Act 1998 for appeals against exclusion of pupils; admission appeals; and appeals by governing bodies;
- The appointment of any individual to any office other than an office in which he is employed by the authority to any body other than the authority and to any committee or sub-committee of such a body and the revocation of any such appointment.

3.2.2 The Cabinet elects to delegate the following local choice options as follows:

- Corporate Director, Place - the obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land;
- Solicitor to the Council - the obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976;
- Solicitor to the Council - the making of agreements for the execution of highways works.

3.3 Cabinet Members

3.3.1 The Leader of the Council chairs meetings of the Cabinet and is the principal spokesman for the Council. The role of Leader within the Budget and Policy Framework set by the Council includes but is not limited to:

- Setting strategic direction;
- Ensuring the needs and aspirations of Wiltshire people are known;
- Management initiatives;
- Identifying priorities and setting targets;
- Setting priorities;
- Probity and financial monitoring and risk management;
- Communication policy;
- Monitoring performance of Members of his or her Cabinet;
- Promoting the Council;
- Relationships with other political group leaders and the chairman of the Council.

3.3.2 The provisions above are without prejudice to the statutory duties of the Head of Paid Service, the Monitoring Officer and Solicitor to the Council, the Director of Children's Services, the Director of Adult Social Services, the Section 151 Officer, the designated Scrutiny Officer or any other statutory Council officers as set out in Part 2 of the Constitution, or other council officers.

Commented [EK36]: For completeness's sake

3.3.3 The Leader will appoint individual Cabinet Members as he or she thinks appropriate subject to reporting appointments to the first available meeting of the Council.

3.3.4 Individual Cabinet Members will have power within any scheme of delegation determined by the Leader in accordance with:

- Article Seven of Part 2 (Articles of the Constitution)
- Part 3 Section C (Delegation of Executive Functions)
- Paragraphs Two to Ten of the Part 7 (Cabinet Procedure Rules).

3.3.5 In addition to the delegation of authority to individual Members, the Cabinet may choose to delegate functions further to an area board Area Board, joint arrangements, or an officer.

4. ~~Area Board~~ Area Boards

Role and functions of ~~Area Board~~ Area Boards

4.1 The purpose of ~~area board~~ Area Boards is to promote the development of stronger and more resilient communities across Wiltshire's community areas through:

- 4.1.1 Efficient, transparent and accountable decision making;
- 4.1.2 Effective collaboration with public, voluntary and private sector partners locally to meet the aspirations of local people;
- 4.1.3 Shaping the delivery of local services;
- 4.1.4 Addressing local issues;
- 4.1.5 Building community leadership and local engagement.

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4.2 Each ~~area board~~Area Board will have the following functions in conjunction with their local area:

- 4.2.1 To provide a focus for community leadership, local influence and delegated decision-making, through the democratic mandate of elected Members;
- 4.2.2 To influence the allocation of resources and delivery of public services in the community area in order to pursue local priorities and issues;
- ~~4.2.3 To develop a strong, well established and highly functioning network of local partners, organisations and residents~~
- ~~4.2.4 To generate an in-depth understanding of their local community and the issues faced by the residents, including through use of Joint Strategic Needs Assessment data.~~
- ~~4.2.5 To empower and facilitate community led action, by recognising and encouraging the talents, expertise and knowledge of our communities, trusting and supporting them to co-deliver local services.~~
- ~~4.2.6 To effectively share data and intelligence at a local level~~
- ~~4.2.3 To bring together key service providers and the local community into a coherent cycle, linked to budget and decision making processes;~~
- ~~4.2.4 To consider current conditions and future priorities through an annual state of the community area debate;~~
- ~~4.2.5 To publish a local area assessment setting out the agreed priorities for action arising from the state of the community area debate;~~
- ~~4.2.6~~4.2.7 To determine budget priorities and spend within the revenue budget allocated by the Cabinet, including approval of funding recommended by any working groups such as Local Highways and Footway Improvement Groups;
- ~~4.2.7~~4.2.8 To provide a local platform for local engagement and conversation including through the use of working groups such as Health and Wellbeing Groups and Local Youth Networks and ~~To agree a framework for any~~ consultations carried out in the community area on behalf of the Council;
- ~~4.2.8 To provide feedback on major statutory consultations on behalf of the community area;~~
- 4.2.9 To allocate ~~core funding for the operation of the community area partnership~~ and project funding for identified community priorities;
- 4.2.10 To develop participatory budgeting processes and to be instrumental in supporting and developing funding applications to external bodies and funding streams;
- 4.2.11 To provide excellent two-way communications for the community area about public service provision and to the Council and Cabinet about the implementation and effectiveness of policies;
- 4.2.12 To publish and maintain a forward plan of forthcoming agenda items to give Members, the public, parishes and the media adequate notice of the issues that are to be considered;
- ~~4.2.13~~ 4.2.13 To consider issues referred to the ~~area board~~Area Board by town and parish councils, partners and the public;
- ~~4.2.14 To establish task and finish groups to examine specific issues.~~

Commented [EK37]: Reflects latest handbook

Commented [EK38]: For clarity, and to include reference to subgroups

Composition

4.3 The ~~area board~~Area Boards are appointed by the Council under section 102 of the Local Government Act 1972 and are constituted as area committees within the

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meaning of Section 18 of the Local Government Act 2000 and regulations made under that section for the purpose of discharging functions delegated by the executive as set out below.

- 4.4 In the event of a Member being elected following a by-election, the Director ~~of~~ Legal and Governance has delegated authority to appoint the Member to the relevant ~~area board~~Area Board ~~and council will be asked to ratify the appointment at its next available meeting.~~
- 4.5 ~~Area boards are established for the areas shown on the map at schedule one and named as set out in that schedule.~~
- 4.6 Marlborough, Pewsey and Tidworth Area Boards are established as a single area committee known as the Eastern Wiltshire Area Committee. ~~This shall appoint with~~ three sub-committees, each of which ~~shall~~ operate as an ~~area board~~Area Board, known as Marlborough ~~Area Board~~Area Board, Pewsey ~~Area Board~~Area Board and Tidworth ~~Area Board~~Area Board respectively.

Membership and Representation

- 4.7 Each ~~area board~~Area Board's Membership shall comprise of the elected unitary Members representing the electoral divisions covered by the ~~area board~~Area Board, as set out in schedule 1.
- 4.8 The following representatives ~~will~~may also participate ~~as partners in~~ ~~area board~~Area Boards:
- 4.8.1 An elected-representative from each town or parish council within the area covered by the ~~area board~~Area Board as ~~shown~~detailed in schedule 1;
- 4.8.2 Representatives~~are also encouraged~~ from the following groups and organisations:
- ~~• Local neighbourhood policing team (inspector with a sergeant as deputy);~~
 - ~~• Clinical Commissioning Group;~~
 - ~~• Housing Association or housing officer;~~
 - ~~• Community Area Partnership and/or other groups representative of the local community;~~
 - ~~• Dorset and Wiltshire Fire and Rescue Service;~~
 - ~~• Local Youth Network;~~
 - ~~• Campus Operation Group (or equivalent);~~
 - ~~• Voluntary, community and social enterprise sector organisations (regional, countywide and local level)~~
 - ~~• Wiltshire Police~~
 - ~~• Dorset and Wiltshire Fire and Rescue Service~~
 - ~~• Ministry of Defence~~
 - ~~• Bath, Swindon and Wiltshire Partnership, Healthwatch, Local Health Representatives~~
 - ~~• Local businesses, Chambers of Commerce~~
 - ~~• Schools~~
 - ~~• Housing Associations~~
 - ~~• Faith and cultural groups~~
 - ~~• Residents and resident action groups~~

Commented [EK39]: Updated, and with a catchall

- Any other relevant groups
- ~~4.8.3 Other participants from the local community including (but not limited to) any of the following groups: the military, users groups such as the Wiltshire and Swindon User Group, Healthwatch, partnership boards, minority ethnic groups, older people's groups, colleges, school councils, governors, local businesses, Chamber of Commerce, cultural organisations, Area of Outstanding Natural Beauty groups.~~

~~4.26 4.9~~ The ~~e~~Chairman and ~~V~~ice-~~C~~hairman of an ~~A~~area ~~B~~oard will be appointed at the first meeting of an ~~S~~A~~area board~~Area Board, which takes place after the annual meeting of the Council, by the unitary Members on each ~~area board~~Area Board; ~~e~~Except in an election year, where after the first meeting of Full Council a special meeting of each ~~area board~~Area Board will take place to appoint a ~~C~~hairman and a ~~V~~ice-~~C~~hairman.

Election of Chair~~men~~ Procedure

4.9.1 The Democratic Services representative will call for nominations for the position of ~~e~~Chairman of the ~~area board~~Area Board and preside over the election. A Member's nomination must be seconded to be valid. A Member shall not be nominated in ~~his/her~~their absence without their written consent.

4.9.2 In the event of only one valid nomination being received the person presiding will declare the nominated Member elected.

4.9.3 In the case of two valid nominations the Democratic Services representative will ask for a show of hands from those Members in favour of each Member and declare the candidate receiving the majority of votes of the Members present and voting, to be the winner.

4.9.4 In the case of an equality of votes for the two candidates, the Democratic Services representative shall draw lots, or an equivalent method to break the tie, to determine the winner of the election and then declare the result.

4.9.5 In the case of three or more valid nominations being made, the Democratic Services Representative will call for a show of hands for each of the candidates. The Democratic Services representative will then announce the candidate with the least number of votes and that candidate will be eliminated (in the case of a tie for the least number of votes, the Democratic Services representative shall draw lots or use an equivalent method to determine which candidate to be eliminated). A further vote shall be taken for the remaining candidates and after each vote the candidate with the least number of votes shall be eliminated until only two candidates remain and a final vote taken.

4.9.6 The newly elected Chairman of the ~~Area Board~~Area Board shall then preside over the election of the Vice Chairman in the manner described above with the ability to use a casting vote in the event of an equality of votes.

4.9.7 With the exception of an election year, the ~~C~~hairman and ~~V~~ice-~~e~~Chairman of an ~~area board~~Area Board shall remain in post until their successors are appointed.

Commented [EK40]: To be clear it doesn't literally have to be drawing lots

Other Representation

~~4.26~~ ~~4.10~~—A Member of Wiltshire Council's Cabinet will attend upon request those ~~area board~~Area Board which do not have a Cabinet Member as a standing Member of the ~~area board~~Area Board. Cabinet Members attending the ~~area board~~Area Board will not have voting rights. For the avoidance of doubt a Cabinet Member is entitled to vote as a standing Member of the ~~area board~~Area Board in which their electoral division is located.

4.11 Directors from Wiltshire Council will attend as and when required. Their role is to advise and assist the ~~area board~~Area Board.

4.12 No substitutes are permitted for unitary Members on ~~area board~~Area Boards except as set out at Para 4.13.

4.13 ~~However TheThe~~ Eastern Wiltshire Area Committee will appoint substitutes for the Members on the Pewsey ~~Area Board~~Area Board, Tidworth ~~Area Board~~Area Board, and Marlborough ~~Area Board~~Area Boards drawn from the ~~Area Boards part~~Members of the Eastern Wiltshire Area Committee.

Voting

4.14 Only the elected unitary Members on the ~~area board~~Area Board may vote ~~on matters involving the discharge of executive functions within the scope of the delegation to area boards set out below~~at an Area Board.

4.14 Voting is by a majority of the ~~voting elected~~ Members present. The ~~Cchairman~~ of the ~~area board~~Area Board has the casting vote.

4.16 ~~Area board~~Area Boards will ~~where appropriate seek the views of any other participants~~seek to reach decisions by consensus, ~~where possible involving all participants.~~ The ~~area board~~Area Board may decide to test opinion by a show of hands before the unitary Members make their decision.

Commented [EK41]: For clarity - since only AB members can vote it is not about consensus, but encouraging the Board to seek the view of the meeting if appropriate.

Quorum

4.17 The quorum for each ~~area board~~Area Board is one quarter of its total voting Membership, subject to a minimum number of three voting Members.

Delegation

~~4.26~~ ~~4.18~~—Decisions involving the discharge of executive functions will be made by the local ~~area board~~Area Board, provided the decision does not:

- 4.18.1 Have a significant impact outside of the area concerned;
- 4.18.2 Have a significant impact on the overall resources of the Council;
- 4.18.3 Contradict any policy or service standard set by the Council;
- 4.18.4 Involve the taking of regulatory or quasi-judicial decisions;
- 4.18.5 Relate to the exercise of functions in respect of any particular person, including any individual Member of staff.

4.19 ~~Area board~~Area Boards must operate within the Council's Budget and Policy Framework and in accordance with the requirements of this Constitution. In accordance with Para 4.2.9 they may provide local views on the effective implementation of a council policy, but are not able to make resolutions contrary to the Budget and Policy Framework of the Council .

Commented [EK42]: For clarity

~~4.26~~ ~~4.20~~—Each ~~area board~~Area Board will receive delegated funding as determined from time to time by the Leader.

4.21 ~~Area board~~Area Boards will allocate their delegated funds in accordance with any rules and guidance issued by the Leader.

4.22 For the avoidance of doubt the delegation arrangements for ~~area board~~Area Boards will operate in conjunction with the scheme of delegation to Cabinet Members and the Council's scheme of delegation to officers.

4.23 ~~Area board~~Area Boards will be consulted on the development of strategic policies to make sure that local priorities and concerns are taken into account. The ~~area board~~Area Boards will also be consulted where significant changes, reductions or closures of a service are planned in their area.

4.24 Any key decision or policy proposal of the Council that has, or is likely to have, a significant impact in the local area will be discussed with the ~~area board~~Area Board.

4.25 ~~Area board~~Area Boards must not be directly involved in deciding planning applications. However, they ~~should~~may be involved in the following in relation to their area:

4.25.1 Consideration of the ~~benefits~~impacts of larger developments;

4.25.2 Pre-application discussions relating to major developments;

4.25.3 Consideration of planning briefs;

4.25.4 Development of Local Development Framework policies.

4.25.4

Procedure Rules and Guidance

4.26 ~~Area board~~Area Boards will follow any procedure rules and guidance as issued from time to time by the Leader:

Agenda setting

4.26 An agenda will be prepared for each meeting after consultation with the Chairman of the Area Board.

4.27 Members may request that specific items be included on an agenda subject to the delegation rules and within the powers and role of the Board as set out in this constitution. A request should take the form of a proposed topic for discussion, request for a briefing, partner event, or other similar requests.

Commented [EK43]: To provide guidance to Boards on how to prepare an agenda cooperatively

Commented [EK44]: To encourage members to raise a matter early, so officer attendance can be arranged if possible for example, or suggestions made of the best approach on how to brief the board

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4.28 Any proposed subjects and proposed actions must be in accordance with the rules set out in this constitution.

4.29 Subject to 4.28, and so long as reasonable notice to prepare as appropriate is given, if a majority of Board Members support an item being included on an agenda it will be included for discussion in an appropriate form.

Access to Information

4.278 ~~Area Board~~Area Boards are subject to the Access to Information Procedure Rules in Part 5 of this Constitution.

5 Wiltshire Police and Crime Panel

Terms of Reference

~~5.1~~

~~5.1~~To review and make a report or recommendation on the draft police and crime plan, or draft variation, given to the panel by the Police and Crime Commissioner.

- 5.2 To review, put questions to the Police and Crime Commissioner at a public meeting, and make a report or recommendation (as necessary) on the ~~commissioner's~~ annual report.
- 5.3 To hold a confirmation hearing and review, make a report, and recommendation (as necessary) in respect of proposed senior appointments made by the Police and Crime Commissioner.
- 5.4 To review and make a report on the proposed appointment of the Chief Constable.
- 5.5 To review and make a report and recommendation (as necessary) on the proposed ~~police~~ precept.
- 5.6 To review or scrutinise decisions made, or other action taken, by the Police and Crime Commissioner in connection with the discharge of the commissioner's functions.
- 5.7 To make reports or recommendations to the Police and Crime Commissioner with respect to the discharge of the commissioner's functions.
- 5.8 To support the effective exercise of the functions of the Police and Crime Commissioner.
- 5.9 To fulfil functions in relation to complaints about conduct matters, in accordance with the responsibilities accorded to the panel by the Police Reform and Social Responsibility Act 2011.
- 5.10 To appoint an Acting Police and Crime Commissioner if necessary.

Commented [EK45]: So officers will include an item on the agenda if a majority of board members are agreed, even if the chairman does not agree.

Time must be reasonable in the opinion of the proper officer - eg a major update and attendance requested the day prior to the agenda publication may not be reasonable to prepare appropriately. Specific form not part of request, as Member may not have one, or it may be unintentionally proscriptive, but the topic would be so long within scope of the rules of the constitution - those rules (eg within budget etc) already exist

- 5.11 To suspend the Police and Crime Commissioner if it appears to the Panel that the Commissioner has been charged in the United Kingdom or Isle of Man with an offence which carries a maximum term of imprisonment exceeding two years.

Procedure Rules and Panel Arrangements

- 5.12 The Police and Crime Panel Procedure Rules and Panel Arrangements are set out in Protocol 12 of this Constitution.

Wiltshire Pension Fund Committee

- 2.7.1 This joint committee will comprise five Members from Wiltshire Council and other Members as follows:

- Two voting Members from Swindon Borough Council;
- Two co-opted voting Employer Representatives;
- Two co-opted non-voting employee representatives, one representing Wiltshire Council employees, and one representing Swindon Borough Council employees.

- 2.7.2 It will exercise the functions of the Council as administering authority under the Local Government Superannuation Acts and Regulations and deal with all matters relating thereto. The committee will publish meetings attendance records.

- 2.7.3 The voting Employer Representatives will serve a four-year fixed term from appointment. On expiry of the four-year term, applications for the position will be sought (from the incumbent and the applicable employer bodies) and an appointment process will be undertaken by the committee should more than one application be received for the role.

- 2.7.4 The full terms of reference for the Wiltshire Pension Fund Committee can be found at Protocol 2A. Terms of reference for the Local Pensions Board, whose purpose is to assist the administering authority in its role as a scheme manager of the Scheme, can be found at Protocol 2B.

Other Bodies

6 Health and Wellbeing Board

Composition

6.1 Voting Members:

- 6.1.1 1 Leader of the Council
6.1.2 ~~and~~ 1 Deputy Leader of the Council
6.1.3 1 healthcare clinical professional director (NHS BSW ICB)
6.1.4 ~~and~~ 1 GP clinical lead (Wiltshire Integrated Care Alliance)
6.1.5 1 Police and Crime Commissioner (PCC);
6.1.6 1 representative from Healthwatch Wiltshire;

6.2 Non-voting Members:

- 6.2.1 1 NHS England representative.
6.2.2 Other Wiltshire Council Cabinet Members with responsibility for Children, Adults and Public Health; 1 Wiltshire Council portfolio holder for Adult Care and Public Health; 1

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Commented [EK46]: Moved not changed, so joint committees together - top level para numbers will be amended

~~Member of Wiltshire Council who is not a Member of the ruling group(s) on the Council;~~

~~6.2.3 Wiltshire Council Chief Executive~~

~~6.2.4 Place Director for Wiltshire (NHS BSW ICB) or nominated ICB Exec Director lead as sub~~

~~6.2.5 Wiltshire Council officers with statutory responsibility for Children, Adults and Public Health services;~~

~~6.2.6 Acute Hospital Trusts representatives (Salisbury Hospital FT, Great Western Hospital FT and Bath RUH FT);~~

~~6.2.7 1 South West Ambulance Service (SWAS) representative;~~

~~6.2.8 1 Avon and Wiltshire Mental Health Partnership (AWP) representative;~~

~~6.2.9 1 Wiltshire Police Chief Constable representative;~~

~~6.2.10 1 Wessex Local Medical Committee representative;~~

~~6.2.11 1 Dorset and Wiltshire Fire and Rescue Service;~~

~~6.2.12 1 Adult community health services provider (WHC);~~

~~6.2.13 1 Children's community health services provider (VirginCare);~~

~~6.2.14 1 Child and adolescent mental health services provider (Oxford Health);~~

~~6.2.15 1 VCS representative~~

~~6.1 Voting Members:~~

~~6.1.1 4 Elected representatives: The Leader of the Council and up to 2 Wiltshire Council Cabinet Members with responsibility for Children, Adults and Public Health; And 1 Member of Wiltshire Council who is not a Member of the ruling group(s) on the Council;~~

~~6.1.2 4 clinical representatives from the CCG/ICB;~~

~~6.1.3 1 representative from Healthwatch;~~

~~6.1.4 1 The Police and Crime Commissioner (PCC);~~

~~6.1.5 1 NHS England representative.~~

~~6.2 Non-voting Members:~~

~~6.2.1 Wiltshire Council officers with statutory responsibility for Children, Adults and Public Health services;~~

~~6.2.2 Chief Officer / Chief Finance Officer of the Clinical Commissioning Group;~~

~~6.2.3 Acute Hospital Trusts representatives (Salisbury Hospital FT, Great Western Hospital FT and Bath RUH FT);~~

~~6.2.4 1 South West Ambulance Service (SWAS) representative;~~

~~6.2.5 1 Avon and Wiltshire Mental Health Partnership (AWP) representative;~~

~~6.2.6 1 Wiltshire Police Chief Constable representative;~~

~~6.2.7 1 Wessex Local Medical Committee representative;~~

~~Wiltshire Council portfolio holders for Adult Care and Public Health.~~

~~6.2.8 Wiltshire Council Chief Executive~~

~~6.2.9 Bath and North East Somerset, Swindon and Wiltshire CCG Locality Manager~~

~~6.2.10 1 Dorset and Wiltshire Fire and Rescue Service representative~~

~~6.2.11 1 Adult community health services provider (WHC) representative~~

~~6.2.12 1 Children's community health services provider (VirginCare) representative~~

~~6.2.13 1 Child and adolescent mental health services provider (Oxford Health) representative~~

~~6.3 In addition, the NHS Commissioning Board (known NHS England) must appoint a representative for the purposes of participating in the preparation of the Joint~~

Commented [EK47]: Updated to reflect current members

~~Strategic Needs Assessment and the Joint Health and Wellbeing Strategy and will join the Board when it is considering these matters.~~

Voting

6.4 Voting is by a majority of the voting Members present. The ~~chair~~Chair of the ~~board~~Board has the casting vote. However, the ~~board~~Board will seek to reach decisions by consensus, where possible involving all participants.

6.5 ~~The quorum for the meeting will be a quarter of the total membership.~~

Commented [EK48]: IE non voting members can make up quorum, though any decision requires the voting members

Roles and Functions

6.5 The statutory functions of the Health and Wellbeing Board contained within the Health and Social Care Act 2012 and Health and Care Act 2022 are:

- 6.5.1 to prepare Joint Strategic Needs Assessments (JSNAs) and Joint Local Health and Wellbeing Strategies (JLHWSs), which is a duty of local authorities and ~~clinical commissioning groups (CCGs)~~NHS Integrated Care Boards ~~working through the Board~~;
- 6.5.2 a duty to encourage integrated working between health and social care commissioners, including providing advice, assistance or other support to encourage arrangements under Section 75 of the National Health Service Act 2006 (i.e. lead commissioning, pooled budgets and/or integrated provision) in connection with the provision of health and social care services;
- 6.5.3 a power to encourage close working between commissioners of health related services and the board itself;
- 6.5.4 a power to encourage close working between commissioners of health-related services (such as housing and many other local government services) and commissioners of health and social care services.

~~The Board is supported in its activities by requirements in legislation for the ICB to consult the Board on its annual report and for the ICB to include a statement of compliance from the Health and Wellbeing Board on how well the JLHWS is reflected in its forward plans.~~

Commented [EK49]: For clarity

6.6 Full Council reserves the right to delegate any other additional functions under section 196(2) of the Health and Social Care Act 2012.

Access to Information

6.7 The Health and Wellbeing Board is subject to the Access to Information Procedure Rules in Part 5 of this Constitution.

7 Local Pension Board

8.1 The purpose of the Board is to assist the Administering Authority in its role as a scheme manager of the Scheme. Such assistance is to:

8.1.1 Secure compliance with the Regulations, any other legislation relating to the governance and administration of the Scheme, and requirements imposed by the Pensions Regulator in relation to the Scheme and;

8.1.2 To ensure the effective and efficient governance and administration of the Scheme.

This may include making recommendations it considers appropriate to the committee.

Commented [EK50]: For clarity

Composition

8.2 The Board shall consist of 6 voting Members, as follows:

8.2.1 3 Member Representatives; and

8.2.2 3 Employer Representatives.

7.3 There shall be an equal number of Member and Employer Representatives.

7.4 There shall also be an independent chairman who is not entitled to vote.

Quorum

7.5 A meeting is only quorate when at least 50% of both Member and employer representatives are present.

7.6 A meeting that becomes inquorate may continue but any decisions will be non-binding.

Access to Information

7.7 The Local Pension Board is subject to the Access to Information Procedure Rules in Part 5 of this Constitution.

Terms of Reference

7.8 The full terms of reference for the Local Pension Board can be found at Protocol 2B.

8 Local Authority Panels

Channel Panel

8.1 The Channel Panel uses a multi-agency approach to protecting people vulnerable to being drawn into terrorism. The Channel Panel was established in line with the Counter-Terrorism and Security Act 2015.

8.2 The Channel Panel forms part of the council's Prevent Duty. The relevant Cabinet Member attends meetings of the Prevent Board.

8.3 The Channel Panel is required to:

8.3.1 Identify individuals at risk

8.3.2 Assess the nature and extent of that risk;

8.3.3 Develop the most appropriate support plan for the individuals concerned.

8.4 The key requirements of the Channel Panel:

8.4.1. The local authority is the Channel Panel Chair;

8.4.2. Membership of the panel must include the local authority and the police as they have principal responsibility for Channel in their area;

8.4.3. Minimum membership of the panel includes:

- The local authority representative as chair
- Counter Terrorism Policing South West Prevent Officer
- Safeguarding representation (as determined by the age of the case)
- Mental Health representation if mental health concerns are present (service dependant on age of case)
- Minute taker

Additional members from agencies relevant to the case are requested which could include education providers, voluntary community groups, probation services or others as appropriate.

8.4.4. The panel to develop a support plan for individuals accepted as channel cases.

8.4.5. The panel to consider alternative forms of support, including health and social services, where Channel is not appropriate.

8.4.6. The panel to ensure that the council's functions to safeguard and promote the welfare of children under section 11 of the Children Act 2004 are discharged;

8.4.7. All partners of a panel, so far as appropriate and reasonably practicable, to cooperate with the police and the panel in the carrying out of their functions;

8.4.8. Each case is handled separately; people deemed appropriate to receive support will have a tailored package developed for them, according to their identified vulnerabilities.

8.4.9. Where the panel is unable to make a unanimous decision, the question must be decided by a majority of the panel. Where the panel is unable to make a majority decision, the question must be decided by the Channel Panel Chair. In certain circumstances the Chair may wish to escalate the question internally through the agreed governance route.

PART 3 SECTION B

SCHEDULE 1

AREA BOARDS: ELECTORAL DIVISION AND PARISH ALLOCATIONS

Bradford-on-Avon Area Board
Electoral Divisions (4) Bradford on Avon North, Bradford on Avon South, Holt, Winsley and Westwood.
Parishes Atworth, Bradford on Avon, Holt, Limpley Stoke, Monkton Farleigh, South Wraxall, Staverton, Westwood, Wingfield, Winsley.
Calne Area Board
Electoral Divisions (5) Calne Central, Calne Chilvester and Abberd, Calne North, Calne Rural, Calne South.
Parishes Bremhill, Calne, Calne Without, Cherhill, Compton Bassett, Heddington, Hilmarton.
Chippenham and Villages Area Board
Electoral Divisions (10) By Brook, Chippenham Cepen Park and Derriards, Chippenham Cepen Park and Hunters Moon, Chippenham Hardenhuish, Chippenham Hardens and Central, Chippenham Monkton, Chippenham Lowden and Rowden, Chippenham Pewsham, Chippenham Sheldon, Kington.
Parishes Biddestone, Castle Combe, Chippenham, Chippenham Without, Christian Malford, Grittleton, Hullavington, Kington Langley, Kington St Michael, Langley Burrell Without, Nettleton, North Wraxall, Seagry, Stanton St Quintin, Sutton Benger, Yatton Keynell.
Corsham Area Board
Electoral Divisions (4) Box and Colerne, Corsham Ladbrook, Corsham Pickwick, Corsham Without.
Parishes Box, Colerne, Corsham, Lacock.

Devizes Area Board
Electoral Divisions (7) Bromham, Rowde and Roundway, Devizes East, Devizes North, Devizes Rural West, Devizes South, The Lavingtons, Urchfont and Bishops Cannings.
Parishes Bishops Cannings, Bromham, Bulkington, Cheverell Magna, Coulston, Devizes, Easterton, Erlestoke, Etchilhampton, Little Cheverell, Market Lavington, Marston, Potterne, Poulshot, Rowde, Seend, Stert, Urchfont, West Lavington, Worton.

Malmesbury Area Board
Electoral Divisions (4) Brinkworth, Malmesbury, Minety, Sherston.
Parishes Ashton Keynes, Brinkworth, Brokenborough, Charlton (nr Malmesbury), Crudwell, Dauntsey, Easton Grey, Great Somerford, Hankerton, Lea and Cleverton, Leigh, Little Somerford, Luckington, Malmesbury, Minety, Norton, Oaksey, Sherston, Sopworth, St Paul Malmesbury Without.

Marlborough Area Board
Electoral Divisions (3) Aldbourn and Ramsbury, Marlborough East, Marlborough West.
Parishes Aldbourn, Avebury, Baydon, Berwick Bassett, Chilton Foliat, East Kennett, Fyfield, Marlborough, Mildenhall, Ogbourne St Andrew, Ogbourne St George, Preshute, Ramsbury, Savernake, West Overton, Winterbourne Monkton.

Melksham Area Board
Electoral Divisions (6) Bowerhill, Melksham East, Melksham Forest, Melksham South, Melksham Without North and Shurnhold, Melksham Without West and Rural.
Parishes Broughton Gifford, Great Hinton, Keevil, Melksham, Melksham Without, Semington, Steeple Ashton.

Pewsey Area Board
Electoral Divisions (3) Pewsey, Pewsey Vale East, Pewsey Vale West.

Parishes

All Cannings, Alton, Beechingstoke, Burbage, Buttermere, Charlton, Chirton, Easton, Froxfield, Grafton, Great Bedwyn, Ham, Little Bedwyn, Manningford, Marden, Milton Lilbourne, North Newton, Patney, Pewsey, Rushall, Shalbourne, Stanton St Bernard, Tidcombe and Fosbury, Upavon, Wilcot, Huish and Oare, Wilsford, Woodborough, Wootton Rivers.

Royal Wootton Bassett and Cricklade Area Board**Electoral Divisions (6)**

Cricklade and Latton, Lyneham, Purton, Royal Wootton Bassett East, Royal Wootton Bassett North, Royal Wootton Bassett South and West.

Parishes

Braydon, Broad Town, Broad Hinton, Clyffe Pypard, Cricklade, Latton, Lydiard Millicent, Lydiard Tregoze, Lyneham and Bradenstoke, Marston Maisey, Purton, Royal Wootton Bassett, Tockenham, Winterbourne Bassett.

Salisbury Area Board**Electoral Divisions (8)**

Salisbury Bemerton, Salisbury Fisherton and Bemerton Village, Salisbury Harnham East, Salisbury Harnham West, Salisbury St Edmund's, Salisbury St Francis and Stratford, Salisbury Milford, Salisbury St Paul's.

Parishes

Salisbury

Southern Wiltshire Area Board**Electoral Divisions (6)**

Aldbury and Whiteparish, Downton and Ebble Valley, Laverstock, Old Sarum and Lower Bourne Valley, Redlynch and Landford, Winterslow and Upper Bourne Valley.

Parishes

Aldbury, Allington, Britford, Cholderton, Clarendon Park, Coombe Bissett, Downton, Firsdon, Grimstead, Idmiston, Landford, Laverstock & Ford, Newton Tony, Odstock, Pitton and Farley, Redlynch, West Dean, Whiteparish, Winterbourne, Winterslow.

South West Wiltshire Area Board**Electoral Divisions (5)**

Fovant & Chalke Valley, Mere, Nadder Valley, Tisbury, Wilton

Parishes

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Alvediston, Ansty, Barford St Martin, Berwick St John, Berwick St Leonard, Bishopstone, Bowerchalke, Broadchalke, Burcombe Without, Chicklade, Chilmark, Compton Chaberlayne, Dinton, Donhead St Andrew, Donhead St Mary, East Knoyle, Ebbesborne Wake, Fonthill Bishop, Fonthill Gifford, Fovant, Hindon, Kilmington, Mere, Netherhampton, Quidhampton, Sedgehill and Semley, Steeple Langford, Stourton with Gasper, Stratford Tony, Sutton Mandeville, Swallowcliffe, Teffont, Tisbury, Tollard Royal, West Knoyle, West Tisbury, Wilton, Wyllye, Zeals.

Stonehenge Area Board

Electoral Divisions (6)

Amesbury East and Bulford, Amesbury West, Amesbury South, Avon Valley, Durrington, Till Valley.

Parishes

Amesbury, Berwick St James, Bulford, Durnford, Durrington, Enford, Figheldean, Fittleton cum Haxton, Great Wishford, Milston, Netheravon, Orcheston, Shrewton, South Newton, Stapleford, Tilshhead, Wilsford cum Lake, Winterbourne Stoke, Woodford.

Alvediston, Ansty, Barford St Martin, Berwick St John, Berwick St Leonard, Bishopstone, Bowerchalke, Broadchalke, Burcombe Without, Chicklade, Chilmark, Compton Chaberlayne, Dinton, Donhead St Andrew, Donhead St Mary, East Knoyle, Ebbesborne Wake, Fonthill Bishop, Fonthill Gifford, Fovant, Hindon, Kilmington, Mere, Netherhampton, Quidhampton, Sedgehill and Semley, Steeple Langford, Stourton with Gasper, Stratford Tony, Sutton Mandeville, Swallowcliffe, Teffont, Tisbury, Tollard Royal, West Knoyle, West Tisbury, Wilton, Wyllye, Zeals.

Tidworth Area Board

Electoral Divisions (3)

Tidworth North and West, Tidworth East and Ludgershall South, Ludgershall North and Rural.

Parishes

Chute, Chute Forest, Collingbourne Ducis, Collingbourne Kingston, Everleigh, Ludgershall, Tidworth.

Trowbridge Area Board

Electoral Divisions (9)

Hilperton, Southwick, Trowbridge Adcroft, Trowbridge Central, Trowbridge Drynham, Trowbridge Grove, Trowbridge Lambrok, Trowbridge Park, Trowbridge Paxcroft.

Parishes

Hilperton, North Bradley, Southwick, Trowbridge, West Ashton.

Warminster Area Board

Electoral Divisions (5)

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Warminster Broadway, Warminster North and Rural, Warminster East, Warminster West, Wylve Valley.

Parishes

Bishopstrow, Boyton, Brixton Deverill, Chapmanslade, Chitterne, Codford, Corsley, Heytesbury, Horningsham, Kingston Deverill, Knook, Longbridge Deverill, Maiden Bradley with Yarnfield, Norton Bavant, Sherrington, Stockton, Sutton Veny, Upton Lovell, Upton Scudamore, Warminster.

Westbury Area Board

Electoral Divisions (4)

Ethandune, Westbury East, Westbury North, Westbury West.

Parishes

Bratton, Dilton Marsh, Edington, Heywood, Westbury.

PART 3

RESPONSIBILITY FOR FUNCTIONS

SECTION C:

DELEGATION OF EXECUTIVE FUNCTIONS

1. General

- 1.1 The Leader will decide how arrangements for the discharge of cabinet functions are to be exercised except insofar as they are already set out in the cabinet arrangements adopted by the Council.
- 1.2 This scheme of delegation records the arrangements made by the Leader or the Cabinet for the discharge of executive functions by:
- 1.2.1 the Cabinet as a whole;
 - 1.2.2 a committee of the Cabinet;
 - 1.2.3 an individual Member of the Cabinet;
 - 1.2.4 an Area Board;
 - 1.2.5 an officer;
 - 1.2.6 joint arrangements or;
 - 1.2.7 another local authority.

2. Cabinet as a whole

- 2.1 In accordance with the terms of reference of Cabinet as set out at paragraph 3 of Part 3B of this Constitution, the Leader either directly or through Cabinet will carry out within the Council's Budget and Policy Framework all of the local authority's functions which are not the responsibility of any other part of the local authority whether by law or under this Constitution.
- 2.2 Cabinet is defined at Article 7 of Part 2 of this Constitution. The procedure rules governing meetings of Ccabinet are set out at Part 7 of this Constitution.

3. A Committee of the Cabinet

- 3.1 The Leader may appoint a committee of the Cabinet for the discharge of executive functions.

- 3.2 ~~To date~~At present the following cabinet committees have been appointed:

- 3.2.1 Shareholder Group

4. An individual Member of the Cabinet

- 4.1 Cabinet Members may exercise any executive functions within their allocated areas of responsibility, as set out in Appendix 2 of Part 3C. The Monitoring Officer has delegated authority to amend Appendix 2 from time to time to reflect the decision of the Leader.

Commented [EK51]: For accuracy - there have been others in the past

4.2 This does not include executive functions which are specifically reserved [by law or this constitution](#) to the Council, the Leader and/or Cabinet, or officers.

4.3 In exercising delegated functions ~~C~~eabinet Members must have regard to the Leader's Protocol for individual decision making, Protocol 5 of this Constitution, which promotes good practice and ensures transparency and consistency in the decision-making process.

4.4 Cabinet Members may in consultation with the Leader refer matters to the Cabinet for decision if they consider that it is more appropriate to do so.

4.5 Where a Cabinet Member is unable to act because of absence, a conflict of interest or any other reason, the Leader may nominate another Member of the Cabinet to exercise the function on their behalf.

5. ~~Cabinet~~ Portfolio Holders

5.1 The Leader may also appoint other Members as 'Portfolio Holders' to assist Cabinet Members with the oversight, policy development and management of their areas of responsibilities.

5.2 Portfolio Holders are not Members of the Cabinet, and cannot exercise or be delegated any executive functions.

5.3 As Members of the administration involved in formulation of policy, Portfolio Holders cannot serve on Overview and Scrutiny Committees, Task Groups or Rapid Scrutiny Exercises unless called as witnesses.

6. An Area Board

6.1 This scheme of delegation records the arrangements made by the Leader for the discharge of executive functions by each of the 18 Area Boards constituted in accordance with paragraph 4 of Part 3 Section B of this Constitution.

6.2 Area Boards may exercise the following executive functions within their geographical areas of responsibility subject to compliance with paragraph 4.~~17~~
[18](#) – [4.24-25](#) of Part 3 Section B of this Constitution and specifically:

6.2.1 The approval of applications from community and voluntary groups and town and parish councils for grant funding through the Area Boards grant scheme.

6.2.2 The approval of applications for the disposal of non-strategic assets with a value below £250,000 provided that each application is supported by robust and appropriate business cases that benefit local communities in accordance with the council's Community Asset Transfer Policy.

7. Officers

7.1 The discharge of executive functions as delegated by the Leader having regard to the Scheme of Delegation to Officers as set out at Part 3 Section D of this Constitution.

8. Joint Arrangements

8.1 The discharge of executive functions under joint arrangements with one or more local authority as described at Article 11.2 of Part 2 of this constitution.

8.2 ~~To date~~At present the following Joint ~~Committees~~Arrangements have been ~~appointed~~ established:

8.2.1 None

9. Another local authority

9.1 Cabinet may delegate cabinet functions to another local authority or the cabinet of another local authority in certain circumstances as described at Article ~~42~~11.4 of Part 2 of this Constitution.

10. Decisions

10.1 Those delegated to take decisions within this scheme of delegation must:

10.1.1 act within the council's Budget and Policy Framework;

10.1.2 comply with the council's Constitution, including particularly its Financial Regulations and Procedure Rules (Part 9) and Procurement and Contract Rules (Part 10), and all relevant legislation, guidance and codes of practice

10.1.3 follow the principles of decision making in Article ~~44~~13.2 of Part 2 of this constitution.

10.1.4 consider the implication of any council policy, initiative, strategy or procedure

10.1.5 consider the staffing, financial, legal and environmental implications of any proposal

10.1.6 consider the assessment of any risks associated with a proposal in accordance with the council's risk management strategy

10.2 This scheme may be varied at any time in accordance with paragraph 4 of the Cabinet Procedure Rules (Part 7).

Commented [EK52]: For accuracy - others have existed in the past

Part 3 Section C

Appendix 1 - Cabinet Committees and Joint Committees

Cabinet Committees

Shareholder Group Terms of Reference

1. Overview

- 1.1 The Shareholder Group will exercise the Council's role as shareholder in any company, limited by shares wholly or partly owned by the Council for the purposes of service provision and/or trading activities including any joint venture.
- 1.2 The Shareholder Group acts with the delegated authority of Cabinet to ensure the performance of any such company is satisfactory. Some actions in relation to the Council's companies are reserved to the Cabinet. These are set out below.
- 1.3 Any reference in these terms of reference to a "company" or "companies" is defined as a company in which the Council holds shares.
- 1.4 The Shareholder Group may also decide, from time to time, whether to accept proposals to submit a bid to provide goods and / or services which, if successful would commit the council to the establishment of a new company (which may include a joint venture company). In these instances, the decision of the Shareholder Group would be referred to the Cabinet for final approval.

2. Matters reserved to Cabinet

- 2.1 None

3. Membership

- 3.1 The Membership shall be as follows:

- Leader of the Council (Chairman) —~~Cllr Richard Clewer~~
- Cabinet Member for Finance, Development Management, and Strategic Planning & Procurement, IT, Digital and Commercialisation — ~~Cllr Pauline Church~~
- Cabinet Member for Housing, Strategic Assets, Asset Transfer —~~Cllr Phil Alford~~

Commented [EK53]: Specific names not necessary

- 3.2 The Chief Executive, Corporate Director ~~for~~ Resources and Deputy Chief Executive, and the Director ~~of~~ Legal & Governance may attend the Shareholder Group to provide advice. Additional advisors may be invited to attend the Group as required.

- 3.3 Changes to the Membership of the Shareholder Group will be agreed by the Leader of the Council and given effect by the Director ~~of~~ Legal & Governance.

- ~~3.3.4~~ The Leader may appoint any other Member of the Cabinet as a substitute.

Commented [EK54]: For flexibility

4. Purpose

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- 4.1 The Shareholder Group will:
- 4.1.1 Have the power to appoint and remove Company Directors;
 - 4.1.2 Approve and monitor Company Business Plans;
 - 4.1.3 Approve the allotment of further shares in a Company (whether to third party shareholders or the Council);
 - 4.1.4 Exercise any reserved powers in the Articles of a Company and any Shareholder Agreement with a Company;
 - 4.1.5 Endorse any amendments to Company Business Plans;
 - 4.1.6 Periodically evaluate financial performance of a Company;
 - 4.1.7 Agree significant capital or revenue investments proposed by a Company;
 - 4.1.8 Determine the distribution of any surplus or the issue of any dividends from a Company;
 - 4.1.9 Consider any recommendation from Company Directors to cease trading;
 - 4.1.10 Report to the Council annually on trading activity;
 - 4.1.11 Review the risks associated with trading activities.
- 4.2 The Shareholder Group will not have operational control over Companies. All decisions regarding the day-to-day operation of each Company, its business developments and commercial opportunities, staff terms and conditions and the development and implementation of its internal procedures, rest with the Directors of each Company.
- 5. Relationship to Scrutiny**
- 5.1 Select Committees will retain their scrutiny function in relation to the Shareholder Board. The Overview and Scrutiny Management Committee will be able to call the Shareholder Group to account for progress in relation to any Company for which the Council is a shareholder and any returns it is making.
- 6. Scope**
- 6.1 In respect of Teckal-compliant companies the Shareholder Group will:
- 6.1.1 Monitor Teckal compliance at least annually.
 - 6.1.2 Ensure the Business Plan of a Teckal compliant Company is aligned to the corporate objectives of the Council.
- 6.2 In respect of non Teckal-compliant wholly Council-owned companies the Shareholder Group will:
- 6.2.1 Seek to achieve appropriate returns on investment from trading activities.
 - 6.2.2 Ensure trading activities are conducted in accordance with the values of the Council.
- 6.3 In respect of any shareholding and/or joint ventures the Shareholder Group will:
- 6.3.1 Evaluate the return and benefits of the shareholding against the values of the Council.
 - 6.3.2 Where appropriate, exercise influence over the company and /or joint ventures in accordance with the values of the Council.
- 6.4 In respect of the submission of a bid which will commit the council to the establishment of a company (or Joint Venture) the Shareholder Group will:

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- 6.4.1 Evaluate the return and benefits of the proposal, including an evaluation of the proposed profit share in a Joint Venture.
- 6.4.2 Seek to achieve appropriate returns on investment from trading activities.
- 6.4.3 Ensure trading activities are conducted in accordance with the values of the Council.

7. Operation of the Shareholder Group

- 7.1 ~~Subject~~ Subject to the matters reserved to Cabinet stated above, ~~the~~ Cabinet has delegated to the Shareholder Group the authority to take decisions in respect of 100% of the Council's shareholding in any Company.
- 7.2 The Shareholder Group will meet quarterly, or as required.
- 7.3 The quorum for a meeting of the Shareholder Group is a minimum of two members, one of whom must be the Leader, who will chair the meeting.
- 7.4 The Shareholder Group may take decisions outside of a Company's general meeting as follows:
 - 7.4.1 At meetings of its members by consensus of those present, unless any member of the Group requires a vote, in which event a majority decision will be taken with each member of the Shareholder Group present having a single vote. The Chairman of the meeting has a casting vote in the event that there is no clear majority; or
 - 7.4.2 In cases of urgency, by a decision made by the Leader in consultation with the Chief Executive.
- 7.5 Any decisions made by the Shareholder Group in accordance with 7.4.1 or 7.4.2 above, must be notified to the relevant Company's directors and the other Members of the Shareholder Group as soon as reasonably practicable following such decision being taken.
- 7.6 If a general meeting of a Company is called, the Shareholder Group will be required to nominate a corporate representative to attend the general meeting of a Company and vote on any resolutions proposed. In advance of any general meeting, the Shareholder Group may convene a meeting to discuss and determine any resolutions to be proposed at a general meeting. In such circumstances, decision making may be taken in accordance with the principles set out in 7.4.1 above. In cases of urgency, decision making may be taken in accordance with the principles set out in 7.4.2 above including, for the avoidance of doubt, the appointment of a corporate representative.
- 7.7 The Chairman approves the agenda for each meeting. The agenda and papers for consideration are circulated at least five working days before the meeting. After each meeting, the Chairman approves the meeting notes and actions and signs any resolutions agreed by the Shareholder Group.
- 7.8 The Shareholder Group will review the Terms of Reference annually.

Joint Committees

7.9 No ~~Joint~~ executive committees have currently been appointed.

Part 3 Section C

Appendix 2 - Individual Members of Cabinet

Commented [EK55]: Updated under delegated arrangements in response to in-year changes

Cabinet Member Post	Responsibilities	Cabinet Member(s)
Leader (Climate Change, Economic Development, Military-Civilian Integration, Economic Development, Heritage, Arts, Tourism, and Health and Wellbeing)	<ul style="list-style-type: none"> Setting strategic direction, priorities and targets Ensuring the needs and aspirations of Wiltshire people are known Management initiatives Promoting the council Relationships with other political group leaders and the Chairman of the Council Environment and Climate Change Economic Development Local Enterprise Partnership Military Covenant Communication Policy Cultural development including heritage, museums and arts Tourism Canals 	Cllr Richard Clewer Downton & Ebbles Valley Division Correspondence address: Leader of the Council Wiltshire Council Bythesea Road Trowbridge BA14 8JN
Deputy Leader and Cabinet Member for Children's Services, Education and Skills	<ul style="list-style-type: none"> Performance of children's social services including child protection, fostering and adoption, children's homes and special educational needs Relations with other organisations, especially the health service and voluntary organisations regarding children's services Partnership with Wiltshire's school governors and headteachers on education matters including school performance, outcomes, funding, curriculum, buildings and admissions Performance of the youth development service and early years provision and youth justice Skills and Social Mobility 	Cllr Laura Mayes Bromham, Rowde & Roundway Division Correspondence address: Wiltshire Council Bythesea Road, Trowbridge BA14 8JN

Cabinet Member for Finance, Development Control and Strategic Planning	<ul style="list-style-type: none"> • Development management services including planning enforcement and conservation • Strategic planning including the Local Development Framework • Wiltshire and Swindon minerals and waste local plans • Finance • Probity and financial management • Revenues and Benefits • Welfare reform • Performance • Risk • Audit • Pensions • Investment • Procurement and Commissioning 	Cllr Nick Botterill By Brook Division Correspondence address: Wiltshire Council Bythesea Road, Trowbridge BA14 8JN
Cabinet Member for Transport, Waste, Street Scene and Flooding	<ul style="list-style-type: none"> • Flooding • Performance of waste management including collection, disposal and recycling • Highways maintenance and improvements • Rights of way • Public conveniences • Grounds and open space management including allotments • Cemeteries and markets • Litter and cleansing activities and environmental enforcement including abandoned vehicles, fly tipping etc • Traffic management including car parking, road safety and passenger transport • Performance and strategy for transport including the Local Transport Plan and related strategies and policies • Areas of Outstanding Natural Beauty 	<u>Cllr Caroline Thomas</u> Marlborough East Division Cllr Dr Mark McClelland Salisbury St Francis & Stratford Division Correspondence address: Wiltshire Council Bythesea Road Trowbridge BA14 8JN
Cabinet Member for Adult Social Care, SEND, Transition and Inclusion	<ul style="list-style-type: none"> • Performance of adult care services including services for people with learning disability, mental health problems or a physical impairment and for older people • Adult Social Care Transformation 	Cllr Jane Davies Marlborough West Division Correspondence address:

	<ul style="list-style-type: none"> • Relations with other organisations, especially the health service and voluntary organisations regarding social care services 	<p>Wiltshire Council Bythesea Road Trowbridge BA14 8JN</p>
<p>Cabinet Member for Housing, Strategic Assets and Asset Transfer</p>	<ul style="list-style-type: none"> • Housing • Provision of Gypsy and traveller services • Strategic Asset Management • County Farms • Strategic Housing 	<p>Cllr Phil Alford</p> <p>Melksham Without North & Shurnhold Division</p> <p>Correspondence address:</p> <p>Wiltshire Council Bythesea Road Trowbridge BA14 8JN</p>
<p>Cabinet Member for Public Health and Public Protection, Leisure, Libraries, Facilities Management, Operational Assets</p>	<ul style="list-style-type: none"> • Public health and Public Protection • Facilities Management • Operational Assets • Leisure and Sports • Libraries 	<p>Cllr Ian Blair-Pilling</p> <p>Avon Valley Division</p> <p>Correspondence address:</p> <p>Wiltshire Council Bythesea Road Trowbridge BA14 8JN</p>
<p>Cabinet Member for Governance, IT, Broadband, Digital, Licensing, Staffing, Communities and Area BoardArea Boards</p>	<ul style="list-style-type: none"> • Electoral Reviews • Statutory Governance including information management • Registration Services and coroners • Legal • Democratic Services • Member Development • Human Resources and organisational development • Equality and Diversity • Customer Care • Community Development in local areas including area boardArea Boards • Campus Development • Community safety • Environmental health • Trading Standards • Licensing • Emergency Planning • Broadband • IT and Digital 	<p>Cllr Ashley O'Neill</p> <p>Calne Rural Division</p> <p>Correspondence address:</p> <p>Wiltshire Council Bythesea Road Trowbridge BA14 8JN</p>

**Cabinet Member
for Climate
Change and
Environment**

- Environment
- Climate Change
- Canals
- Waste
- Performance of waste management including collection, disposal and recycling
- Litter and cleansing activities and environmental enforcement including abandoned vehicles, fly tipping etc
- Public Protection

Cllr Nick Holder

Bowerhill Division

Correspondence
address:
Wiltshire Council
Bythesea Road
Trowbridge
BA14 8JN

PART 3

RESPONSIBILITY FOR FUNCTIONS

SECTION D: SCHEME OF DELEGATION TO OFFICERS

This Section should be read in conjunction with the Principles set out in Part 3 Section A.

D1. SCHEME OF DELEGATION

1. Scheme of Delegation to Directors
2. Decision Making
3. Record Keeping
4. Emergency Powers
5. Solicitor to the Council

D2. SCHEME OF SUB DELEGATION

D3. SCHEME OF DELEGATION SPECIFIC TO PLANNING

D4. SCHEME OF DELEGATION SPECIFIC TO LICENSING

~~Schedule 4~~ D5 SCHEME OF INDEMNITY - Indemnity to Staff

PART 3 SECTION D1

SCHEME OF DELEGATION

1. Scheme of Delegation to Directors

- 1.1 This Scheme of Delegation authorises the Chief Executive and Corporate Directors to exercise the functions of Wiltshire Council as set out in this document. It repeals and replaces all previous schemes of delegation.
- 1.2 This scheme is without prejudice to the exercise of the council's functions by the Council, the Cabinet, and the Council's Committees, Sub-Committees and Panels.
- 1.3 Full Council, its Committees and the Cabinet will make decisions on matters of significant policy. The Chief Executive and Corporate Directors have express authority to take all necessary actions to implement Council, Committee and Cabinet decisions that commit resources, within agreed budgets in the case of financial resources, as necessary and appropriate.
- 1.4 In relation to all delegated authority conferred on the Chief Executive and Corporate Directors by this scheme, the Chief Executive may allocate or re-allocate responsibility for exercising particular powers to any officer of the council in the interests of effective corporate management as he or she thinks fit.
- 1.5 Where a Director is absent from the workplace for a period of time that requires others to exercise delegated authority in that officer's absence, another officer should be nominated by the Chief Executive. This nomination should be formally recorded in writing and an announcement circulated to Members of the Council as soon as practicable.
- 1.6 The Monitoring Officer will maintain a central record of all delegations under this scheme and make this available for public inspection pursuant to section 100G Local Government Act 1972.
- 1.7 Without prejudice to the generality of the foregoing, the Chief Executive and Corporate Directors shall have the power:
- 1.7.1 To take all lawful action consistent with overall council policy to deliver agreed strategy, plans and policy and to comply with statutory obligations within their areas of responsibility and within approved budget. This shall include, but not exhaustively:
- Invitation and acceptance of tenders;
 - Submission of bids for funding;
 - Write-off of irrecoverable debts;
 - Virement (within the budget **framework and financial regulations**);
 - Disposal and acquisition of assets;
 - Service and placing of any necessary statutory or other notices (other than those expressly reserved to Full Council, Committee or Cabinet);

Commented [EK56]: For avoidance of doubt

- After consultation with the Solicitor to the Council, authorising the institution, defence, settlement or participation in criminal or civil proceedings in relation to any legislation which they are responsible for monitoring, enforcing or otherwise implementing on behalf of the Council;

1.7.2 To put in place management arrangements, which define the area of responsibility of all officers under their service area.

1.7.3 To determine staffing arrangements within approved budgets, subject to agreement on grading with the Head of Paid Service after consultation with the Director for HR and Organisational Development and in conformance with Council policies and the Finance Regulations and Procedure Rules (Part 9).

1.7.4 To take all action to recruit, appoint, develop, manage and reward employees within approved Council policies and procedures (including operation of policies for voluntary severance, early retirement, redundancy and redeployment) and relevant conditions of service.

1.8 Any Member of the Council may request that decisions taken by officers under delegated powers are scrutinised by ~~the appropriate~~ the overview and scrutiny management committee.

Commented [EK57]: Current practice

1.9 For the avoidance of doubt anything which is not covered by this scheme, including the appointment of a ~~P~~roper ~~O~~fficer for the purpose of any statutory function, will be determined by the Chief Executive after consultation with the Monitoring Officer.

1.10 The council has given a general indemnity to any officer acting in the purported discharge of any authority delegated to him for any action, costs, claim or liability incurred by him or her as set out in Schedule 1.

2 Decision Making

2.1 In exercising these delegated powers the officers concerned shall have broad discretion, subject to complying with paragraph 2.2 below, to use the most efficient and effective means available (including the deployment of staffing and other resources within their control and the procurement of other resources necessary) whether within or outside the Council.

2.2 In taking any decision, the officer concerned must be satisfied that the following issues have been properly considered and completed where appropriate. All of these issues should be considered at the earliest possible stage:

2.2.1 A key decision should be taken in accordance with the relevant requirements as set out in this Constitution (Parts ~~1 and 2~~) and The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012;

2.2.2 The views of the relevant Cabinet Member(s), Committee Chairman, ~~Area Board~~ Area Board(s) as appropriate following the application of the consultation criteria set out in paragraph 2.2.3 below;

~~2.2.3 Consideration of the Area Boards and delegated decision checklist for officers on the issue in deciding when and how to involve local Members and Area Boards in decisions about local services;~~

Commented [EK58]: Redundant due to 2.2.2

- ~~2.2.4~~~~2.2.3~~ The implication of any Council policy, initiative, strategy or procedure. Officers need to be aware of any potential impact of a delegated decision on other services. In such cases, consultation with officers, relevant Cabinet Members(s) or Committee Chairman, from any affected portfolio, and local Members, where the issue relates to a specific area, should take place;
- ~~2.2.5~~~~2.2.4~~ Consultation in accordance with the Council's consultation guidance and the views emanating from that process;
- ~~2.2.6~~~~2.2.5~~ The range of available options;
- ~~2.2.7~~~~2.2.6~~ The staffing, financial and legal implications;
- ~~2.2.8~~~~2.2.7~~ The assessment of any associated risks in accordance with the Council's risk management strategy;
- ~~2.2.9~~~~2.2.8~~ The involvement of appropriate statutory officers and/or other Corporate Directors and Directors;
- ~~2.2.10~~~~2.2.9~~ The relevance of any regional or national guidance from other bodies;
- ~~2.2.11~~~~2.2.10~~ The Council's Constitution, including the Procurement and Contract Rules (Part 10) and the Financial Regulations and Procedure Rules (Part 9), all relevant guidance, legislation, codes of practice and protocols.

3 Record Keeping

- 3.1 In taking any Executive decision, the officer concerned must prepare a record of officer decision report setting out the following:
 - 3.1.1 A record of the decision including the date it was made;
 - 3.1.2 A record of reasons for the decision;
 - 3.1.3 Details of any alternative options considered and rejected by the officer when making the decision;
 - 3.1.4 A record of any conflict of interest declared by any executive Member who is consulted by the officer which relates to the decision;
 - 3.1.5 In respect of any declared conflict of interest, a note of dispensation.
 - 3.1.6 The record of officer decision must be made available, as soon as reasonably practicable, at the Council main hub offices and on its website unless it contains confidential information or exempt information as defined in the Regulations and set out in Part 5.
- 3.2 In taking any Incidental decision, the officer concerned must consider whether a record of officer decision report is required having regard to guidance from the Monitoring Officer.

Emergency Powers

- 4.1 The Chief Executive and Corporate Directors are empowered to take all necessary decisions in cases of emergency;
- 4.2 For the purposes of this scheme, emergency shall mean any situation in which the relevant officer believes that there is a risk of damage to property, a threat to the health or wellbeing of an individual or that the interests of the Council may be compromised.

Solicitor to the Council

~~5.4.5.2~~ The Solicitor to the Council is authorised:

- 5.1.1 To take any action to implement any decision taken by or on behalf of the Council, including the signature and service of statutory and other notices and any document;
- 5.1.2 To institute, defend, settle or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Solicitor to the Council considers that such action is necessary to protect the Council's interests;
- 5.1.3 To instruct counsel, solicitors and other experts in relation to legal proceedings, public inquiries, and other matters involving the Council;
- 5.1.4 To enter objections to any proposal affecting the county, the Council or the inhabitants of the county.

PART 3 SECTION D2 SCHEME OF SUB DELEGATION

1. The Chief Executive and Corporate Directors may authorise officers in their areas of responsibility to exercise, on their behalf, powers delegated under this Part 3 and Part 3 Section D1 by way of a Scheme of Sub Delegation.
2. Any decision pursuant to a Scheme of Sub Delegation must be taken in the officer's name for and on behalf of the Chief Executive and Corporate Directors as the case may be.
3. The Chief Executive and Corporate Directors are responsible for recording all delegations under this part, in writing, in such form as the Monitoring Officer may prescribe.
4. The Chief Executive and Corporate Directors shall be responsible for ensuring that their Schemes of Sub Delegation are valid and up to date in line with guidance from the Monitoring Officer.
5. All Schemes of Sub Delegation must be recorded on the Register maintained by the Monitoring Officer. The Chief Executive and Corporate Directors shall send updated Schemes of Sub Delegation to the Monitoring Officer as he/she directs.
6. Any decision taken by an Officer under a Scheme of Sub Delegation must be made in accordance with paragraph 2 of Part 3 Section D1 and recorded in as required in paragraph 3 of Part 3 Section D1.

PART3 SECTION D3

SCHEME OF DELEGATION SPECIFIC TO PLANNING

1. The Corporate Director, Place (and any officers designated by that officer under a Scheme of Sub Delegation) is authorised to:
 - determine any planning application and discharge conditions under delegated powers (including tree/hedgerow work applications);
 - deal with all enforcement matters (including deciding on the expediency of taking/not taking action and issuing enforcement notices, including listed building enforcement and urgent works notices and taking any further action, including prosecution and direct action in respect of any breach of control);
 - deal with all types of appeal and their format;
 - where an appeal has been lodged against a planning decision and counsel advises that specific refusal reasons are unreasonable and/or likely to undermine or weaken the Council's case and time constraints prevent the matter being brought back to Committee, officers, in consultation with the Committee Chairman and Local Division Member are authorised to inform the appellant and the Planning Inspectorate that the Council will not seek to defend such reason(s) at appeal, provided any such action does not overturn the substantive decision of the Planning Committee;
 - make and confirm Tree Preservation Orders; Tree Replacement Notices and serve notices requiring action in relation to dangerous trees, and to initiate any associated direct action required to deal with dangerous trees; deciding whether to prosecute for breaches of the Planning Acts in relation to tree and hedgerow matters;
 - determining any applications made under the high hedges provisions of the anti-social behaviour legislation; including any necessary enforcement action;
 - deal with decisions, correspondence and consultations under relevant local government, social, planning, listed building, conservation, building and environmental and other legislation. This includes proposals to change legislation or national guidance and consultation by other planning authorities;
 - determine the requirements for, and amend when necessary the local validation list for planning applications;
 - make and confirm Article 4 directions restricting or removing permitted development rights;
 - nominate officers to represent the council on forums and working parties;
 - authorise officers to enter land and buildings in the course of their duties in accordance with the provisions of the Town & Country Planning Acts;
 - enter into, modify or discharge planning or legal agreements securing controls over development (e.g. Section 106 of the Town & Country Planning Act 1990);
 - make changes to conditions approved at Committee (in the light of changing circumstances between the meeting and the issue of the decision) provided this is in line with the principles of the Committee's decision. Any such changes will be reported back to a subsequent Committee for Members' information;
 - annually recommend to the budget process all planning fees and charges;
 - refuse applications following a resolution to grant permission or consent if the required legal agreements are not completed by the applicant within the

timeframe set out in the officer's report and present an information report for acceptance by the relevant Planning Committee on a quarterly basis;

- institute and defend judicial reviews and statutory challenges in consultation with the Director of Legal and Governance;
- Make and serve Building Preservation Notices;
- determine whether an application falls within the remit of Strategic Planning Committee or the relevant area planning committee, after consultation with the relevant cabinet Member.

With the following exceptions:

- 1.1 Applications submitted by Wiltshire Council will not be dealt with under delegated powers where an objection has been received raising material planning considerations.
- 1.2 Reference to Committee by Wiltshire Council Division Member - Division Members can request in writing/email that a planning application, or an application for Permission in Principle for Minor Residential Development, within their Division proceed to determination by way of aan-Area Planning Committee. This is known as a call-in request.

Commented [EK59]: As Part3B indicates, some Strategic items are via call-in

Any request relating to a planning application must be received within 21 days of the circulation of the weekly list of 'applications received' in which it appears, and any request relating to an application for Permission in Principle must be received within 15 calendar days of the despatch of the email notification of the application to the Division Member. In both cases, Members must set out the material planning consideration(s) which warrant the application going before committee. Officers will confirm what action is being taken following receipt of the request.

Applications for tree work, prior approvals, Certificates of Lawfulness; notifications and variations/discharge of legal agreements - where the latter would bring them in line with a planning decision already made by the Council, will not be eligible for call-in and will be dealt with under delegated powers.

Where it has not been possible or appropriate to call an application in within this time, ~~officers will accept~~ call in requests will be accepted in the following circumstances:

- a) An application has not been determined and it can still go to Committee and be determined within the target date.
- b) The application is already going to go out of time (because of negotiations/amended plans etc.) and taking it to Committee will make no difference to performance.

Where neither of the above apply, and the Division Member thinks there is a strong case to delay the determination of the application and take it to committee, they can discuss the case with the Head of Development Management who will arrange for ~~a~~ (or discuss with the Corporate Director,

Place or Chief Planning Officer prior to arranging for) an informed decision whether or not to exercise delegated powers.

1.3 If private applications are made by:

- a Member or their close relations;
- The Chief Executive, a Corporate Director, or a Director of the Council or their close relations; or
- a planning officer

and objections are received raising material planning considerations the application will be determined by a committee.

2. It is perfectly acceptable for Members to nominate a substitute(s) 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.
3. There will be occasions where it would be possible to deal with certain applications under delegated powers but where the Corporate Director, Place or Chief Planning Officer considers it inappropriate to do so, having considered any public representation and consultee responses. In these cases, the applications will be determined by an appropriate planning committee.

~~4. The following applications, if called in, shall be dealt with by the Strategic Planning Committee:~~

- ~~• Large scale major developments which, by their nature (e.g. scale, location etc.) have wider strategic implications and raise issues of more than local importance. This will include applications of a similar nature by Wiltshire Council to develop any land of Wiltshire Council, or for development of any land by Wiltshire Council or by Wiltshire Council jointly with any other person which have similar implications or raise similar issues;~~
- ~~• Planning applications for mineral extraction or waste disposal, other than small scale works which are ancillary to an existing mineral working or waste disposal facility;~~
- ~~• Applications which, if approved, would represent a significant departure from the policies of the statutory development plan, where they are recommended for approval;~~
- ~~• Applications called in by a Division Member that cross the boundary of two Area Planning Committees;~~
- ~~• Any application that the Corporate Director, Place deems raises issues that should be considered by the Strategic Planning Committee.~~

Commented [EK60]: Included in committee terms of reference , unnecessary duplication

Definitions

- Planning application means any application submitted to the Council for determination and included within the Government's planning application statistical returns. (This is a statistical questionnaire dealing with performance which local authorities have to submit regularly to the government and which divides planning application into distinct categories; householder, minor, major etc.)

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- 'Large scale major development' means any application for 200 or more houses; residential development of 4ha or more or other development of more than 10,000 square metres or more than 2ha, as defined by the Government in the planning application statistical returns.
- Householder development and the other descriptions of development referred to above shall have the meaning ascribed to them in the Government's planning application statistical returns.
- Enforcement notices includes all other formal notices under the Planning Acts used to investigate and remedy alleged breaches of planning control or improve the appearance of an area, including Breach of condition notices and Section 215 notices.
- A private application is one which has no connection with a Member or officer's council duties. For example, if an officer submitted a Regulation 3 application on behalf of Wiltshire Council it would not be a private application.
- A close relation is defined as spouse, partner, sibling, parent or offspring.
- Minor residential development means housing led development of between one and nine dwellings.

PART 3 SECTION D4 SCHEME OF DELEGATION SPECIFIC TO LICENSING

Licensing Act 2003: Table of Delegations of Licensing Functions

Matter to be dealt with	Full Committee	Sub-Committee	Officers
Application for personal licence with unspent convictions		If a police Objection	If no objection made
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made or if representation made and all parties subsequently agree on a revised application.
Application for provisional statement		If a relevant representation made	If no relevant representation made or if representation made and all parties subsequently agree on a revised application
Application to vary premises licence/club registration certificate		If a relevant representation made	If no relevant representation made or if representation made and all parties subsequently agree on a revised application
Application to vary designated personal licence holder		If a police Objection	All other cases
Request to be removed as designated personal licence holder			All cases

Application for transfer of a premises licence		If a police Objection	All other cases
Application for interim authorities		If a police Objection	All other cases
Application to review premises licence / club premises registration		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc			All cases
Decision to object when local authority is a consultee and not the lead authority		All cases	
Determination of a representation to a temporary event notices		All cases	
<u>Determination of Film Classification requests</u>		<u>Appeal against officer decision</u>	<u>All cases initially</u>

Commented [EK61]: Licensing committee recommendation

Gambling Act 2005: Table of Delegations of Licensing Functions

Matter to be dealt with	Full Council	Licensing Committee or Sub-Committee	Officers
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee setting – when appropriate	X		
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		X	
Application for club gaming/club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X

Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	
Determination as to whether a person is an interested party			X
Determination as to whether representations are relevant			X
Determination as whether a representation is frivolous, vexatious or repetitive			X

Table of Delegated Functions - Miscellaneous

Matter to be dealt with	Licensing Committee	Sub-Committee	Officers
Schedule 3 Local Government (Miscellaneous Provisions) Act 1982 (as required by the sex establishments policy)	The Licensing Committee or Sub Committee will determine any application	The Licensing Committee or Sub Committee will determine any application	To determine Renewals where no objections have been received
Schedule 4 Local Government (Miscellaneous Provisions) Act 1982 (Consent street trading)	The Licensing Committee or Sub Committee will determine applications where refusal has been recommended by officers, and subsequent representations have been received from the applicant	The Licensing Committee or Sub Committee will determine applications where refusal has been recommended by officers, and subsequent representations have been received from the applicant	In all other cases
<p>Powers to grant licences and permits under the following legislation:</p> <p>Town Police Clauses Act 1847 as amended Sections 47, 57, 58, 60 and 79 of Local Government (Miscellaneous Provisions) Act 1976 (Hackney carriages)</p> <p>Section 13 – 17 Local Government (Miscellaneous Provisions) Act 1982 (acupuncture, tattooing, ear Piercing and electrolysis)</p> <p>Zoo Licensing Act 1981</p> <p>House to house collections Act 1939</p>	<p>For all these functions there is no role for the committee as there is a statutory right of appeal to the Magistrates' Court</p> <p>The Licensing Committee will determine any application made by an officer or Member of the Council.</p>	<p>For all these functions there is no role for the sub - committee as there is a statutory right of appeal to the Magistrates' Court</p>	<p>In all other cases</p>

Dangerous Wild Animals Act 1976			
Lotteries and Amusements Act 1976			
Hypnotism Act 1952 (as amended) and Schedule 3 Local Government (Miscellaneous Provisions) Act 1982			
The Animal Welfare (Licensing of activities involving animals) (England) Regulations 2018			All other cases Appeals to Head of Service or Licensing Manager

**Criminal Justice and Police Act 2001 and Violent Crime Reduction Act 2006
Table of Delegations of Licensing Functions**

Matter to Be Dealt With	Full Council	Licensing Committee or Sub-Committee	Officers (Corporate Director Place)
Making Designated Public Places Orders (DPPOs)		X	

PART 3 SECTION D5

Indemnity to Officers and Members

1. Under section 265 of the Public Health Act 1875 ("the 1875 Act") councillors and local authority officers, when acting in the course of their duties and in good faith, have statutory immunity and are not personally liable for actions they take.
2. The Local Authorities (Indemnities for Members and Officers) Order 2004 ("the 2004 Order") gives a specific power for authorities to grant indemnities to cover the potential liability of members and officers in a wider range of circumstances than under the 1875 Act.
3. Section 111(1) of the Local Government Act 1972 provides ancillary powers to local authorities which may permit them to indemnify members and officers in relation to particular decisions or acts if to do so would facilitate, or is incidental, or conducive to the discharge of a function of the authority.

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Last Updated ~~20-October-2020~~ 16 May 2023

Commented [EK62]: Current indemnity for officers only (some coverage regarding outside bodies in Protocol 3 - to be reviewed)

Expands to Members and IPs

4. Reference to member in this Part 3 Section D means an elected Member of the Council, a co-opted Member of a Committee or an Independent Person appointed under S27 of the Localism Act 2011.

5. Terms of Indemnity

5.1 Wiltshire Council will, subject to the exceptions set out below at paragraph 6:

5.1.1 indemnify its members and officers against claims made against them (including costs awarded and reasonable costs incurred); and

5.1.2 will not itself make claims against them for any loss or damage (other than claims falling within the cover provided to its members and officers under any policy of insurance taken out by the Council or any motor vehicle insurance policy taken out by the members and officers)

occasioned by any neglect, act, error or omission committed by them in his or her capacity as a member or officer of the Council or failure to act in his or her capacity as a member or officer of the Council whilst acting within the scope of their authority which shall include when they are acting for other persons or other bodies with the Council's consent.

5.2 The indemnity is effective to the extent that the member or officer in question:

5.2.1 believed that the action, or failure to act, in question was within the powers of the Council; or

5.2.2 where the action or failure comprises the issuing or authorisation of any document containing any statement as to the powers of the Council, or any statement that certain steps have been taken or requirements fulfilled, believed that the contents of that statement were true,

and it was reasonable for the member or officer to hold that belief at the time when they acted or failed to act] [provided that it shall not extend to any act or omission which is beyond the powers of any external body even where the action was taken in the reasonable belief that it was within the outside bodies powers]

6. Exceptions

6.1 The indemnity will not extend to loss or damage directly or indirectly caused by or arising from:

6.1.1 fraud, dishonesty, deliberate wrongdoing or recklessness on the part of the member or officer;

6.1.2 subject to the provisions of paragraph 6.3, a criminal offence on the part of the member or officer;

6.1.3 any neglect, error or omission by the members or officer otherwise than in the course of his duties;

6.1.4 liability in respect of losses certified by the appropriate auditor as caused by wilful misconduct;

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6.1.5 subject to the provisions of paragraph 6.3, failures by the member to comply with the Code of Conduct.

6.2 No indemnity may be provided in relation to the making by the member or officer indemnified of any claim in relation to an alleged defamation of that member or officer but may be provided in relation to the defence by that member or officer of any allegation of defamation made against them.

6.3 Notwithstanding paragraph 6.1.2 and 6.1.5 this indemnity does extend to:

6.3.1 the defence of any criminal proceedings brought against the member or officer; and

6.3.2 the defence of any civil liability arising as a consequence of any action or failure to act which also constitutes a criminal offence.

Commented [EK63]: Eg - members will have indemnity if charges brought

Provided that:

6.3.3 In the case of criminal proceedings, if the member or officer in question is convicted or a criminal offence and that conviction is not overturned following appeal the indemnity shall not apply. In any such cases the officer or member shall reimburse the Council for any sums expended by it in relation to those proceedings pursuant to the indemnity and those sums shall be recoverable by the Council as a civil debt, and

6.3.4 In the case of any proceedings pursuant to Section 34 Chapter 7 of the Localism Act 2011 (meaning any investigation, report, reference, adjudication or any other proceeding):

6.3.4.1 If a finding is made in those proceedings that the member in question has failed to comply with the Code of Conduct and that finding is not overturned following appeal the indemnity shall not apply, or

6.3.4.2 If the member admits that they have failed to comply with the Code of Conduct that member shall reimburse the Council for any sums expended by it in relation to those proceedings pursuant to the indemnity and those sums shall be recoverable by the Council as a civil debt.

6.3.5 The indemnity will not apply if a member or officer, without the written authority of the Council, admits liability or negotiates or attempts to negotiate a settlement of any claim falling within the scope of this resolution, or where there is evidence that the member or officer had acted with reckless disregard for the consequences.

6.3.6 The Indemnity will not cover any loss or expense for which the member or officer can obtain reimbursement from any other source, including insurance, whether taken out by the Council, Member, Officer or by any other person.

6.3.7 Any decision as to whether or not this indemnity applies will be undertaken, and if applicable authorised, by the Chief Executive in consultation with the Chief Finance Officer and the Monitoring Officer.

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7. Notification obligations

7.1 The indemnity contained in this Part 3 Section D is subject to the Officer or Member:

7.1.1 notifying the Director, Legal and Governance as soon as possible of any claim being made or intimated against him or her, and of any circumstances arising which may give rise to a claim.

7.1.2 giving the Director, Legal and Governance and its professional advisors access at reasonable times to any relevant documents and records within the power and control of the officer or member so as to enable the Director, Legal and Governance and its professional advisors to examine them and take copies for the purpose of assessing the claim.

8. General

8.1 The indemnity contained in this Part 3 Section D is without prejudice to the right of the Council to take or institute disciplinary or other suitable action against a member or officer in respect of any neglect, act, error or omission.

8.2 The indemnity shall only extend to cover actual loss and expense incurred and evidenced by the member or officer to the satisfaction of the Director of Legal and Governance.

8.3 These indemnities shall continue to apply (on the terms set out in this Part 3 Section D) after the member or officer has ceased to be a member or officer of the Council where it relates to any act or failure to act during the time the member or officer was a member or officer of the Council.

8.4 Nothing in this Part 3 Section D restrict or limit the officer and members general obligation at law to mitigate any loss it may suffer or incur as a result of any event that may give rise to a claim.

8.5 The indemnity shall not extend to any loss or damage directly or indirectly arising from any motor vehicle claims in which an officer using his or her own private vehicle on the Council's business has been involved in an accident.

8.6 The Council or its insurers will be entitled to take over and conduct in the name of the member or officer the defence of any proceedings brought against the member or officer.

**Wiltshire Council
Constitution
Part 3
Responsibility for Functions
and Schemes of Delegation**

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PART 3

RESPONSIBILITY FOR FUNCTIONS

SECTION A: GENERAL

1. **Introduction**

1.1 Part 3 of this Constitution deals with responsibility for functions and decision making.

2. **Definitions**

2.1 In this Part, the following words and phrases have the following meaning:

Chief Executive	The Head of Paid service. Note: the Chief Executive has chosen to appoint the Corporate Director, Resources as the Deputy Chief Executive, who may deputise for the Chief Executive as required on all corporate matters concerning the Council
Corporate Director	includes the Corporate Directors for People, Place and Resources and any Interim Corporate Director. For the purposes only of any sub-delegation arrangements the Director, Legal and Governance, shall be counted as a Corporate Director.
Executive decision	means a decision made or to be made by a decision maker in connection with the discharge of a function which is the responsibility of the Executive of a local authority.
Incidental decision	means a decision which relates to the day to day running of a service or the implementation of a decision made by Council, Cabinet or a Committee.
Proper Officer	means the Director, Legal and Governance, or such other officer as designated from time to time by the Chief Executive.
Register	means the register referred to in Part 3 Section D1 Paragraph 1.6 and stored and maintained on the Council's intranet.
Regulations	means the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

2.2 In this Part reference to any legislation includes reference to any successor legislation.

3. **Principles**

3.1 Wiltshire Council has a Leader and Cabinet Executive model and as a result reference should be made to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 to determine whether a function is a council executive or non-executive function.

3.2 Section B of this Part 3 sets out the functions specifically reserved to the Council, Cabinet or Committees.

3.3 The Chief Executive, as Head of Paid service, has ultimate corporate leadership responsibility for the Council and its officers. He has chosen to be supported by the Corporate Directors and Directors, to help deliver organisational priorities and Council services.

- 3.4 Where a function has not been specifically reserved in accordance with Para 3.2 above, the Chief Executive and the Corporate Director within whose remit the matter falls are empowered to make decisions on behalf of the Council in accordance with Part 3 Section D1 of the Constitution.
- 3.5 The Chief Executive and Corporate Directors may authorise officers to take decisions on their behalf provided a written scheme of sub delegation is recorded.
- 3.6 The Chief Executive and Corporate Directors may decide that any sub delegations they grant to officers within their team under their scheme of sub delegation may be subject to financial limitations. Whilst they may wish to consider using the signing and authorisation limits set for various officers under the Council's Budget and Policy Framework, they are not limited in this regard. The signing and authorisation limits set under the Budget and Policy Framework are financial management controls. A scheme of sub delegation is the delegation by the Chief Executive or a particular Corporate Director to other officers within their areas of responsibility to make particular types of decision for and in their name and therefore such sub delegation can be given up to the maximum limits of their own powers.
- 3.7 Decisions made under delegated powers should be recorded in accordance with Part 3 Section D1 Paragraphs 2.3 and 2.4.
- 3.8 The Chief Executive and Corporate Directors must ensure that schemes of sub delegation for decision making for their areas of responsibility are in place. They are also responsible for ensuring valid instruments of appointment for any powers exercised by officers by virtue of any statutory appointments are in place. The Chief Executive and Corporate Directors must ensure that schemes of sub delegation and instruments of appointment are recorded on the Register of Sub-delegations.
- 3.9 Any decision taken by an officer on behalf of the Chief Executive or a Corporate Director shall remain the responsibility of the Chief Executive or Corporate Director as the case may be.
- 3.10 In making decisions officers will comply with all other requirements of this Constitution including but not limited to:
- 3.10.1 Articles of the Constitution (Part 2)
 - 3.10.2 Access to Information Procedure Rules (Part 5),
 - 3.10.3 Financial Regulations and Procedure Rules (Parts 9)
 - 3.10.4 Contract and Procurement Rules (Part 10)
 - 3.10.5 Leader's Protocol for Individual Decision Making by Cabinet Members (Protocol 5)
- 3.11 In deciding whether or not to exercise such delegated powers, officers should consider whether to consult the appropriate Cabinet Member(s) or committee chairman and have regard to their views. Officers shall always be entitled to refer matters for decision to the appropriate Member body where they consider it expedient to do so.

- 3.12 These delegations should be interpreted widely to aid the smooth running of the organisation, the effective deployment of resources, the efficient delivery of services, and the achievement of the Council's goals.

Revised - clean version

PART 3

RESPONSIBILITY FOR FUNCTIONS

SECTION B: FUNCTIONS OF COUNCIL, COMMITTEES AND CABINET

1. The Council

The Council will be responsible for the following functions, which it will exercise only in Full Council meetings:

- 1.1 Adopting the following statutory plans, strategies and documents as part of the policy framework of the Council:
 - 1.1.1 Emergency plans and civil contingency plans, as required by the Civil Contingencies Act 2004;
 - 1.1.2 Local Transport Plan, as required by the Transport Act 2000;
 - 1.1.3 Local development documents (including supplementary planning documents) which together comprise the Local Development Framework, as required by Planning and Compulsory Purchase Act 2004;
 - 1.1.4 Corporate Equality Plan, pursuant to the Public Sector Equality Duty under s149 of the Equality Act 2010;
 - 1.1.5 Homelessness Strategy, as required by the Homelessness Act 2002;
 - 1.1.6 Housing Renewal Strategy, as required by the Housing Act 2004;
 - 1.1.7 Licensing Authority Policy Statement, as required by the Licensing Act 2003;
 - 1.1.8 Gambling Act Statement of Principles, as required by the Gambling Act 2005;
 - 1.1.9 Pay Policy Statement, as required by the Localism Act 2011;
 - 1.1.10 Enforcement Policy, as required by the Legislative and Regulatory Reform Act 2006.
 - 1.1.11 Air Quality Strategy, as required by the Environment Act 1995;
 - 1.1.12 Contaminated Land Strategy, as required by Part 2A of the Environmental Protection Act 1990.
- 1.2 Adopting the following non-statutory plans, strategies and documents which also form part of the policy framework of the Council:
 - 1.2.1 Corporate Parenting Policy;
 - 1.2.2 Business Plan;
 - 1.2.3 Treasury Management Policy;
 - 1.2.4 Capital Investment Strategy;
 - 1.2.5 Household Waste Management Strategy;
 - 1.2.6 Climate Strategy (including Carbon Reduction).
 - 1.2.7 Green and Blue Infrastructure Strategy
- 1.3 Approving the budget, including:
 - 1.3.1 Allocating financial resources to different services and projects;
 - 1.3.2 Establishing contingency funds;
 - 1.3.3 Setting the council tax;

- 1.3.4 Making decisions relating to the control of the Council's borrowing requirement;
 - 1.3.5 Setting virement limits;
 - 1.3.6 Annual Investment Strategy;
 - 1.3.7 Annual policy for making a Minimum Revenue Provision (MRP).
- 1.4 Approving and amending the constitution, except for changes approved by the Monitoring Officer as set out in Part 2 Article 15.3.2.
 - 1.5 Subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 5 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework, or the budget, where the decision maker is minded to make it in a manner which would be contrary to the policy framework, or contrary to/or not wholly in accordance with the budget.
 - 1.6 Appointing and removing the Leader of the Council from office.
 - 1.7 Agreeing and/or amending the terms of reference for committees other than joint committees, deciding on their composition and making appointments to them.
 - 1.8 Appointing Chairmen and Vice-Chairman of Committees, unless otherwise specified within this Constitution or where choosing to allow a committee to appoint its own Chairman and Vice-Chairman.
 - 1.9 Adopting a Members' allowances scheme in accordance with the Local Authorities' (Members' Allowances) (England) Regulations 2003 following advice from an independent remuneration advisory panel comprising up to five non-elected Members. This would include making any amendments to such a scheme.
 - 1.10 Confirming the appointment of the Head of Paid Service.
 - 1.11 Appointing the returning officer and electoral registration officer.
 - 1.12 Submitting proposals to the appropriate secretary of state under the Representation of the People Act 2000.
 - 1.13 Carrying out community governance reviews and put in place or make changes to local community governance and electoral arrangements in accordance with the Local Government and Public Involvement in Health Act 2007.
 - 1.14 Making, amending, revoking, re-enacting or adopting bylaws and promoting, or opposing, the making of local legislation or personal bills.
 - 1.15 Agreeing the cycle of Council meetings.
 - 1.16 Any function under a local act.
 - 1.17 Making appointments to the Police and Crime Panel in accordance with the relevant legislation and guidance.

2. Committees

The Council will exercise the following functions by delegation of powers to the under-mentioned committees:

2.1 Strategic Planning Committee

Composition

2.1.2 The size of the committee and appointments to it will be determined by council. Appointments will be made having regard to rules on political proportionality.

2.1.3 Substitutes will be permitted in accordance with Part 4 of this Constitution.

2.1.4 Members shall not participate as Members of the Strategic Planning Committee until they have received appropriate training in respect of their functions on the committee.

Role and Functions

2.1.5 The committee will exercise the following functions, to make strategic planning decisions as follows:

2.1.5.1 To consider the following categories of applications for planning permission, if called in by Members, in accordance with Part 3D3 of the Constitution (Scheme of Delegation – Planning):

- Large-scale major developments which, by their nature (e.g. scale, location etc.) have wider strategic implications and raise issues of more than local importance. This will include applications of a similar nature by Wiltshire Council to develop any land of Wiltshire Council, or for development of any land by Wiltshire Council or by Wiltshire Council jointly with any other person which have similar implications or raise similar issues;
- Planning applications for minerals and waste development, other than small scale works which are ancillary to an existing mineral working or waste disposal facility;
- Applications which, if approved, would represent a significant departure from the policies of the statutory development plan, where they are recommended for approval;
- Applications called in by a Division Member that cross the boundary of two Area Planning Committees;
- To consider the implications of major developments outside of Wiltshire that could have an impact on local residents and respond to the determining authority where appropriate;

2.1.5.2 Any application where the Corporate Director, Place considers it inappropriate to exercise delegated powers having regard to the public representations received and consultee responses;

2.1.5.3 Any application the Corporate Director, Place, has deems raises issues that should be dealt with by the Strategic Planning Committee.

2.1.5.4 To consider documents relating to the Local Development Framework and advise Cabinet where appropriate.

2.1.6 There shall be no referral down of applications from the Strategic Planning Committee to the Area Planning Committees.

Public Participation

- 2.1.7 Details of the rules concerning public participation at the Strategic Planning Committee are referenced in the Planning Code of Good Practice for Members of Wiltshire Council (Protocol 4).

2.2 Area Planning Committees

- 2.2.1 There shall be four area planning committees with the following composition, role and functions.

Composition

- 2.2.2 The size of the committees and appointments to them will be determined by Council. Appointments will be made having regard to rules on political proportionality and also having regard to the wishes of group leaders, who would be asked to nominate Members wherever possible on a geographical basis. The Corporate Director, Place, will be responsible for reviewing and updating the extent of the areas covered by each committee.
- 2.2.3 Substitutes will be permitted in accordance with Part 4 of this Constitution from those eligible, selected wherever possible on a geographical basis.
- 2.2.4 Members shall not participate as Members of the area planning committees until they have received appropriate training in respect of their functions on the committee.

Planning Role and Functions

- 2.2.5 To consider planning applications not within the remit of the Strategic Planning Committee and not delegated to officers except where the Corporate Director, Place, considers it inappropriate to exercise delegated powers having considered public representations and consultee responses.
- 2.2.6 To consider matters of local importance within the area such as:
- 2.2.6.1 The designation and amendment of conservation areas;
 - 2.2.6.2 Village design statements where Council approval is required for them to be considered as material considerations in dealing with planning applications;
 - 2.2.6.3 Consideration of planning applications called to an area committee by division Members in accordance with Part 3D3 of the Constitution, with the exception of those that fall to be determined by the Strategic Planning Committee.
- 2.2.7 There shall be no referral up of applications from the area planning committees to the Strategic Planning Committee.
- 2.2.8 The Corporate Director, Place, after consultation with the relevant Cabinet Member, shall be responsible for determining whether an application falls within the remit of Strategic Planning Committee or the relevant area planning committee in accordance with the criteria set out above. Where requested to do so, the Corporate Director, Place shall be required to set out the reasons in writing.

Other Roles and Functions

- 2.2.9 Where an objection has been received and that objection has not been resolved by officers, to consider matters of local importance for the following matters:

- 2.2.9.1 Registration of common land or town and village greens;
- 2.2.9.2 Variation of rights of common;
- 2.2.9.3 Determination of applications under the Manufacture and Storage of Explosives Regulations 2005;
- 2.2.9.4 Public rights of way, including modification of the definitive map and the regulation of the use of the highway.

Scheme of Delegation

- 2.2.10 The scheme of delegation to the Corporate Director, Place, is detailed in Part 3 Section D3 of this Constitution.

Public Participation

- 2.2.11 Details of the rules concerning public participation at the Area Planning Committees are referenced in the Planning Code of Good Practice for Members of Wiltshire Council (Protocol 4).

2.3 Licensing Committee

Composition

- 2.3.1 The size of the committee and appointments to it will be determined by Council with a Membership of between 10 and 15 Members. Appointments will be made having regard to the rules on political proportionality.

- 2.3.2 Substitutes will be permitted in accordance with Part 4 of this Constitution

- 2.3.3 Members shall not participate as Members of the Licensing Committee or any of its sub-committees in relation to Licensing Act and Gambling Act matters until they have received appropriate training in respect of their functions on the committee or sub-committees.

Role and Functions

- 2.3.4 Taxi, gambling, casino, gaming, entertainment, food, liquor and miscellaneous licensing.

- 2.3.5 To deal with all functions:

- 2.3.5.1 To licensing and registration as set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000;
- 2.3.5.2 To include all of the Council's responsibilities under the Licensing Act 2003;
- 2.3.5.3 To the Gambling Act 2005;
- 2.3.5.4 To the Council's responsibilities in respect of licensing under the Criminal Justice and Police Act 2001 and the Violent Crime Reduction Act 2006;
- 2.3.5.5 Relating to taxi licensing in accordance with Schedule 14 of the Local Government Act 1972;
- 2.3.5.6 To any other associated matters and any other similar licensing and registration functions.

- 2.3.6 The Licensing Committee has the power to appoint such sub-committees as may from time to time be necessary to discharge its duties including those under the Licensing Act 2003 and the Gambling Act 2005.

2.3.7 Each Sub-committee will comprise three Members drawn from the Licensing Committee and appointed by the Proper Officer, who in this instance would be a Democratic Services Officer on behalf of the Monitoring Officer, having regard to the following:

- 2.3.7.1 Availability of Members;
- 2.3.7.2 Members selected are not the representative for the area in which the premises subject to the hearing or review is situated;
- 2.3.7.3 Members do not have a disclosable or other interest in the matter to be determined;
- 2.3.7.4 Cross-party representation on all sub-committees is achieved where at all possible.

Scheme of Delegation

2.3.8 Sub-committees will have full delegated powers to determine contested applications and adjudicate over the review of licences. These will be undertaken by way of licensing hearings and conducted in accordance with relevant legislation.

2.3.9 Delegations relevant to the Licensing Committee, licensing sub-committees and officers are detailed in Part 3 Section D4 of this Constitution.

2.4 Staffing Policy Committee

Composition

2.4.1 The size of the committee and appointments to it will be determined by Council. Appointments will be made having regard to rules on political proportionality.

2.4.2 Substitutes will be permitted in accordance with Part 4 of this Constitution.

Role and Function

2.4.3 To determine, monitor and review staffing policies and practices to secure the best use and development of the Council's staff, including the power to deal with all matters relating to staff terms and conditions.

2.4.4 The Staffing Policy Committee will establish the following sub-committees to deal with matters relating to the dismissal or disciplinary action against individual Members of staff and staff grievances.

Senior Officers' Employment Sub-Committee

2.4.5 This sub-committee is authorised to dismiss and take disciplinary action against the officers categorised below as defined within the associated "Chief Officer posts" document in accordance with the officer employment procedure rules:

- 2.4.5.1 The Head of Paid Service;
- 2.4.5.2 Statutory chief officers;
- 2.4.5.3 Non-statutory chief officers;
- 2.4.5.4 Deputy chief officers;
- 2.4.5.5 Assistants for political groups.

2.4.6 For this purpose, the sub-committee shall comprise at least three Members, at least one of whom shall be a Member of the Cabinet.

2.4.7 This sub-committee is also authorised to consider and respond to grievances raised by officers in the categories listed above under stage two to the Council's grievance procedure. For the determination of such grievances the sub-committee shall comprise at least three Members. There is no requirement for any of those Members to be a Member of the Cabinet.

Staffing Appeals Sub-Committee

2.4.8 This sub-committee is authorised to hear appeals against dismissal or disciplinary action:

2.4.8.1 By the Senior Officers' Employment Sub-Committee in relation to the senior officers specified above;

2.4.8.2 By the Head of Paid Service in relation to other staff.

2.4.9 The Staffing Appeals Sub-Committee has power in the case of an appeal against a warning to:

2.4.9.1 Dismiss the appeal;

2.4.9.2 Allow the appeal;

2.4.9.3 Allow the appeal and substitute a different warning (greater or lesser);

2.4.9.4 Dismiss the employee.

2.4.10 The Staffing Appeals Sub-Committee has power in the case of an appeal against dismissal to:

2.4.10.1 Dismiss the appeal;

2.4.10.2 Dismiss the appeal but offer to re-engage the employee in the same or another post with effect from a date to be determined;

2.4.10.3 Allow the appeal and reinstate;

2.4.10.4 Allow the appeal and reinstate with a written or final written warning.

2.4.11 In the case of any appeal against dismissal or disciplinary action in respect of a senior officer as identified above, the Staffing Appeals Sub-Committee shall comprise at least three Members, at least one of whom shall be a Member of the Cabinet.

2.4.12 No Member who was involved in determining a matter which is the subject of an appeal will be appointed to the Staffing Appeals Sub-Committee.

Grievance Appeals Sub-Committee

2.4.13 This Sub-committee is authorised to hear appeals under stage two of the Council's grievance procedure.

2.4.14 The Sub-committee shall comprise at least three Members to hear an appeal. There is no requirement for any Member to be a Member of the Cabinet.

2.4.15 No Member who was involved in determining a matter which is the subject of an appeal will be appointed to the Grievance Appeals Sub-Committee.

Relevant Officers Panel

2.4.16 This is an advisory sub-committee established in accordance with the requirements of the Local Authorities (Standing Orders) (England)(Amendment) Regulations 2015 for

the purpose of advising on matters relating to the dismissal of relevant officers of the council as defined in Part 14 Officer Employment Procedure Rules.

2.4.17 The Panel shall comprise three members and at least two relevant independent persons who have accepted an invitation to be appointed to the Panel.

2.4.18 The Monitoring Officer shall be responsible for providing training to the Panel.

2.5 Standards Committee

Composition

2.5.1 The size of the Standards Committee and appointments to it will be determined by Council. Appointments will be made having regard to rules on political proportionality, but may not include., the Leader or any other Member of the Cabinet.

2.5.2 In addition to elected Members 4 co-opted non-voting Members shall be appointed, at least 2 of whom shall at appointment be serving town, parish or city Members from within the Council's area who are not Members or officers of the Council.

2.5.3 Appointments to the Committee will be made annually by the Council having regard to the rules on political proportionality.

2.5.4 The term of office for co-opted non-voting Members will normally be 4 years.

2.5.5 Co-opted non-voting Members will be eligible for re-appointment for additional terms, but may not serve more than 2 consecutive terms.

2.5.6 Substitutes will be permitted in accordance with Part 4 of the Constitution.

Roles and Function

2.5.7 The Standards Committee is responsible for:

2.5.7.1 promoting and maintaining high standards of conduct by elected and co-opted Members and officers;

2.5.7.2 assisting the elected and co-opted Members to observe the Members' code of conduct;

2.5.7.3 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;

2.5.7.4 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;

2.5.7.5 advising on and where appropriate, 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, and to assist in promoting training and information for parish councils;

2.5.7.6 granting dispensations to elected and co-opted Members from requirements relating to interests;

2.5.7.7 overseeing the operation of the Council's arrangements for dealing with misconduct complaints against Members and Co-opted Members of Wiltshire Council, and Members of City, Town, and Parish councils;

2.5.7.8 overview of the whistleblowing policy;

2.5.7.9 overview of corporate complaints handling and Ombudsman investigations;

- 2.5.7.10 reviewing the implementation of recommendations made by the Ombudsman;
- 2.5.7.11 oversight of the Constitution.

Standards Sub-Committees

- 2.5.8 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:
 - 2.5.8.1 An Assessment Sub-Committee to assess complaints etc etc to take in respect of complaints regarding the conduct of Members of Wiltshire Council, or Members of city, town or parish councils under the Council's arrangements;
 - 2.5.8.2 A Hearing Sub-Committee to determine Member misconduct complaints under the Council's arrangements;
 - 2.5.8.3 A Dispensation Sub-Committee to determine requests for dispensation from the requirements relating to interests.
- 2.5.9 For the avoidance of doubt decisions of the Sub-Committees will be made by a simple majority of the elected Members present.

Assessment Sub-Committee

- 2.5.10 As it shall consider multiple complaints per meeting 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. The Sub-Committee will elect a Chairman and Vice-Chairman at their first meeting following their reappointment by Standards Committee after the annual meeting of Council. 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.
- 2.5.11 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.
- 2.5.12 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 11.

- 2.5.13 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.

Hearing Sub-Committee and Dispensation Sub-Committee

- 2.5.14 In each case the above Sub-Committees shall comprise 3 elected Members from whom a chairman will be elected. The Sub-Committee may include up to 2 non-voting co-opted Members of the Standards Committee.
- 2.5.15 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 their substitutes.

2.5.16 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 11.

2.5.17 The Dispensation Sub-Committee shall make decisions on requests for dispensations relating to Disclosable Pecuniary Interests in accordance with the Council's Dispensations Policy, which is to be approved by the Standards Committee.

2.5.18 Requests for dispensations relating to Other Registerable Interests and Non-Registerable Interests, as defined in Part 12 of the Constitution, shall be delegated to the Monitoring Officer to determine in accordance with the Dispensations Policy. It is the responsibility of the Member to submit a request, but the Monitoring Officer will have the authority to pro-actively engage with Members where it appears a dispensation may be appropriate or necessary.

2.5.19 In the event a Disclosable Pecuniary Interest dispensation request from a Member is received where there is insufficient time to convene a Dispensations Sub-Committee, in relation to a matter which is urgent and cannot reasonably be delayed or appropriately determined by another method, the Monitoring Officer will have authority to determine the request in accordance with the Dispensations Policy.

2.6 **Officer Appointments Committee**

2.6.1 This committee will comprise five Members to include at least one Member of Cabinet.

2.6.2 It will be responsible for:

2.6.2.1 Appointing the Head of Paid Service, subject to confirmation by the Council;

2.6.2.2 Appointing Directors, subject to the officer employment procedure rules as set out in Part 14 of this Constitution.

2.7 **Audit and Governance Committee**

Composition

2.7.1 The size of the Audit and Governance Committee and appointments to it will be determined by Council. Appointments will be made having regard to rules on political proportionality.

2.7.2 The Audit and Governance Committee will exclude Members of the Cabinet. The exception is that up to two, of the Leader of the Council and the Cabinet Members with responsibility for finance and governance, will be appointed as non-voting Members of the Committee. As non-voting members they would not count toward the rules on political proportionality.

2.7.3 Substitute Members will be permitted in accordance with Part 4 of this Constitution.

2.7.4 In addition to the Elected Members on the Committee, the Committee can appoint up to 2 Independent Co-opted Members, who will be Non-Voting Members of the Committee. The Non-Voting Co-opted Independent Member(s) should have

experience of audit and financial management, preferably with knowledge of local authorities.

- 2.7.5 Independent Co-opted Members will be appointed by a recruitment and selection process involving members of the Committee.
- 2.7.6 The term of office for Independent Co-opted Members will normally be 4 years.
- 2.7.7 Independent Co-opted Members will be eligible for re-appointment for a second term.
- 2.7.8 Independent Co-opted Members do not count towards the quorum of the committee.

Role and Function

2.7.9 The Audit and Governance Committee will be responsible for:

External Audit Activity:

- 2.7.9.1 To receive and comment on the external audit plan;
- 2.7.9.2 To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance;
- 2.7.9.3 To monitor accounting policies and any changes made during the year;
- 2.7.9.4 To comment on the scope and depth of external audit work and to ensure it gives value for money;
- 2.7.9.5 To monitor the implementation of management actions arising from external audit work.

Internal Audit Activity:

- 2.7.9.6 To approve the terms of reference and strategy for internal audit, and the annual internal audit plan and subsequent changes thereto;
- 2.7.9.7 To monitor and review the effectiveness of internal audit to ensure compliance with statutory requirements;
- 2.7.9.8 To consider the annual report, opinion, and summary on internal audit activity and the level of assurance it provides on the Council's corporate governance arrangements;
- 2.7.9.9 To consider specific internal audit reports as requested, and receive details where it is proposed not to accept internal audit recommendations, and monitor the implementation of agreed management actions.

Regulatory Framework:

- 2.7.9.10 To monitor and review the effective development and operation of corporate governance, risk and performance management and internal control, and to receive progress reports as required;
- 2.7.9.11 To oversee the process for production of the annual governance statement (AGS), to review the supporting evidence including the arrangements for governance of partnership working, and to approve the AGS;
- 2.7.9.12 To monitor the development and implementation of the Council's anti-fraud, bribery and corruption policy, anti-money laundering policy, and anti-tax evasion policy,

Financial Management and Accounts:

- 2.7.9.13 To ensure the Council's arrangements for financial management are adequate and effective, and, together with its accounting policies, are regularly reviewed;
- 2.7.9.14 To review and approve the annual statement of accounts;

2.7.9.15 To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

2.8 Appeals Committee

Composition

- 2.8.1 The size of the committee and appointments to it will be determined by Council. Appointments will be made having regard to rules on political proportionality.
- 2.8.2 An Appeals Sub-Committee will comprise three Members, drawn by the Proper Officer, who in this instance would be a Democratic Services Officer on behalf of the Monitoring Officer, from those Members of the Appeals Committee who have received appropriate training.
- 2.8.3 At each meeting of the Appeals Sub-Committee, one of its Members shall be elected to chair the appeals panel for the duration of that meeting.

Function

- 2.8.4 An Appeals Sub-Committee is empowered to determine appeals against the following decisions of the authority:
- 2.8.4.1 Education transport;
 - 2.8.4.2 Imposition of penalty points which would result in suspension for licensed hackney carriage, taxi and private hire vehicle operators, drivers and vehicles;
 - 2.8.4.3 Refusal of applications for discretionary rate relief and cases of exceptional hardship under the national non-domestic rating regulations, council tax and housing benefit regulations and Rates Relief Policies;
 - 2.8.4.4 Suspension, removal or exclusion of providers from the Council's Directory of Registered Early Years Providers;
 - 2.8.4.5 Any other function requiring an appeal to a Member body not specifically reserved to another body in the Constitution, or by the law.
- 2.8.5 No Member who was involved in determining a matter which is the subject of an appeal will be appointed to a Sub-Committee hearing the appeal.

2.9 Electoral Review Committee

Composition

- 2.9.1 The size of the Electoral Review Committee and appointments to it will be determined by Council. Appointments will be made having regard to rules on political proportionality.
- 2.9.2 The Committee shall appoint a chairman and vice-chairman from among its membership.

Responsibilities

- 2.9.3 To oversee the provision of information required by the Local Government Boundary Commission for England (LGBCE) in carrying out any Electoral Review of Wiltshire, including any consultation arrangements with electors or stakeholder and To update Full Council on the progress of any Electoral Review.
- 2.9.4 To make recommendations to Full Council on proposed submissions to the LGBCE relating to:

- 2.9.4.1 The total number of councillors on Wiltshire Council;
 - 2.9.4.2 The number and boundaries of electoral divisions within Wiltshire Council;
 - 2.9.4.3 The number of councillors to be returned by any electoral division;
 - 2.9.4.4 The name of any electoral division.
- 2.9.5 To provide such further advice and support as may be requested by the Council related to or impacted by any Electoral Review.
- 2.9.6 To oversee all details relating to any community governance reviews within the Wiltshire Council area, including contacting parishes or parties for proposals, setting the areas and scope for any review, its methodology including for any consultation arrangements, its timescales, and determining what if any changes to recommend as part of the review, and to conclude a review or part of a review where no changes are recommended. The Committee will prepare final recommendations for any changes for consideration by Full Council.
- 2.9.7 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:
- 2.9.7.1 The alteration, merging, creation or abolition of parishes;
 - 2.9.7.2 The naming of parishes and adoption of alternative styles for new parishes;
 - 2.9.7.3 Parish council size, number of councillors to be elected, and warding arrangements;
 - 2.9.7.4 Any other electoral arrangements.
- 2.9.8 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.
- 2.9.9 Where it would be appropriate to do so, to make recommendations to Full Council on the composition (Electoral Divisions and Parishes) of Area Boards, following completion of an Electoral Review or Community Governance Review, or another reason. The Committee may undertake such processes as it considers appropriate when preparing its recommendations.
- 2.9.10 To oversee the provision of information required in carrying out Polling District and Polling Place Reviews, including any consultation arrangements with electors or other stakeholders.
- 2.9.11 To make decisions in respect of Polling District and Polling Place Reviews. The Returning Officer will also have authority to change a polling place where appropriate in the event of a by election or other unforeseen circumstances after consultation with the Chairman of the Committee, which will be reported to the Committee.
- 2.9.12 To receive reports in relation to the operation and delivery of Electoral Services and make recommendations or decisions as appropriate on electoral matters not reserved to Full Council.

3. Cabinet

3.1 General

3.1.1 This section should be read in conjunction with the Cabinet Procedure Rules (Part 7).

3.1.2 The Leader, either directly or through Cabinet, will carry out within the Council's Budget and Policy Framework, all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

3.1.3 Without limiting the scope of paragraph 3.1.2, Cabinet either directly or by delegating its powers as set out in Part 3 Section C of this Constitution (Delegation of Executive Functions) has the following functions and responsibilities:

3.1.3.1 Proposing the budget to Council, including the preparation of estimates and the amount of the proposed precept and any reconsideration or revision of those estimates;

3.1.3.2 Agreeing the council tax base;

3.1.3.3 Controlling capital expenditure;

3.1.3.4 Proposing to Council new policies, or amendments to existing policies, which fall within the Policy Framework as defined in Paragraph 1 of Part 3 of this Constitution;

3.1.3.5 Adopting on behalf of Wiltshire Council any plans, policies or strategies which do not form part of the policy framework and are not the responsibility of any other part of the local authority;

3.1.3.6 Implementing and delivering the agreed Budget and Policy Framework.

3.2 Local Choice Options

3.2.1 In regard to local choice options, the following will be the responsibility of the Cabinet:

3.2.1.1 Making arrangements pursuant to the School Standards and Framework Act 1998 for appeals against exclusion of pupils; admission appeals; and appeals by governing bodies;

3.2.1.2 The appointment of any individual to any office other than an office in which he is employed by the authority to any body other than the authority and to any committee or sub-committee of such a body and the revocation of any such appointment.

3.2.2 The Cabinet elects to delegate the following local choice options as follows:

3.2.2.1 Corporate Director, Place - the obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land;

3.2.2.2 Solicitor to the Council - the obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976;

3.2.2.3 Solicitor to the Council - the making of agreements for the execution of highways works.

3.3 Cabinet Members

3.3.1 The Leader of the Council chairs meetings of the Cabinet and is the principal spokesman for the Council.

- 3.3.2 The role of Leader within the Budget and Policy Framework set by the Council includes but is not limited to:
- 3.3.2.1 Setting strategic direction;
 - 3.3.2.2 Ensuring the needs and aspirations of Wiltshire people are known;
 - 3.3.2.3 Management initiatives;
 - 3.3.2.4 Identifying priorities and setting targets;
 - 3.3.2.5 Setting priorities;
 - 3.3.2.6 Probity and financial monitoring and risk management;
 - 3.3.2.7 Communication policy;
 - 3.3.2.8 Monitoring performance of Members of his or her Cabinet;
 - 3.3.2.9 Promoting the Council;
 - 3.3.2.10 Relationships with other political group leaders and the chairman of the Council.
- 3.3.3 The provisions above are without prejudice to the statutory duties of the Head of Paid Service, the Monitoring Officer and Solicitor to the Council, the Director of Children's Services, the Director of Adult Social Services, the Section 151 Officer, the designated Scrutiny Officer or any other statutory Council officers as set out in Part 2 of the Constitution, or other council officers.
- 3.3.4 The Leader will appoint individual Cabinet Members as he or she thinks appropriate subject to reporting appointments to the first available meeting of the Council.
- 3.3.5 Individual Cabinet Members will have power within any scheme of delegation determined by the Leader in accordance with:
- 3.3.5.1 Article Seven of Part 2 (Articles of the Constitution)
 - 3.3.5.2 Part 3 Section C (Delegation of Executive Functions)
 - 3.3.5.3 Part 7 (Cabinet Procedure Rules).
- 3.3.6 In addition to the delegation of authority to individual Members, the Cabinet may choose to delegate functions further to an Area Board, joint arrangements, or an officer.

4. Area Boards

Role and functions of Area Board

- 4.1 The purpose of Area Boards is to promote the development of stronger and more resilient communities across Wiltshire's community areas through:
- 4.1.1 Efficient, transparent and accountable decision making;
 - 4.1.2 Effective collaboration with public, voluntary and private sector partners locally to meet the aspirations of local people;
 - 4.1.3 Shaping the delivery of local services;
 - 4.1.4 Addressing local issues;
 - 4.1.5 Building community leadership and local engagement.
- 4.2 Each Area Board will have the following functions in conjunction with their local area:
- 4.2.1 To provide a focus for community leadership, local influence and delegated decision-making, through the democratic mandate of elected Members;
 - 4.2.2 To influence the allocation of resources and delivery of public services in the community area in order to pursue local priorities and issues;

- 4.2.3 To develop a strong, well established and highly functioning network of local partners, organisations and residents
- 4.2.4 To generate an in-depth understanding of their local community and the issues faced by the residents, including through use of Joint Strategic Needs Assessment data.
- 4.2.5 To empower and facilitate community led action, by recognising and encouraging the talents, expertise and knowledge of our communities, trusting and supporting them to co-deliver local services.
- 4.2.6 To effectively share data and intelligence at a local level
- 4.2.7 To determine budget priorities and spend within the revenue budget allocated by the Cabinet, including approval of funding recommended by any working groups such as Local Highways and Footway Improvement Groups;
- 4.2.8 To provide a local platform for local engagement and conversation including through the use of working groups such as Health and Wellbeing Groups and Local Youth Networks and to agree a framework for any consultations carried out in the community area on behalf of the Council;
- 4.2.9 To allocate project funding for identified community priorities;
- 4.2.10 To develop participatory budgeting processes and to be instrumental in supporting and developing funding applications to external bodies and funding streams;
- 4.2.11 To provide excellent two-way communications for the community area about public service provision and to the Council and Cabinet about the implementation and effectiveness of policies;
- 4.2.12 To publish and maintain a forward plan of forthcoming agenda items to give Members, the public, parishes and the media adequate notice of the issues that are to be considered;
- 4.2.13 To consider issues referred to the Area Board by town and parish councils, partners and the public.

Composition

- 4.3 The Area Boards are appointed by the Council under section 102 of the Local Government Act 1972 and are constituted as area committees within the meaning of Section 18 of the Local Government Act 2000 and regulations made under that section for the purpose of discharging functions delegated by the executive as set out below.
- 4.4 In the event of a Member being elected following a by-election, the Director, Legal and Governance has delegated authority to appoint the Member to the relevant Area Board
- 4.5 Marlborough, Pewsey and Tidworth Area Boards are established as a single area committee known as the Eastern Wiltshire Area Committee. This shall appoint three sub-committees, each of which shall operate as an Area Board, known as Marlborough Area Board, Pewsey Area Board and Tidworth Area Board respectively.

Membership and Representation

- 4.6 Each Area Board's Membership shall comprise of the elected unitary Members representing the electoral divisions covered by the Area Board, as set out in Schedule 1 of Part 3B.
- 4.7 The following representatives may also participate as partners in Area Boards:
 - 4.7.1 An elected representative from each town or parish council within the area covered by the Area Board as detailed in Schedule 1 of Part 3B;

- 4.7.2 Representatives are also encouraged from the following groups and organisations:
- 4.7.3 Voluntary, community and social enterprise sector organisations (regional, countywide and local level)
- 4.7.4 Wiltshire Police
- 4.7.5 Dorset and Wiltshire Fire and Rescue Service
- 4.7.6 Ministry of Defence
- 4.7.7 Bath, Swindon and Wiltshire Partnership, Healthwatch, Local Health Representatives
- 4.7.8 Local businesses, Chambers of Commerce
- 4.7.9 Schools
- 4.7.10 Housing Associations
- 4.7.11 Faith and cultural groups
- 4.7.12 Residents and resident action groups
- 4.7.13 Any other relevant groups

4.8 The Chairman and Vice-Chairman of an Area Board will be appointed at the first meeting of an Area Board, which takes place after the annual meeting of the Council, by the unitary Members on each Area Board. Except in an election year, where after the first meeting of Full Council a special meeting of each Area Board will take place to appoint a Chairman and a Vice-Chairman.

Election of Chairs Procedure

- 4.9 The Democratic Services representative will call for nominations for the position of Chairman of the Area Board and preside over the election. A Member's nomination must be seconded to be valid. A Member shall not be nominated in their absence without their written consent.
- 4.10 In the event of only one valid nomination being received the person presiding will declare the nominated Member elected.
- 4.11 In the case of two valid nominations the Democratic Services representative will ask for a show of hands from those Members in favour of each Member and declare the candidate receiving the majority of votes of the Members present and voting, to be the winner.
- 4.12 In the case of an equality of votes for the two candidates, the Democratic Services representative shall draw lots, or an equivalent method to break the tie, to determine the winner of the election and then declare the result.
- 4.13 In the case of three or more valid nominations being made, the Democratic Services Representative will call for a show of hands for each of the candidates. The Democratic Services representative will then announce the candidate with the least number of votes and that candidate will be eliminated (in the case of a tie for the least number of votes, the Democratic Services representative shall draw lots or use an equivalent method to determine which candidate to be eliminated). A further vote shall be taken for the remaining candidates and after each vote the candidate with the least number of votes shall be eliminated until only two candidates remain and a final vote taken.
- 4.14 The newly elected Chairman of the Area Board shall then preside over the election of the Vice Chairman in the manner described above with the ability to use a casting vote in the event of an equality of votes.

4.15 With the exception of an election year, the Chairman and Vice-Chairman of an Area Board shall remain in post until their successors are appointed.

Other Representation

4.16 A Member of Wiltshire Council's Cabinet will attend upon request those Area Boards which do not have a Cabinet Member as a standing Member of the Area Board. Cabinet Members attending the Area Board will not have voting rights. For the avoidance of doubt a Cabinet Member is entitled to vote as a standing Member of the Area Board in which their electoral division is located.

4.17 Directors from Wiltshire Council will attend as and when required. Their role is to advise and assist the Area Board.

4.18 No substitutes are permitted for unitary Members on Area Boards except as set out at Paragraph 4.19.

4.19 The Eastern Wiltshire Area Committee will appoint substitutes for the Members on the Pewsey Area Board, Tidworth Area Board, and Marlborough Area Boards drawn from the Members of the Eastern Wiltshire Area Committee.

Voting

4.20 Only the elected unitary Members on the Area Board may vote at an Area Board..

4.21 Voting is by a majority of the elected Members present. The Chairman of the Area Board has the casting vote.

4.22 Area Boards will where appropriate seek the views of any other participants. The Area Board may decide to test opinion by a show of hands before the unitary Members make their decision.

Quorum

4.23 The quorum for each Area Board is one quarter of its total voting Membership, subject to a minimum number of three voting Members.

Delegation

4.24 Decisions involving the discharge of executive functions will be made by the local Area Board, provided the decision does not:

4.24.1 Have a significant impact outside of the area concerned;

4.24.2 Have a significant impact on the overall resources of the Council;

4.24.3 Contradict any policy or service standard set by the Council;

4.24.4 Involve the taking of regulatory or quasi-judicial decisions;

4.24.5 Relate to the exercise of functions in respect of any particular person, including any individual Member of staff.

4.25 Area Boards must operate within the Council's Budget and Policy Framework and in accordance with the requirements of this Constitution. In accordance with Para 4.2.11 they may provide local views on the effective implementation of a council policy, but are not able to make resolutions contrary to the Budget and Policy Framework of the Council.

- 4.26 Each Area Board will receive delegated funding as determined from time to time by the Leader.
- 4.27 Area Boards will allocate their delegated funds in accordance with any rules and guidance issued by the Leader.
- 4.28 For the avoidance of doubt the delegation arrangements for Area Boards will operate in conjunction with the scheme of delegation to Cabinet Members and the Council's scheme of delegation to officers.
- 4.29 Area Boards will be consulted on the development of strategic policies to make sure that local priorities and concerns are taken into account. The Area Boards will also be consulted where significant changes, reductions or closures of a service are planned in their area.
- 4.30 Any key decision or policy proposal of the Council that has, or is likely to have, a significant impact in the local area will be discussed with the Area Board.
- 4.31 Area Boards must not be directly involved in deciding planning applications. However, they may be involved in the following in relation to their area:
- 4.31.1 Consideration of the impacts of larger developments;
 - 4.31.2 Pre-application discussions relating to major developments;
 - 4.31.3 Consideration of planning briefs;
 - 4.31.4 Development of Local Development Framework policies.

Procedure Rules and Guidance

- 4.32 Area Boards will follow any procedure rules and guidance as issued from time to time by the Leader.

Agenda setting

- 4.33 An agenda will be prepared for each meeting after consultation with the Chairman of the Area Board.
- 4.34 Members may request that specific items be included on an agenda subject to the delegation rules and within the powers and role of the Board as set out in this constitution. A request should take the form of a proposed topic for discussion, request for a briefing or partner event or other similar requests.
- 4.35 Any proposed subjects and proposed actions must be in accordance with the rules set out in this constitution.
- 4.36 Subject to Paragraph 4.35, and so long as sufficient notice to prepare as appropriate is given, if a majority of Board Members support an item being included on an agenda it will be included for discussion in an appropriate form.

Access to Information

- 4.37 Area Boards are subject to the Access to Information Procedure Rules in Part 5 of this Constitution.

Joint Committees

5. Wiltshire Police and Crime Panel

Terms of Reference

- 5.1 To review and make a report or recommendation on the draft police and crime plan, or draft variation, given to the panel by the Police and Crime Commissioner.
- 5.2 To review, put questions to the Police and Crime Commissioner at a public meeting, and make a report or recommendation (as necessary) on the commissioner's annual report.
- 5.3 To hold a confirmation hearing and review, make a report, and recommendation (as necessary) in respect of proposed senior appointments made by the Police and Crime Commissioner.
- 5.4 To review and make a report on the proposed appointment of the Chief Constable.
- 5.5 To review and make a report and recommendation (as necessary) on the proposed police precept.
- 5.6 To review or scrutinise decisions made, or other action taken, by the Police and Crime Commissioner in connection with the discharge of the commissioner's functions.
- 5.7 To make reports or recommendations to the Police and Crime Commissioner with respect to the discharge of the commissioner's functions.
- 5.8 To support the effective exercise of the functions of the Police and Crime Commissioner.
- 5.9 To fulfil functions in relation to complaints about conduct matters, in accordance with the responsibilities accorded to the panel by the Police Reform and Social Responsibility Act 2011.
- 5.10 To appoint an Acting Police and Crime Commissioner if necessary.
- 5.11 To suspend the Police and Crime Commissioner if it appears to the Panel that the Commissioner has been charged in the United Kingdom or Isle of Man with an offence which carries a maximum term of imprisonment exceeding two years.

Procedure Rules and Panel Arrangements

- 5.12 The Police and Crime Panel Procedure Rules and Panel Arrangements are set out in Protocol 12 of this Constitution.

6. Wiltshire Pension Fund Committee

- 6.1 This joint committee will comprise five Members from Wiltshire Council and other Members as follows:

- 6.1.1 Two voting Members from Swindon Borough Council;
- 6.1.2 Two co-opted voting Employer Representatives;
- 6.1.3 Two co-opted non-voting employee representatives, one representing Wiltshire Council employees, and one representing Swindon Borough Council employees.

- 6.2 It will exercise the functions of the Council as administering authority under the Local Government Superannuation Acts and Regulations and deal with all matters relating thereto. The committee will publish meetings attendance records.
- 6.3 The voting Employer Representatives will serve a four-year fixed term from appointment. On expiry of the four-year term, applications for the position will be sought (from the incumbent and the applicable employer bodies) and an appointment process will be undertaken by the committee should more than one application be received for the role.
- 6.4 The full terms of reference for the Wiltshire Pension Fund Committee can be found at Protocol 2A. Terms of reference for the Local Pensions Board, whose purpose is to assist the administering authority in its role as a scheme manager of the Scheme, can be found at Protocol 2B.

Other Bodies

7. Health and Wellbeing Board

Composition

7.1 Voting Members:

- 7.1.1 1 Leader of the Council and 1 Deputy Leader of the Council
- 7.1.2 1 healthcare clinical professional director (NHS BSW ICB) and 1 GP clinical lead (Wiltshire Integrated Care Alliance)
- 7.1.3 1 Police and Crime Commissioner (PCC);
- 7.1.4 1 representative from Healthwatch Wiltshire;

7.2 Non-voting Members:

- 7.2.1 1 NHS England representative.
- 7.2.2 Other Wiltshire Council Cabinet Members with responsibility for Children, Adults and Public Health; 1 Wiltshire Council portfolio holder for Adult Care and Public Health; 1 Member of Wiltshire Council who is not a Member of the ruling group(s) on the Council;
- 7.2.3 Wiltshire Council Chief Executive
- 7.2.4 Place Director for Wiltshire (NHS BSW ICB) or nominated ICB Exec Director lead as sub
- 7.2.5 Wiltshire Council officers with statutory responsibility for Children, Adults and Public Health services;
- 7.2.6 Acute Hospital Trusts representatives (Salisbury Hospital FT, Great Western Hospital FT and Bath RUH FT);
- 7.2.7 1 South West Ambulance Service (SWAS) representative;
- 7.2.8 1 Avon and Wiltshire Mental Health Partnership (AWP) representative;
- 7.2.9 1 Wiltshire Police Chief Constable representative;
- 7.2.10 1 Wessex Local Medical Committee representative;
- 7.2.11 1 Dorset and Wiltshire Fire and Rescue Service;
- 7.2.12 1 Adult community health services provider (WHC);
- 7.2.13 1 Children's community health services provider (VirginCare);
- 7.2.14 1 Child and adolescent mental health services provider (Oxford Health);
- 7.2.15 1 Voluntary Community Sector (VCS) representative

Voting

7.3 Voting is by a majority of the voting Members present. The Chair of the Board has the casting vote. However, the Board will seek to reach decisions by consensus, where possible involving all participants.

Roles and Functions

7.4 The statutory functions of the Health and Wellbeing Board contained within the Health and Social Care Act 2012 and Health and Care Act 2022 are:

- 7.4.1 to prepare Joint Strategic Needs Assessments (JSNAs) and Joint Local Health and Wellbeing Strategies (JLHWSs), which is a duty of local authorities and NHS Integrated Care Boards working through the Board;
- 7.4.2 a duty to encourage integrated working between health and social care commissioners, including providing advice, assistance or other support to encourage arrangements under Section 75 of the National Health Service Act 2006 (i.e. lead commissioning, pooled budgets and/or integrated provision) in connection with the provision of health and social care services;
- 7.4.3 a power to encourage close working between commissioners of health related services and the board itself;
- 7.4.4 a power to encourage close working between commissioners of health-related services (such as housing and many other local government services) and commissioners of health and social care services.

7.5 The Board is supported in its activities by requirements in legislation for the ICB to consult the Board on its annual report and for the ICB to include a statement of compliance from the Health and Wellbeing Board on how well the JLHWS is reflected in its forward plans.

7.6 Full Council reserves the right to delegate any other additional functions under section 196(2) of the Health and Social Care Act 2012.

Access to Information

7.7 The Health and Wellbeing Board is subject to the Access to Information Procedure Rules in Part 5 of this Constitution.

8. Local Pension Board

8.1 The purpose of the Board is to assist the Administering Authority in its role as a scheme manager of the Scheme. Such assistance is to:

- 8.1.1 Secure compliance with the Regulations, any other legislation relating to the governance and administration of the Scheme, and requirements imposed by the Pensions Regulator in relation to the Scheme; and,
- 8.1.2 To ensure the effective and efficient governance and administration of the Scheme.
- 8.1.3 This may include making recommendations it considers appropriate to the committee.

Composition

8.2 The Board shall consist of 6 voting Members, as follows:

8.2.1 3 Member Representatives; and,

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8.2.2 3 Employer Representatives.

8.3 There shall be an equal number of Member and Employer Representatives.

8.4 There shall also be an independent chairman who is not entitled to vote.

Quorum

8.5 A meeting is only quorate when at least 50% of both Member and employer representatives are present.

8.6 A meeting that becomes inquorate may continue but any decisions will be non-binding.

Access to Information

8.7 The Local Pension Board is subject to the Access to Information Procedure Rules in Part 5 of this Constitution.

Terms of Reference

8.8 The full terms of reference for the Local Pension Board can be found at Protocol 2B.

9. Local Authority Panels

Channel Panel

9.1 The Channel Panel uses a multi-agency approach to protecting people vulnerable to being drawn into terrorism. The Channel Panel was established in line with the Counter-Terrorism and Security Act 2015.

9.2 The Channel Panel forms part of the council's Prevent Duty. The relevant Cabinet Member attends meetings of the Prevent Board.

9.3 The Channel Panel is required to:

- 9.3.1 Identify individuals at risk;
- 9.3.2 Assess the nature and extent of that risk;
- 9.3.3 Develop the most appropriate support plan for the individuals concerned.

9.4 The key requirements of the Channel Panel:

- 9.4.1 The local authority is the Channel Panel Chair;
- 9.4.2 Membership of the panel must include the local authority and the police as they have principal responsibility for Channel in their area;
- 9.4.3 Minimum membership of the panel includes:
 - 9.4.3.1 The local authority representative as chair
 - 9.4.3.2 Counter Terrorism Policing South West Prevent Officer
 - 9.4.3.3 Safeguarding representation (as determined by the age of the case)
 - 9.4.3.4 Mental Health representation if mental health concerns are present (service dependant on age of case)
 - 9.4.3.5 Minute taker
- 9.4.4 Additional members from agencies relevant to the case are requested which could include education providers, voluntary community groups, probation services or others as appropriate.
- 9.4.5 The panel to develop a support plan for individuals accepted as channel cases.

- 9.4.6 The panel to consider alternative forms of support, including health and social services, where Channel is not appropriate.
- 9.4.7 The panel to ensure that the council's functions to safeguard and promote the welfare of children under section 11 of the Children Act 2004 are discharged;
- 9.4.8 All partners of a panel, so far as appropriate and reasonably practicable, to cooperate with the police and the panel in the carrying out of their functions;
- 9.4.9 Each case is handled separately; people deemed appropriate to receive support will have a tailored package developed for them, according to their identified vulnerabilities.
- 9.4.10 Where the panel is unable to make a unanimous decision, the question must be decided by a majority of the panel. Where the panel is unable to make a majority decision, the question must be decided by the Channel Panel Chair. In certain circumstances the Chair may wish to escalate the question internally through the agreed governance route.

PART 3 SECTION B

SCHEDULE 1

AREA BOARDS: ELECTORAL DIVISION AND PARISH ALLOCATIONS

Bradford-on-Avon Area Board
Electoral Divisions (4) Bradford on Avon North, Bradford on Avon South, Holt, Winsley and Westwood.
Parishes Atworth, Bradford on Avon, Holt, Limpley Stoke, Monkton Farleigh, South Wraxall, Staverton, Westwood, Wingfield, Winsley.
Calne Area Board
Electoral Divisions (5) Calne Central, Calne Chilvester and Abberd, Calne North, Calne Rural, Calne South.
Parishes Bremhill, Calne, Calne Without, Cherhill, Compton Bassett, Heddington, Hilmarton.
Chippenham and Villages Area Board
Electoral Divisions (10) By Brook, Chippenham Cepen Park and Derriards, Chippenham Cepen Park and Hunters Moon, Chippenham Hardenhuish, Chippenham Hardens and Central, Chippenham Monkton, Chippenham Lowden and Rowden, Chippenham Pewsham, Chippenham Sheldon, Kington.
Parishes Biddestone, Castle Combe, Chippenham, Chippenham Without, Christian Malford, Grittleton, Hullavington, Kington Langley, Kington St Michael, Langley Burrell Without, Nettleton, North Wraxall, Seagry, Stanton St Quintin, Sutton Benger, Yatton Keynell.
Corsham Area Board
Electoral Divisions (4) Box and Colerne, Corsham Ladbrook, Corsham Pickwick, Corsham Without.
Parishes Box, Colerne, Corsham, Lacock.
Devizes Area Board
Electoral Divisions (7) Bromham, Rowde and Roundway, Devizes East, Devizes North, Devizes Rural West, Devizes South, The Lavingtons, Urchfont and Bishops Cannings.
Parishes

Bishops Cannings, Bromham, Bulkington, Cheverell Magna, Coulston, Devizes, Easterton, Erlestoke, Etchilhampton, Little Cheverell, Market Lavington, Marston, Potterne, Poulshot, Rowde, Seend, Stert, Urchfont, West Lavington, Worton.

Malmesbury Area Board

Electoral Divisions (4)

Brinkworth, Malmesbury, Minety, Sherston.

Parishes

Ashton Keynes, Brinkworth, Brokenborough, Charlton (nr Malmesbury), Crudwell, Dauntsey, Easton Grey, Great Somerford, Hankerton, Lea and Cleverton, Leigh, Little Somerford, Luckington, Malmesbury, Minety, Norton, Oaksey, Sherston, Sopworth, St Paul Malmesbury Without.

Marlborough Area Board

Electoral Divisions (3)

Aldbourne and Ramsbury, Marlborough East, Marlborough West.

Parishes

Aldbourne, Avebury, Baydon, Berwick Bassett, Chilton Foliat, East Kennett, Fyfield, Marlborough, Mildenhall, Ogbourne St Andrew, Ogbourne St George, Preshute, Ramsbury, Savernake, West Overton, Winterbourne Monkton.

Melksham Area Board

Electoral Divisions (6)

Bowerhill, Melksham East, Melksham Forest, Melksham South, Melksham Without North and Shurnhold, Melksham Without West and Rural.

Parishes

Broughton Gifford, Great Hinton, Keevil, Melksham, Melksham Without, Semington, Steeple Ashton.

Pewsey Area Board

Electoral Divisions (3)

Pewsey, Pewsey Vale East, Pewsey Vale West.

Parishes

All Cannings, Alton, Beechingstoke, Burbage, Buttermere, Charlton, Chirton, Easton, Froxfield, Grafton, Great Bedwyn, Ham, Little Bedwyn, Manningford, Marden, Milton Lilbourne, North Newnton, Patney, Pewsey, Rushall, Shalbourne, Stanton St Bernard, Tidcombe and Fosbury, Upavon, Wilcot, Huish and Oare, Wilsford, Woodborough, Wootton Rivers.

Royal Wootton Bassett and Cricklade Area Board

Electoral Divisions (6)

Cricklade and Latton, Lyneham, Purton, Royal Wootton Bassett East, Royal Wootton Bassett North, Royal Wootton Bassett South and West.

Parishes

Braydon, Broad Town, Broad Hinton, Clyffe Pypard, Cricklade, Latton, Lydiard Milicent, Lydiard Tregoze, Lyneham and Bradenstoke, Marston Maisey, Purton, Royal Wootton Bassett, Tockenham, Winterbourne Bassett.

Salisbury Area Board

Electoral Divisions (8)

Salisbury Bemerton, Salisbury Fisherton and Bemerton Village, Salisbury Harnham East, Salisbury Harnham West, Salisbury St Edmund's, Salisbury St Francis and Stratford, Salisbury Milford, Salisbury St Paul's.

Parishes

Salisbury

Southern Wiltshire Area Board

Electoral Divisions (6)

Alderbury and Whiteparish, Downton and Ebble Valley, Laverstock, Old Sarum and Lower Bourne Valley, Redlynch and Landford, Winterslow and Upper Bourne Valley.

Parishes

Alderbury, Allington, Britford, Cholderton, Clarendon Park, Coombe Bissett, Downton, Firsdow, Grimstead, Idmiston, Landford, Laverstock & Ford, Newton Tony, Odstock, Pitton and Farley, Redlynch, West Dean, Whiteparish, Winterbourne, Winterslow.

South West Wiltshire Area Board

Electoral Divisions (5)

Fovant & Chalke Valley, Mere, Nadder Valley, Tisbury, Wilton

Parishes

Alvediston, Ansty, Barford St Martin, Berwick St John, Berwick St Leonard, Bishopstone, Bowerchalke, Broadchalke, Burcombe Without, Chicklade, Chilmark, Compton Chaberlayne, Dinton, Donhead St Andrew, Donhead St Mary, East Knoyle, Ebbesborne Wake, Fonthill Bishop, Fonthill Gifford, Fovant, Hindon, Kilmington, Mere, Netherhampton, Quidhampton, Sedgheill and Semley, Steeple Langford, Stourton with Gasper, Stratford Tony, Sutton Mandeville, Swallowcliffe, Teffont, Tisbury, Tollard Royal, West Knoyle, West Tisbury, Wilton, Wyllye, Zeals.

Stonehenge Area Board

Electoral Divisions (6)

Amesbury East and Bulford, Amesbury West, Amesbury South, Avon Valley, Durrington, Till Valley.

Parishes

Amesbury, Berwick St James, Bulford, Durnford, Durrington, Enford, Figheldean, Fittleton cum Haxton, Great Wishford, Milston, Netheravon, Orcheston, Shrewton, South Newton, Stapleford, Tilshead, Wilsford cum Lake, Winterbourne Stoke, Woodford.

Alvediston, Ansty, Barford St Martin, Berwick St John, Berwick St Leonard, Bishopstone, Bowerchalke, Broadchalke, Burcombe Without, Chicklade, Chilmark, Compton Chaberlayne, Dinton, Donhead St Andrew, Donhead St Mary, East Knoyle, Ebbesborne Wake, Fonthill Bishop, Fonthill Gifford, Fovant, Hindon, Kilmington, Mere, Netherhampton, Quidhampton, Sedgemoor and Semley, Steeple Langford, Stourton with Gasper, Stratford Tony, Sutton Mandeville, Swallowcliffe, Teffont, Tisbury, Tollard Royal, West Knoyle, West Tisbury, Wilton, Wylde, Zeals.

Tidworth Area Board

Electoral Divisions (3)

Tidworth North and West, Tidworth East and Ludgershall South, Ludgershall North and Rural.

Parishes

Chute, Chute Forest, Collingbourne Ducis, Collingbourne Kingston, Everleigh, Ludgershall, Tidworth.

Trowbridge Area Board

Electoral Divisions (9)

Hilperton, Southwick, Trowbridge Adcroft, Trowbridge Central, Trowbridge Drynham, Trowbridge Grove, Trowbridge Lambrook, Trowbridge Park, Trowbridge Paxcroft.

Parishes

Hilperton, North Bradley, Southwick, Trowbridge, West Ashton.

Warminster Area Board

Electoral Divisions (5)

Warminster Broadway, Warminster North and Rural, Warminster East, Warminster West, Wylde Valley.

Parishes

Bishopstrow, Boyton, Brixton Deverill, Chapmanslade, Chitterne, Codford, Corsley, Heytesbury, Horningsham, Kingston Deverill, Knook, Longbridge Deverill, Maiden Bradley with Yarnfield, Norton Bavant, Sherrington, Stockton, Sutton Veny, Upton Lovell, Upton Scudamore, Warminster.

Westbury Area Board

Electoral Divisions (4)

Ethandune, Westbury East, Westbury North, Westbury West.

Parishes

Bratton, Dilton Marsh, Edington, Heywood, Westbury.

PART 3

RESPONSIBILITY FOR FUNCTIONS

SECTION C:

DELEGATION OF EXECUTIVE FUNCTIONS

1. **General**

- 1.1 The Leader will decide how arrangements for the discharge of cabinet functions are to be exercised except insofar as they are already set out in the cabinet arrangements adopted by the Council.
- 1.2 This scheme of delegation records the arrangements made by the Leader or the Cabinet for the discharge of executive functions by:
- 1.2.1 the Cabinet as a whole;
 - 1.2.2 a committee of the Cabinet;
 - 1.2.3 an individual Member of the Cabinet;
 - 1.2.4 an Area Board;
 - 1.2.5 an officer;
 - 1.2.6 joint arrangements or;
 - 1.2.7 another local authority.

2. **Cabinet as a whole**

- 2.1 In accordance with the terms of reference of Cabinet as set out at paragraph 3 of Part 3B of this Constitution, the Leader either directly or through Cabinet will carry out within the Council's Budget and Policy Framework all of the local authority's functions which are not the responsibility of any other part of the local authority whether by law or under this Constitution.
- 2.2 Cabinet is defined at Article 7 of Part 2 of this Constitution. The procedure rules governing meetings of Cabinet are set out at Part 7 of this Constitution.

3. **A Committee of the Cabinet**

- 3.1 The Leader may appoint a committee of the Cabinet for the discharge of executive functions.
- 3.2 At present the following cabinet committees have been appointed:
- 3.2.1 Shareholder Group

4. **An individual Member of the Cabinet**

- 4.1 Cabinet Members may exercise any executive functions within their allocated areas of responsibility, as set out in Appendix 2 of Part 3C. The Monitoring Officer has delegated authority to amend Appendix 2 from time to time to reflect the decision of the Leader.
- 4.2 This does not include executive functions which are specifically reserved by law or this constitution to the Council, the Leader and/or Cabinet, or officers.

4.3 In exercising delegated functions Cabinet Members must have regard to the Leader's Protocol for individual decision making, Protocol 5 of this Constitution, which promotes good practice and ensures transparency and consistency in the decision-making process.

4.4 Cabinet Members may in consultation with the Leader refer matters to the Cabinet for decision if they consider that it is more appropriate to do so.

4.5 Where a Cabinet Member is unable to act because of absence, a conflict of interest or any other reason, the Leader may nominate another Member of the Cabinet to exercise the function on their behalf.

5. Portfolio Holders

5.1 The Leader may also appoint other Members as 'Portfolio Holders' to assist Cabinet Members with the oversight, policy development and management of their areas of responsibilities.

5.2 Portfolio Holders are not Members of the Cabinet, and cannot exercise or be delegated any executive functions.

5.3 As Members of the administration involved in formulation of policy, Portfolio Holders cannot serve on Overview and Scrutiny Committees, Task Groups or Rapid Scrutiny Exercises unless called as witnesses.

6. An Area Board

6.1 This scheme of delegation records the arrangements made by the Leader for the discharge of executive functions by each of the 18 Area Boards constituted in accordance with paragraph 4 of Part 3 Section B of this Constitution.

6.2 Area Boards may exercise the following executive functions within their geographical areas of responsibility subject to compliance with paragraph 4.24 – 4.31 of Part 3B of this Constitution and specifically:

6.2.1 The approval of applications from community and voluntary groups and town and parish councils for grant funding through the Area Boards grant scheme.

6.2.2 The approval of applications for the disposal of non-strategic assets with a value below £250,000 provided that each application is supported by robust and appropriate business cases that benefit local communities in accordance with the council's Community Asset Transfer Policy.

7. Officers

7.1 The discharge of executive functions as delegated by the Leader having regard to the Scheme of Delegation to Officers as set out at Part 3 Section D of this Constitution.

8. Joint Arrangements

8.1 The discharge of executive functions under joint arrangements with one or more local authority as described at Article 11 of Part 2 of this constitution.

8.2 At present the following Joint Arrangements have been established:

8.2.1 None

9. Another local authority

9.1 Cabinet may delegate cabinet functions to another local authority or the cabinet of another local authority in certain circumstances as described at Article 11.4 of Part 2 of this Constitution.

10. Decisions

10.1 Those delegated to take decisions within this scheme of delegation must:

10.1.1 act within the council's Budget and Policy Framework;

10.1.2 comply with the council's Constitution, including particularly its Financial Regulations and Procedure Rules (Part 9) and Procurement and Contract Rules (Part 10), and all relevant legislation, guidance and codes of practice

10.1.3 follow the principles of decision making in Article 13.2 of Part 2 of this constitution.

10.1.4 consider the implication of any council policy, initiative, strategy or procedure

10.1.5 consider the staffing, financial, legal and environmental implications of any proposal

10.1.6 consider the assessment of any risks associated with a proposal in accordance with the council's risk management strategy

10.2 This scheme may be varied at any time in accordance with paragraph 4 of the Cabinet Procedure Rules (Part 7).

Part 3 Section C

Appendix 1 - Cabinet Committees and Joint Committees

Cabinet Committees

Shareholder Group Terms of Reference

1. **Overview**
 - 1.1 The Shareholder Group will exercise the Council's role as shareholder in any company, limited by shares wholly or partly owned by the Council for the purposes of service provision and/or trading activities including any joint venture.
 - 1.2 The Shareholder Group acts with the delegated authority of Cabinet to ensure the performance of any such company is satisfactory. Some actions in relation to the Council's companies are reserved to the Cabinet. These are set out below.
 - 1.3 Any reference in these terms of reference to a "company" or "companies" is defined as a company in which the Council holds shares.
 - 1.4 The Shareholder Group may also decide, from time to time, whether to accept proposals to submit a bid to provide goods and / or services which, if successful would commit the council to the establishment of a new company (which may include a joint venture company). In these instances, the decision of the Shareholder Group would be referred to the Cabinet for final approval.
2. **Matters reserved to Cabinet**
 - 2.1 None
3. **Membership**
 - 3.1 The Membership shall be as follows:
 - Leader of the Council (Chairman)
 - Cabinet Member for Finance, Development Management, and Strategic Planning–
 - Cabinet Member for Housing, Strategic Assets, Asset Transfer
 - 3.2 The Chief Executive, Corporate Director, Resources and Deputy Chief Executive, and the Director, Legal & Governance may attend the Shareholder Group to provide advice. Additional advisors may be invited to attend the Group as required.
 - 3.3 Changes to the Membership of the Shareholder Group will be agreed by the Leader of the Council and given effect by the Director, Legal & Governance.
 - 3.4 The Leader may appoint any other Member of the Cabinet as a substitute.
4. **Purpose**
 - 4.1 The Shareholder Group will:
 - 4.1.1 Have the power to appoint and remove Company Directors;
 - 4.1.2 Approve and monitor Company Business Plans;
 - 4.1.3 Approve the allotment of further shares in a Company (whether to third party shareholders or the Council);

- 4.1.4 Exercise any reserved powers in the Articles of a Company and any Shareholder Agreement with a Company;
 - 4.1.5 Endorse any amendments to Company Business Plans;
 - 4.1.6 Periodically evaluate financial performance of a Company;
 - 4.1.7 Agree significant capital or revenue investments proposed by a Company;
 - 4.1.8 Determine the distribution of any surplus or the issue of any dividends from a Company;
 - 4.1.9 Consider any recommendation from Company Directors to cease trading;
 - 4.1.10 Report to the Council annually on trading activity;
 - 4.1.11 Review the risks associated with trading activities.
- 4.2 The Shareholder Group will not have operational control over Companies. All decisions regarding the day-to-day operation of each Company, its business developments and commercial opportunities, staff terms and conditions and the development and implementation of its internal procedures, rest with the Directors of each Company.
- 5. Relationship to Scrutiny**
- 5.1 Select Committees will retain their scrutiny function in relation to the Shareholder Board. The Overview and Scrutiny Management Committee will be able to call the Shareholder Group to account for progress in relation to any Company for which the Council is a shareholder and any returns it is making.
- 6. Scope**
- 6.1 In respect of Teckal-compliant companies the Shareholder Group will:
- 6.1.1 Monitor Teckal compliance at least annually.
 - 6.1.2 Ensure the Business Plan of a Teckal compliant Company is aligned to the corporate objectives of the Council.
- 6.2 In respect of non Teckal-compliant wholly Council-owned companies the Shareholder Group will:
- 6.2.1 Seek to achieve appropriate returns on investment from trading activities.
 - 6.2.2 Ensure trading activities are conducted in accordance with the values of the Council.
- 6.3 In respect of any shareholding and/or joint ventures the Shareholder Group will:
- 6.3.1 Evaluate the return and benefits of the shareholding against the values of the Council.
 - 6.3.2 Where appropriate, exercise influence over the company and /or joint ventures in accordance with the values of the Council.
- 6.4 In respect of the submission of a bid which will commit the council to the establishment of a company (or Joint Venture) the Shareholder Group will:
- 6.4.1 Evaluate the return and benefits of the proposal, including an evaluation of the proposed profit share in a Joint Venture.
 - 6.4.2 Seek to achieve appropriate returns on investment from trading activities.
 - 6.4.3 Ensure trading activities are conducted in accordance with the values of the Council.

7. Operation of the Shareholder Group

- 7.1 Subject to the matters reserved to Cabinet stated above, the Cabinet has delegated to the Shareholder Group the authority to take decisions in respect of 100% of the Council's shareholding in any Company.
- 7.2 The Shareholder Group will meet quarterly, or as required.
- 7.3 The quorum for a meeting of the Shareholder Group is a minimum of two members, one of whom must be the Leader, who will chair the meeting.
- 7.4 The Shareholder Group may take decisions outside of a Company's general meeting as follows:
- 7.4.1 At meetings of its members by consensus of those present, unless any member of the Group requires a vote, in which event a majority decision will be taken with each member of the Shareholder Group present having a single vote. The Chairman of the meeting has a casting vote in the event that there is no clear majority; or
 - 7.4.2 In cases of urgency, by a decision made by the Leader in consultation with the Chief Executive.
- 7.5 Any decisions made by the Shareholder Group in accordance with 7.4.1 or 7.4.2 above, must be notified to the relevant Company's directors and the other Members of the Shareholder Group as soon as reasonably practicable following such decision being taken.
- 7.6 If a general meeting of a Company is called, the Shareholder Group will be required to nominate a corporate representative to attend the general meeting of a Company and vote on any resolutions proposed. In advance of any general meeting, the Shareholder Group may convene a meeting to discuss and determine any resolutions to be proposed at a general meeting. In such circumstances, decision making may be taken in accordance with the principles set out in 7.4.1 above. In cases of urgency, decision making may be taken in accordance with the principles set out in 7.4.2 above including, for the avoidance of doubt, the appointment of a corporate representative.
- 7.7 The Chairman approves the agenda for each meeting. The agenda and papers for consideration are circulated at least five working days before the meeting. After each meeting, the Chairman approves the meeting notes and actions and signs any resolutions agreed by the Shareholder Group.
- 7.8 The Shareholder Group will review the Terms of Reference annually.

Joint Committees

- 7.9 No joint executive committees have currently been appointed.

Part 3 Section C

Appendix 2 - Individual Members of Cabinet

Cabinet Member Post	Responsibilities	Cabinet Member(s)
Leader (Climate Change, Military-Civilian Integration, Economic Development, Heritage, Arts, Tourism and Health and Wellbeing)	<ul style="list-style-type: none"> • Setting strategic direction, priorities and targets • Ensuring the needs and aspirations of Wiltshire people are known • Management initiatives • Promoting the council • Relationships with other political group leaders and the Chairman of the Council • Environment and Climate Change • Economic Development • Local Enterprise Partnership • Military Covenant • Communication Policy • Cultural development including heritage, museums and arts • Tourism • Canals 	Cllr Richard Clewer Downton & Ebbles Valley Division Correspondence address: Leader of the Council Wiltshire Council Bythesea Road Trowbridge BA14 8JN
Deputy Leader and Cabinet Member for Children's Services, Education and Skills	<ul style="list-style-type: none"> • Performance of children's social services including child protection, fostering and adoption, children's homes and special educational needs • Relations with other organisations, especially the health service and voluntary organisations regarding children's services • Partnership with Wiltshire's school governors and headteachers on education matters including school performance, outcomes, funding, curriculum, buildings and admissions • Performance of the youth development service and early years provision and youth justice • Skills and Social Mobility 	Cllr Laura Mayes Bromham, Rowde & Roundway Division Correspondence address: Wiltshire Council Bythesea Road, Trowbridge BA14 8JN
Cabinet Member for Finance, Development	<ul style="list-style-type: none"> • Development management services including planning enforcement and conservation 	Cllr Nick Botterill By Brook Division

<p>Control and Strategic Planning</p>	<ul style="list-style-type: none"> • Strategic planning including the Local Development Framework • Wiltshire and Swindon minerals and waste local plans • Finance • Probity and financial management • Revenues and Benefits • Welfare reform • Performance • Risk • Audit • Pensions • Investment • Procurement and Commissioning 	<p>Correspondence address: Wiltshire Council Bythesea Road, Trowbridge BA14 8JN</p>
<p>Cabinet Member for Transport, Waste, Street Scene and Flooding</p>	<ul style="list-style-type: none"> • Flooding • Performance of waste management including collection, disposal and recycling • Highways maintenance and improvements • Rights of way • Public conveniences • Grounds and open space management including allotments • Cemeteries and markets • Litter and cleansing activities and environmental enforcement including abandoned vehicles, fly tipping etc • Traffic management including car parking, road safety and passenger transport • Performance and strategy for transport including the Local Transport Plan and related strategies and policies • Areas of Outstanding Natural Beauty 	<p>Cllr Dr Mark McClelland</p> <p>Salisbury St Francis & Stratford Division</p> <p>Correspondence address:</p> <p>Wiltshire Council Bythesea Road Trowbridge BA14 8JN</p>
<p>Cabinet Member for Adult Social Care, SEND, Transition and Inclusion</p>	<ul style="list-style-type: none"> • Performance of adult care services including services for people with learning disability, mental health problems or a physical impairment and for older people • Adult Social Care Transformation • Relations with other organisations, especially the health service and voluntary organisations regarding social care services 	<p>Cllr Jane Davies</p> <p>Marlborough West Division</p> <p>Correspondence address:</p> <p>Wiltshire Council Bythesea Road Trowbridge</p>

		BA14 8JN
Cabinet Member for Housing, Strategic Assets and Asset Transfer	<ul style="list-style-type: none"> • Housing • Provision of Gypsy and traveller services • Strategic Asset Management • County Farms • Strategic Housing 	<p>Cllr Phil Alford</p> <p>Melksham Without North & Shurnhold Division</p> <p>Correspondence address:</p> <p>Wiltshire Council Bythesea Road Trowbridge BA14 8JN</p>
Cabinet Member for Public Health and Public Protection, Leisure, Libraries, Facilities Management, Operational Assets	<ul style="list-style-type: none"> • Public health and Public Protection • Facilities Management • Operational Assets • Leisure and Sports • Libraries 	<p>Cllr Ian Blair-Pilling</p> <p>Avon Valley Division</p> <p>Correspondence address:</p> <p>Wiltshire Council Bythesea Road Trowbridge BA14 8JN</p>
Cabinet Member for Governance, IT, Broadband, Digital, Licensing, Staffing, Communities and Area Boards	<ul style="list-style-type: none"> • Electoral Reviews • Statutory Governance including information management • Registration Services and coroners • Legal • Democratic Services • Member Development • Human Resources and organisational development • Equality and Diversity • Customer Care • Community Development in local areas including Area Boards • Campus Development • Community safety • Environmental health • Trading Standards • Licensing • Emergency Planning • Broadband • IT and Digital 	<p>Cllr Ashley O'Neill</p> <p>Calne Rural Division</p> <p>Correspondence address:</p> <p>Wiltshire Council Bythesea Road Trowbridge BA14 8JN</p>

PART 3

RESPONSIBILITY FOR FUNCTIONS

SECTION D: SCHEME OF DELEGATION TO OFFICERS

This Section should be read in conjunction with the principles set out in Part 3 Section A.

D1 SCHEME OF DELEGATION

1. Scheme of Delegation to Directors
2. Decision Making
3. Record Keeping
4. Emergency Powers
5. Solicitor to the Council

D2 SCHEME OF SUB DELEGATION

D3 SCHEME OF DELEGATION SPECIFIC TO PLANNING

D4 SCHEME OF DELEGATION SPECIFIC TO LICENSING

Schedule 1 - Indemnity to Officers and Members

PART 3 SECTION D1

SCHEME OF DELEGATION

1. Scheme of Delegation to Directors

- 1.1 This Scheme of Delegation authorises the Chief Executive and Corporate Directors to exercise the functions of Wiltshire Council as set out in this document. It repeals and replaces all previous schemes of delegation.
- 1.2 This scheme is without prejudice to the exercise of the council's functions by the Council, the Cabinet, and the Council's Committees, Sub-Committees and Panels.
- 1.3 Full Council, its Committees and the Cabinet will make decisions on matters of significant policy. The Chief Executive and Corporate Directors have express authority to take all necessary actions to implement Council, Committee and Cabinet decisions that commit resources, within agreed budgets in the case of financial resources, as necessary and appropriate.
- 1.4 In relation to all delegated authority conferred on the Chief Executive and Corporate Directors by this scheme, the Chief Executive may allocate or re-allocate responsibility for exercising particular powers to any officer of the council in the interests of effective corporate management as he or she thinks fit.
- 1.5 Where a Director is absent from the workplace for a period of time that requires others to exercise delegated authority in that officer's absence, another officer should be nominated by the Chief Executive. This nomination should be formally recorded in writing and an announcement circulated to Members of the Council as soon as practicable.
- 1.6 The Monitoring Officer will maintain a central record of all delegations under this scheme and make this available for public inspection pursuant to section 100G Local Government Act 1972.
- 1.7 Without prejudice to the generality of the foregoing, the Chief Executive and Corporate Directors shall have the power:
 - 1.7.1 To take all lawful action consistent with overall council policy to deliver agreed strategy, plans and policy and to comply with statutory obligations within their areas of responsibility and within approved budget. This shall include, but not exhaustively:
 - 1.7.1.1 Invitation and acceptance of tenders;
 - 1.7.1.2 Submission of bids for funding;
 - 1.7.1.3 Write-off of irrecoverable debts;
 - 1.7.1.4 Virement (within the budget framework);
 - 1.7.1.5 Disposal and acquisition of assets;
 - 1.7.1.6 Service and placing of any necessary statutory or other notices (other than those expressly reserved to Full Council, Committee or Cabinet);
 - 1.7.1.7 After consultation with the Solicitor to the Council, authorising the institution, defence, settlement or participation in criminal or civil

proceedings in relation to any legislation which they are responsible for monitoring, enforcing or otherwise implementing on behalf of the Council;

- 1.7.2 To put in place management arrangements, which define the area of responsibility of all officers under their service area.
- 1.7.3 To determine staffing arrangements within approved budgets, subject to agreement on grading with the Head of Paid Service after consultation with the Director for HR and Organisational Development and in conformance with Council policies and the Finance Regulations and Procedure Rules (Part 9).
- 1.7.4 To take all action to recruit, appoint, develop, manage and reward employees within approved Council policies and procedures (including operation of policies for voluntary severance, early retirement, redundancy and redeployment) and relevant conditions of service.
- 1.8 Any Member of the Council may request that decisions taken by officers under delegated powers are scrutinised by the overview and scrutiny management committee.
- 1.9 For the avoidance of doubt anything which is not covered by this scheme, including the appointment of a Proper Officer for the purpose of any statutory function, will be determined by the Chief Executive after consultation with the Monitoring Officer.
- 1.10 The council has given a general indemnity to any officer acting in the purported discharge of any authority delegated to them for any action, costs, claim or liability incurred by them as set out in Schedule 1.

2. Decision Making

- 2.1 In exercising these delegated powers the officers concerned shall have broad discretion, subject to complying with paragraph 2.2 below, to use the most efficient and effective means available (including the deployment of staffing and other resources within their control and the procurement of other resources necessary) whether within or outside the Council.
- 2.2 In taking any decision, the officer concerned must be satisfied that the following issues have been properly considered and completed where appropriate. All of these issues should be considered at the earliest possible stage:
 - 2.2.1 A key decision should be taken in accordance with the relevant requirements as set out in this Constitution (Part 1) and The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012;
 - 2.2.2 The views of the relevant Cabinet Member(s), Committee Chairman, Area Board(s) as appropriate;
 - 2.2.3 The implication of any Council policy, initiative, strategy or procedure. Officers need to be aware of any potential impact of a delegated decision on other services. In such cases, consultation with officers, relevant Cabinet Members(s) or Committee Chairman, from any affected portfolio, and local Members, where the issue relates to a specific area, should take place;
 - 2.2.4 Consultation in accordance with the Council's consultation guidance and the views emanating from that process;

- 2.2.5 The range of available options;
- 2.2.6 The staffing, financial and legal implications;
- 2.2.7 The assessment of any associated risks in accordance with the Council's risk management strategy;
- 2.2.8 The involvement of appropriate statutory officers and/or other Corporate Directors and Directors;
- 2.2.9 The relevance of any regional or national guidance from other bodies;
- 2.2.10 The Council's Constitution, including the Procurement and Contract Rules (Part 10) and the Financial Regulations and Procedure Rules (Part 9), all relevant guidance, legislation, codes of practice and protocols.

3. Record Keeping

3.1 In taking any Executive decision, the officer concerned must prepare a record of officer decision report setting out the following:

- 3.1.1 A record of the decision including the date it was made;
- 3.1.2 A record of reasons for the decision;
- 3.1.3 Details of any alternative options considered and rejected by the officer when making the decision;
- 3.1.4 A record of any conflict of interest declared by any executive Member who is consulted by the officer which relates to the decision;
- 3.1.5 In respect of any declared conflict of interest, a note of dispensation.
- 3.1.6 The record of officer decision must be made available, as soon as reasonably practicable, at the Council main hub offices and on its website unless it contains confidential information or exempt information as defined in the Regulations and set out in Part 5.

3.2 In taking any Incidental decision, the officer concerned must consider whether a record of officer decision report is required having regard to guidance from the Monitoring Officer.

4. Emergency Powers

- 4.1 The Chief Executive and Corporate Directors are empowered to take all necessary decisions in cases of emergency;
- 4.2 For the purposes of this scheme, emergency shall mean any situation in which the relevant officer believes that there is a risk of damage to property, a threat to the health or wellbeing of an individual or that the interests of the Council may be compromised.

5. Solicitor to the Council

5.1 The Solicitor to the Council is authorised:

- 5.1.1 To take any action to implement any decision taken by or on behalf of the Council, including the signature and service of statutory and other notices and any document;
- 5.1.2 To institute, defend, settle or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in

any case where the Solicitor to the Council considers that such action is necessary to protect the Council's interests;

5.1.3 To instruct counsel, solicitors and other experts in relation to legal proceedings, public inquiries, and other matters involving the Council;

5.1.4 To enter objections to any proposal affecting the county, the Council or the inhabitants of the county.

Revised - clean version

PART 3 SECTION D2

SCHEME OF SUB DELEGATION

1. The Chief Executive and Corporate Directors may authorise officers in their areas of responsibility to exercise, on their behalf, powers delegated under this Part 3 and Part 3 Section D1 by way of a Scheme of Sub Delegation.
2. Any decision pursuant to a Scheme of Sub Delegation must be taken in the officer's name for and on behalf of the Chief Executive and Corporate Directors as the case may be.
3. The Chief Executive and Corporate Directors are responsible for recording all delegations under this part, in writing, in such form as the Monitoring Officer may prescribe.
4. The Chief Executive and Corporate Directors shall be responsible for ensuring that their Schemes of Sub Delegation are valid and up to date in line with guidance from the Monitoring Officer.
5. All Schemes of Sub Delegation must be recorded on the Register maintained by the Monitoring Officer. The Chief Executive and Corporate Directors shall send updated Schemes of Sub Delegation to the Monitoring Officer as he/she directs.
6. Any decision taken by an Officer under a Scheme of Sub Delegation must be made in accordance with Paragraph 2 of Part 3 Section D1 and recorded in as required in Paragraph 3 of Part 3 Section D1.

PART3 SECTION D3

SCHEME OF DELEGATION SPECIFIC TO PLANNING

1. The Corporate Director, Place (and any officers designated by that officer under a Scheme of Sub Delegation) is authorised to:
 - 1.1 determine any planning application and discharge conditions under delegated powers (including tree/hedgerow work applications);
 - 1.2 deal with all enforcement matters (including deciding on the expediency of taking/not taking action and issuing enforcement notices, including listed building enforcement and urgent works notices and taking any further action, including prosecution and direct action in respect of any breach of control);
 - 1.3 deal with all types of appeal and their format;
 - 1.4 where an appeal has been lodged against a planning decision and counsel advises that specific refusal reasons are unreasonable and/or likely to undermine or weaken the Council's case and time constraints prevent the matter being brought back to Committee, officers, in consultation with the Committee Chairman and Local Division Member are authorised to inform the appellant and the Planning Inspectorate that the Council will not seek to defend such reason(s) at appeal, provided any such action does not overturn the substantive decision of the Planning Committee;
 - 1.5 make and confirm Tree Preservation Orders; Tree Replacement Notices and serve notices requiring action in relation to dangerous trees, and to initiate any associated direct action required to deal with dangerous trees; deciding whether to prosecute for breaches of the Planning Acts in relation to tree and hedgerow matters;
 - 1.6 determining any applications made under the high hedges provisions of the anti-social behaviour legislation; including any necessary enforcement action;
 - 1.7 deal with decisions, correspondence and consultations under relevant local government, social, planning, listed building, conservation, building and environmental and other legislation. This includes proposals to change legislation or national guidance and consultation by other planning authorities;
 - 1.8 determine the requirements for, and amend when necessary the local validation list for planning applications;
 - 1.9 make and confirm Article 4 directions restricting or removing permitted development rights;
 - 1.10 nominate officers to represent the council on forums and working parties;
 - 1.11 authorise officers to enter land and buildings in the course of their duties in accordance with the provisions of the Town & Country Planning Acts;
 - 1.12 enter into, modify or discharge planning or legal agreements securing controls over development (e.g. Section 106 of the Town & Country Planning Act 1990);
 - 1.13 make changes to conditions approved at Committee (in the light of changing circumstances between the meeting and the issue of the decision) provided this is in line with the principles of the Committee's decision. Any such

changes will be reported back to a subsequent Committee for Members' information;

- 1.14 annually recommend to the budget process all planning fees and charges;
- 1.15 refuse applications following a resolution to grant permission or consent if the required legal agreements are not completed by the applicant within the timeframe set out in the officer's report and present an information report for acceptance by the relevant Planning Committee on a quarterly basis;
- 1.16 institute and defend judicial reviews and statutory challenges in consultation with the Director of Legal and Governance;
- 1.17 Make and serve Building Preservation Notices;
- 1.18 determine whether an application falls within the remit of Strategic Planning Committee or the relevant area planning committee, after consultation with the relevant cabinet Member.

2. With the following exceptions:

2.1 Applications submitted by Wiltshire Council will not be dealt with under delegated powers where an objection has been received raising material planning considerations.

2.2 Reference to Committee by Wiltshire Council Division Member - Division Members can request in writing/email that a planning application, or an application for Permission in Principle for Minor Residential Development, within their Division proceed to determination by way of a Planning Committee. This is known as a call-in request.

2.2.1 Any request relating to a planning application must be received within 21 days of the circulation of the weekly list of 'applications received' in which it appears, and any request relating to an application for Permission in Principle must be received within 15 calendar days of the despatch of the email notification of the application to the Division Member. In both cases, Members must set out the material planning consideration(s) which warrant the application going before committee. Officers will confirm what action is being taken following receipt of the request.

2.2.2 Applications for tree work, prior approvals, Certificates of Lawfulness; notifications and variations/discharge of legal agreements - where the latter would bring them in line with a planning decision already made by the Council, will not be eligible for call-in and will be dealt with under delegated powers.

2.2.3 Where it has not been possible or appropriate to call an application in within this time, call in requests will be accepted in the following circumstances:

- a) An application has not been determined and it can still go to Committee and be determined within the target date.
- b) The application is already going to go out of time (because of negotiations/amended plans etc.) and taking it to Committee will make no difference to performance.

2.2.4 Where neither of the above apply, and the Division Member thinks there is a strong case to delay the determination of the application and take it to committee, they can discuss the case with Head of Development Management

who will arrange for (or discuss with the Corporate Director, Place or Chief Planning Officer prior to arranging for) an informed decision whether or not to exercise delegated powers.

2.3 If private applications are made by:

- a) a Member or their close relations;
- b) The Chief Executive, a Corporate Director, or a Director of the Council or their close relations; or
- c) a planning officer and objections are received raising material planning considerations the application will be determined by a committee.

3. It is perfectly acceptable for Members to nominate a substitute(s) 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.
4. There will be occasions where it would be possible to deal with certain applications under delegated powers but where the Corporate Director, Place or Chief Planning Officer considers it inappropriate to do so, having considered any public representation and consultee responses. In these cases, the applications will be determined by an appropriate planning committee.

5. Definitions

- 5.1 Planning application means any application submitted to the Council for determination and included within the Government's planning application statistical returns. (This is a statistical questionnaire dealing with performance which local authorities have to submit regularly to the government and which divides planning application into distinct categories; householder, minor, major etc.)
- 5.2 'Large scale major development' means any application for 200 or more houses; residential development of 4ha or more or other development of more than 10,000 square metres or more than 2ha, as defined by the Government in the planning application statistical returns.
- 5.3 Householder development and the other descriptions of development referred to above shall have the meaning ascribed to them in the Government's planning application statistical returns.
- 5.4 Enforcement notices includes all other formal notices under the Planning Acts used to investigate and remedy alleged breaches of planning control or improve the appearance of an area, including Breach of condition notices and Section 215 notices.
- 5.5 A private application is one which has no connection with a Member or officer's council duties. For example, if an officer submitted a Regulation 3 application on behalf of Wiltshire Council it would not be a private application.
- 5.6 A close relation is defined as spouse, partner, sibling, parent or offspring.
- 5.7 Minor residential development means housing led development of between one and nine dwellings.

PART 3 SECTION D4 SCHEME OF DELEGATION SPECIFIC TO LICENSING

Licensing Act 2003: Table of Delegations of Licensing Functions

Matter to be dealt with	Full Committee	Sub-Committee	Officers
Application for personal licence with unspent convictions		If a police Objection	If no objection made
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made or if representation made and all parties subsequently agree on a revised application.
Application for provisional statement		If a relevant representation made	If no relevant representation made or if representation made and all parties subsequently agree on a revised application
Application to vary premises licence/club registration certificate		If a relevant representation made	If no relevant representation made or if representation made and all parties subsequently agree on a revised application
Application to vary designated personal licence holder		If a police Objection	All other cases
Request to be removed as designated personal licence holder			All cases
Application for transfer of a premises licence		If a police Objection	All other cases

Application for interim authorities		If a police Objection	All other cases
Application to review premises licence / club premises registration		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc			All cases
Decision to object when local authority is a consultee and not the lead authority		All cases	
Determination of a representation to a temporary event notices		All cases	
Determination of Film Classification requests		Appeal against officer decision	All cases initially

Gambling Act 2005: Table of Delegations of Licensing Functions

Matter to be dealt with	Full Council	Licensing Committee or Sub-Committee	Officers
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee setting – when appropriate	X		
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		X	
Application for club gaming/club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X

Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	
Determination as to whether a person is an interested party			X
Determination as to whether representations are relevant			X
Determination as to whether a representation is frivolous, vexatious or repetitive			X

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Table of Delegated Functions - Miscellaneous

Matter to be dealt with	Licensing Committee	Sub-Committee	Officers
Schedule 3 Local Government (Miscellaneous Provisions) Act 1982 (as required by the sex establishments policy)	The Licensing Committee or Sub Committee will determine any application	The Licensing Committee or Sub Committee will determine any application	To determine Renewals where no objections have been received
Schedule 4 Local Government (Miscellaneous Provisions) Act 1982 (Consent street trading)	The Licensing Committee or Sub Committee will determine applications where refusal has been recommended by officers, and subsequent representations have been received from the applicant	The Licensing Committee or Sub Committee will determine applications where refusal has been recommended by officers, and subsequent representations have been received from the applicant	In all other cases
<p>Powers to grant licences and permits under the following legislation:</p> <p>Town Police Clauses Act 1847 as amended Sections 47, 57, 58, 60 and 79 of Local Government (Miscellaneous Provisions) Act 1976 (Hackney carriages)</p> <p>Section 13 – 17 Local Government (Miscellaneous Provisions) Act 1982 (acupuncture, tattooing, ear Piercing and electrolysis)</p> <p>Zoo Licensing Act 1981</p> <p>House to house collections Act 1939</p>	<p>For all these functions there is no role for the committee as there is a statutory right of appeal to the Magistrates' Court</p> <p>The Licensing Committee will determine any application made by an officer or Member of the Council.</p>	For all these functions there is no role for the sub - committee as there is a statutory right of appeal to the Magistrates' Court	In all other cases

Dangerous Wild Animals Act 1976			
Lotteries and Amusements Act 1976			
Hypnotism Act 1952 (as amended) and Schedule 3 Local Government (Miscellaneous Provisions) Act 1982			
The Animal Welfare (Licensing of activities involving animals) (England) Regulations 2018			All other cases Appeals to Head of Service or Licensing Manager

**Criminal Justice and Police Act 2001 and Violent Crime Reduction Act 2006
Table of Delegations of Licensing Functions**

Matter to Be Dealt With	Full Council	Licensing Committee or Sub-Committee	Officers (Corporate Director Place)
Making Designated Public Places Orders (DPPOs)		X	

PART 3 SECTION D5

Indemnity to Officers and Members

1. Under section 265 of the Public Health Act 1875 (“the 1875 Act”) councillors and local authority officers, when acting in the course of their duties and in good faith, have statutory immunity and are not personally liable for actions they take.
2. The Local Authorities (Indemnities for Members and Officers) Order 2004 (“the 2004 Order”) gives a specific power for authorities to grant indemnities to cover the potential liability of members and officers in a wider range of circumstances than under the 1875 Act.
3. Section 111(1) of the Local Government Act 1972 provides ancillary powers to local authorities which may permit them to indemnify members and officers in relation to particular decisions or acts if to do so would facilitate, or is incidental, or conducive to the discharge of a function of the authority.
4. Reference to member in this Part 3 Section D means an elected Member of the Council, a co-opted Member of a Committee or an Independent Person appointed under S27 of the Localism Act 2011.

5. Terms of Indemnity

5.1 Wiltshire Council will, subject to the exceptions set out below at paragraph 6:

5.1.1 Indemnify its members and officers against claims made against them (including costs awarded and reasonable costs incurred); and

5.1.2 will not itself make claims against them for any loss or damage (other than claims falling within the cover provided to its members and officers under any policy of insurance taken out by the Council or any motor vehicle insurance policy taken out by the members and officers)

occasioned by any neglect, act, error or omission committed by them in their capacity as a member or officer of the Council or failure to act in their capacity as a member or officer of the Council whilst acting within the scope of their authority which shall include when they are acting for other persons or other bodies with the Council's consent.

5.2 The indemnity is effective to the extent that the member or officer in question:

5.2.1 believed that the action, or failure to act, in question was within the powers of the Council; or

5.2.2 where the action or failure comprises the issuing or authorisation of any document containing any statement as to the powers of the Council, or any statement that certain steps have been taken or requirements fulfilled, believed that the contents of that statement were true,

and it was reasonable for the member or officer to hold that belief at the time when they acted or failed to act] [provided that it shall not extend to any act or omission which is beyond the powers of any external body even where the action was taken in the reasonable belief that it was within the outside bodies powers]

6. Exceptions

6.1 The indemnity will not extend to loss or damage directly or indirectly caused by or arising from:

- 6.1.1 fraud, dishonesty, deliberate wrongdoing or recklessness on the part of the member or officer;
- 6.1.2 subject to the provisions of paragraph 6.3, a criminal offence on the part of the member or officer;
- 6.1.3 any neglect, error or omission by the members or officer otherwise than in the course of his duties;
- 6.1.4 liability in respect of losses certified by the appropriate auditor as caused by wilful misconduct;
- 6.1.5 subject to the provisions of paragraph 6.3, failures by the member to comply with the Code of Conduct.

6.2 No indemnity may be provided in relation to the making by the member or officer indemnified of any claim in relation to an alleged defamation of that member or officer but may be provided in relation to the defence by that member or officer of any allegation of defamation made against them.

6.3 Notwithstanding paragraph 6.1.2 and 6.1.5 this indemnity does extend to:

- 6.3.1 the defence of any criminal proceedings brought against the member or officer; and
- 6.3.2 the defence of any civil liability arising as a consequence of any action or failure to act which also constitutes a criminal offence.

Provided that:

6.3.3 In the case of criminal proceedings, if the member or officer in question is convicted of a criminal offence and that conviction is not overturned following appeal the indemnity shall not apply. In any such cases the officer or member shall reimburse the Council for any sums expended by it in relation to those proceedings pursuant to the indemnity and those sums shall be recoverable by the Council as a civil debt, and

6.3.4 In the case of any proceedings pursuant to Section 34 Chapter 7 of the Localism Act 2011 (meaning any investigation, report, reference, adjudication or any other proceeding):

6.3.4.1 If a finding is made in those proceedings that the member in question has failed to comply with the Code of Conduct and that finding is not overturned following appeal the indemnity shall not apply, or

- 6.3.4.2 If the member admits that they have failed to comply with the Code of Conduct that member shall reimburse the Council for any sums expended by it in relation to those proceedings pursuant to the indemnity and those sums shall be recoverable by the Council as a civil debt.
- 6.3.5 The indemnity will not apply if a member or officer, without the written authority of the Council, admits liability or negotiates or attempts to negotiate a settlement of any claim falling within the scope of this resolution, or where there is evidence that the member or officer had acted with reckless disregard for the consequences.
- 6.3.6 The Indemnity will not cover any loss or expense for which the member or officer can obtain reimbursement from any other source, including insurance, whether taken out by the Council, Member, Officer or by any other person.
- 6.3.7 Any decision as to whether or not this indemnity applies will be undertaken, and if applicable authorised, by the Chief Executive in consultation with the Chief Finance Officer and the Monitoring Officer.

7. Notification obligations

7.1 The indemnity contained in this Part 3 Section D is subject to the Officer or Member:

- 7.1.1 notifying the Director, Legal and Governance as soon as possible of any claim being made or intimated against him or her, and of any circumstances arising which may give rise to a claim.
- 7.1.2 giving the Director, Legal and Governance and its professional advisors access at reasonable times to any relevant documents and records within the power and control of the officer or member so as to enable the Director, Legal and Governance and its professional advisors to examine them and take copies for the purpose of assessing the claim.

8. General

- 8.1 The indemnity contained in this Part 3 Section D is without prejudice to the right of the Council to take or institute disciplinary or other suitable action against a member or officer in respect of any neglect, act, error or omission.
- 8.2 The indemnity shall only extend to cover actual loss and expense incurred and evidenced by the member or officer to the satisfaction of the Director of Legal and Governance.
- 8.3 These indemnities shall continue to apply (on the terms set out in this Part 3 Section D) after the member or officer has ceased to be a member or officer of the Council where it relates to any act or failure to act during the time the member or officer was a member or officer of the Council.

- 8.4 Nothing in this Part 3 Section D restrict or limit the officer and members general obligation at law to mitigate any loss it may suffer or incur as a result of any event that may give rise to a claim.
- 8.5 The indemnity shall not extend to any loss or damage directly or indirectly arising from any motor vehicle claims in which an officer using his or her own private vehicle on the Council's business has been involved in an accident.
- 8.6 The Council or its insurers will be entitled to take over and conduct in the name of the member or officer the defence of any proceedings brought against the member or officer.

Revised - clean version

**Wiltshire Council
Constitution
Part 4
Rules of Procedure:
Council**

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PART 4 - RULES OF PROCEDURE: COUNCIL

1. Application to Committees and Sub-Committees

- 1.1 All of the Council rules of procedure apply to meetings of Full Council. Only paragraphs 16.27 and 23.10 apply to meetings of the Cabinet. Only paragraphs 7.1-16.21; 17.1-17.24; 19.1-22.8; 23.2-23.6; 23.9; 24.1-24.2 apply to meetings of Committees and Sub-Committees.

Commented [EK1]: Numbering will be double checked once document approved and formatted, to ensure same sections are covered by any new numbering

2. Annual meeting of the Council

- 2.1 In a year when there is an ordinary election of Members, the annual meeting will take place within 21 days of the retirement of the outgoing Members. In any other year, the annual meeting will take place in March, April or May (Local Government Act 1972, Schedule 12, paragraph 2).
- 2.2 The annual meeting will:
- 2.2.1 elect a person to preside if the Chairman of Council is not present;
 - 2.2.2 elect the Chairman of Council (Local Government Act 1972, s.4);
 - 2.2.3 ~~appoint~~ elect the Vice-Chairman of Council (Local Government Act 1972, s.5);
 - 2.2.4 approve the minutes of the last meeting;
 - 2.2.5 receive any announcements from the Chairman and/or Head of Paid Service;
 - 2.2.6 appoint at least one Overview and Scrutiny Committee, a Standards Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to Full Council nor are Cabinet functions (as set out in Part 3 of this Constitution) (Local Government and Housing Act 1989, s.15);
 - ~~2.2.6~~ 2.7 appoint chairmen and vice-chairmen of committees, as set out in Part 3 of this constitution;
 - ~~2.2.7~~ 2.8 agree the scheme of delegation or such part of it as the constitution determines it is for the Council to agree (as set out in Part 3 of this constitution);
 - ~~2.2.8~~ 2.9 approve a programme of ordinary meetings of the Full Council for the year; and
 - ~~2.2.9~~ 2.10 consider any business set out in the notice convening the meeting.
 - ~~2.2.10~~ in an election year;
 - ~~2.2.11~~ ~~2.2.10~~ elect the Leader;

Commented [EK2]: Already the case, but not specified

3. Election of Chairman, Vice-Chairman and Leader of the Council

- 3.1 The election of the Chairman and the appointment of the Vice-Chairman shall be the first and second items of business respectively transacted at the annual meeting of the Council (Local Government Act 1972 s.4 and s.5).
- 3.2 The election of the Chairman, Vice-Chairman and Leader shall be determined by a show of hands unless at least 10 Members request a secret ballot. Where a secret ballot is requested it shall be conducted by the person presiding in accordance with the following procedure:

- 3.2.1 the person presiding at the meeting shall invite nominations for Chairman, Vice-Chairman and Leader (as appropriate) from those present at the meeting;
- 3.2.2 a Member must be proposed and seconded to be eligible;
- 3.2.3 a Member shall not be nominated in their absence for the position of Chairman, Vice-Chairman or Leader without their written consent;
- 3.2.4 the Chairman, Vice-Chairman or Leader shall be elected from among the Members of the Council duly nominated unless any Member nominated withdraws their name, in which case the election shall be from among the remaining nominees;
- 3.2.5 the Chairman, Vice-Chairman or Leader shall be elected by the vote of a majority of those Members present and voting (Local Government Act 1972 Schedule 12, paragraph 39);
- 3.2.6 each Member shall vote by writing the name of one of the Members nominated upon a ballot paper which shall then be placed in the ballot box;
- 3.2.7 when, in the opinion of the person presiding at the election, each Member present has had a reasonable time in which to vote, the ballot box should be delivered to the person presiding whereupon the voting shall be deemed to have been completed except that this shall not preclude the person presiding from exercising their casting vote in accordance with 3.2.11;
- 3.2.8 the ballot papers shall then be counted by the person presiding at the election;
- 3.2.9 if only one Member is nominated, the person presiding shall declare that Member elected as Chairman, Vice-Chairman or Leader as the case may be; and if two Members are nominated the Member receiving the vote of the majority of those Members present and voting shall be declared elected (Local Government Act 1972, Schedule 12, paragraph 39(2));
- 3.2.10 if more than two Members are nominated, the person presiding shall announce the name of the Member with the lowest number of votes and that Member shall be eliminated. A further ballot or ballots shall then be taken and after each ballot the Member receiving the lowest number of votes shall be eliminated, in accordance with the foregoing procedure, until only two Members remain which shall be submitted to the final vote;
- 3.2.11 in the event of an equality of votes in any of the ballots, the person presiding shall give a second or casting vote and where there are three or more Members with an equal number of votes the person presiding shall give a second casting vote to each of such Members except one (Local Government Act 1972, Schedule 12, paragraph 39(2)).

4. Selection of Members to serve on Committees and outside bodies

- 4.1 At the annual meeting, the Council will:
 - 4.1.1 decide which Committees to establish for the municipal year;
 - 4.1.2 decide the size and terms of reference for those Committees;
 - 4.1.3 decide the allocation of seats and substitutes to political groups in accordance with the political balance rules (Local Government and Housing Act 1989 s.15);
 - 4.1.4 receive nominations of Members to serve on each committee and appoint to those Committees
 - 4.1.5 ~~Agree that~~ Appointments to outside bodies will be made by the Leader of Council, Cabinet, Area Boards or a meeting of group leaders as appropriate.

5. Ordinary meetings

5.1 Ordinary meetings of the Council will take place in accordance with a programme decided by Council.

5.1.2 Ordinary meetings will:

5.1.1.1 elect a person to preside if the Chairman and Vice-Chairman are not present;

5.1.2.2 elect a Leader if there is a vacancy;

5.1.3.3 approve the minutes of the last meeting;

5.1.4.4 receive any declarations of interest from Members;

5.1.5.5 receive any announcements from the Chairman, Leader, Members of the Cabinet, eCommittee eChairmen or the HHead of pPaid Sservice;

5.1.6.6 receive questions from and provide answers to Members of the Council and the public ~~on any matters in relation to which the Council has powers or duties or which affects the Council's administrative area, which are not included in a report to the Council in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting;~~

5.1.7.7 deal with any business from the last Council meeting;

5.1.8.8 receive reports from the Cabinet and the Council's Committees and receive questions and answers on any of those reports;

5.1.9.9 receive reports about and receive questions and answers on the business of joint arrangements and external organisations;

5.1.10.10 consider motions ~~on notice;~~ and

5.1.11.11 consider any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's B-budget and Ppolicy fFramework and reports of the Ooverview and Sscrutiny Committees for debate.

~~5.2 Members wishing to ask a question in relation to the reports of the Dorset and Wiltshire Fire Authority are required to give written notice (including details of the question) to the Proper Officer no later than Four clear working days before the Council meeting.~~

Commented [EK3]: For consistency - aligns to rules on public participation further down

Commented [EK4]: For clarity

Commented [EK5]: No requirement for different deadline - people can submit to regular deadlines, and either be referred to Fire Authority or an answer as appropriate

6. Extraordinary meetings

Calling an extraordinary meeting

6.1 Those listed below may request the Proper Officer to call Council meetings in addition to the scheduled ordinary meetings:

6.1

6.1.1 the Council by resolution;

6.1.2 the Chairman of the Council (Local Government Act 1972, Schedule 12, paragraph 3(1));

6.1.3 the Monitoring Officer or the Head of Paid Service (Local Government and Housing Act 1989 s.4 and s.5); or

6.1.4 any five Members if they have signed a requisition and presented it to the Chairman of the Council and the Chairman has refused to call a meeting, or has failed to call a meeting within seven days of the presentation of the requisition (Local Government Act 1972, Schedule 12, paragraph 3(2)).

6.2 The notice for any extraordinary meeting must specify the business proposed to be transacted at the meeting with no consideration of previous minutes or reports from Committees.

7. Appointment of Substitute Members of Committees and Sub-Committees

Allocation

7.1 As well as allocating seats on Committees, the Council will allocate seats in the same manner for substitute Members.

Number

7.2 For each Committee, the Council will appoint ~~a maximum of up to~~ four named substitutes for each political group which holds seats on that Committee.

~~7.2.3~~ For any Sub-Committees, the establishing Committee will be able to appoint any or all members of that Committee as substitutes, subject to any specific rules in their terms of reference.

Commented [EK6]: For avoidance of doubt

Powers and duties

~~7.37.4~~ Substitute Members will have all the powers and duties of any ordinary Member of the committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

Notification of Substitution

~~7.47.5~~ Substitute Members may attend meetings in that capacity only:

~~7.4.17.5.1~~ to take the place of the ordinary Member for whom they are the designated substitute;

~~7.4.27.5.2~~ where the ordinary Member will be absent in their capacity as a committee member for the whole of the meeting; and,

~~7.4.37.5.3~~ where notification of the intended substitution has been given in writing to the Proper Officer before the start of the meeting by the member who is to be substituted, or by their group leader. Exceptionally, in cases of urgency, such notification may be made verbally in person or by telephone to the Proper Officer and confirmed subsequently in writing.

~~7.5.4~~ The Proper Officer for these purposes is the Democratic Services Officer supporting the meeting.

~~7.4.4~~

Commented [EK7]: To clarify people can attend in another capacity even if giving apologies for their committee attendance - eg so they can speak only as local member. Is included in guidance on substitutions already

Declaration of disclosable pecuniary interests and other interests

8.1 Where a Member has declared a disclosable pecuniary interest in an item on an agenda, they must withdraw from the meeting room for the duration of that item, and not speak or vote on the item unless a dispensation has been granted.

8.2 Part 12 of the Constitution, Code of Conduct, sets out details of when a Member may remain in the room or speak if they have declared other types of interest.

Commented [EK8]: Link to new Code

8. Time and place of meetings

8.1 The time and place of meetings will be determined by the Proper Officer and notified in the summons (Local Government Act 1972, Schedule 12, paragraphs 1(4) (annual meeting) and 2(2) (all other meetings of the Council)).

8.2 With the exception of an extraordinary meeting requisitioned by Members in accordance with paragraph 6, the Proper Officer may cancel a meeting in the event of the below circumstances following consultation with the Chairman, or in their absence the Vice-Chairman, and giving reasonable notice of its cancellation:

8.2.1 Inclement weather;

8.2.2 Where there is reason to believe the meeting would not be quorate;

8.2.3 Insufficient business for the meeting to be viable;

8.2.4 Other reasonable unforeseen circumstances.

Commented [EK9]: in case Chairman uncontactable

9. Notice of and summons to meetings

9.1 The Proper Officer will give notice to the public of the time and place of any meeting in accordance with the Part 5 of this Constitution (Access to Information Procedure Rules).

9.2 ~~For Full Council~~ At least five clear days before a meeting, the Proper Officer will send a summons signed by him or her by post to every Member of the Council, or leave it at their usual place of residence, or if the Member has consented, via email.

Commented [EK10]: For clarity

~~9.1.3~~ The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available (Local Government Act 1972, Schedule 12, paragraph 4 as amended by The Local Government (Electronic Communications) (England) Order 2015).

10. Chair of meeting

10.1 The person presiding at the meeting may exercise any power or duty of the Chairman. Where these rules apply to committee and sub-committee meetings, references to the Chairman also include the Chairman of Committees and Sub-Committees.

11. Quorum

11.1 The quorum of any meeting will be one quarter of its total voting Membership, subject to a minimum number of three voting Members. If during any meeting, upon request, the Chairman counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If they do not fix a date, the remaining business will be considered at the next ordinary meeting (Local Government Act 1972, Schedule 12, paragraph 6).

12. Public participation at meetings

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12.1 The Council welcomes public participation from anyone who lives, works or studies in Wiltshire, or who has a direct connection to a service provided by the Council. Public participation can take the form of presenting petitions, making statements or asking questions.

12.2 This rule applies to Council and most committee meetings ~~other than planning Committees~~. Paragraphs 16.25-16.27 refer to the application of this rule at Cabinet, ~~P~~lanning Committees and ~~a~~Area ~~b~~Boards.

13. Petitions

13.1 The Council has adopted a Petitions Scheme which is set out in Part 4A of this Constitution.

~~13.1~~13.2 This sets out the purpose of a petition, the eligibility criteria and relevant thresholds for making, submitting or presenting petitions, and the procedure and review mechanisms for petitions.

Commented [EK11]: For clarity

14. Statements

14.1 Up to three speakers are permitted to speak for up to three minutes each on any agenda item, although this may be extended at the Chairman's discretion.

14.2 Those wishing to make a statement must register to do so at least ten minutes prior to the meeting by contacting Democratic Services.

14.3 Statements must be relevant to the powers and duties of the Council and be clear and concise. A statement must not:
14.3.1 be defamatory, frivolous, offensive, vexatious, unlawful or otherwise improper;
14.3.2 relate to any non-determined planning or licensing application;
14.3.3 name or identify individual service users, Members of staff or Members of staff of partner agencies.

15. Public Questions

15.1 At ordinary meetings of Full Council, questions can be asked of the Chairman of Council, Members of Cabinet and Chairmen of Committees. At meetings of Committees questions can be asked of the Chairman.

~~15.1~~15.2 The total time set aside for such questions and answers will be limited to 15 minutes, which can be extended at the Chairman's discretion.

Notice of questions

~~15.2~~15.3 No person or organisation may submit more than two questions at any one meeting. No question may be sub-divided into more than two related parts.

~~15.3~~15.4 In order to be guaranteed receipt of a written response prior to the meeting questions must be delivered in writing or by email to the Proper Officer or their designated representative no later than 5pm four clear working days before the meeting. The period of notice is to allow sufficient time for a response to be formulated.

~~15.4~~15.5 Any questions received between 5pm four clear working days before the meeting and 5pm two clear working days before the meeting, may only receive an oral response at the meeting. Any questions received after 5pm two clear working days before the meeting will be received at the next meeting

~~15.5~~15.6 In exceptional circumstances and in cases of urgency the Chairman may allow questions without the full period of notice having been given where they are satisfied there is sufficient justification. In these circumstances, there is no guarantee that a full reply will be given at the meeting.

~~15.6~~15.7 Notice of each question must include the name ~~and address~~ of the questioner, (in respect of an organisation, the name of the organisation and the questioner's position within the organisation) and to whom the question is to be put.

Scope of questions

~~15.7~~15.8 The question must be relevant to the powers and duties of the Council, ~~or the Committee to which the question has been submitted~~, and be clear and concise. A question will be rejected where it:

~~15.7.4~~15.8.1 does not relate to a matter for which the Council/~~Committee~~ has a responsibility or which affects the Council's administrative area;

~~15.7.2~~15.8.2 is defamatory, frivolous, offensive, vexatious, unlawful or otherwise improper;

~~15.7.3~~15.8.3 relates to any non-determined planning or licensing application;

~~15.7.4~~15.8.4 requires the disclosure of confidential or exempt information;

~~15.7.5~~15.8.5 names or identifies individual service users, Members of staff or Members of staff of partner agencies;

~~15.7.6~~15.8.6 is considered by the Chairman to be inappropriate for the particular meeting.

~~15.8~~15.9 The Chairman's ruling on rejection of a question will be final following consultation with the Monitoring Officer.

15.10 Where a question is rejected on the above grounds, the questioner shall be advised of the reasons for rejection. Time permitting the questioner will be given an opportunity to submit an amended question that will be considered afresh against the criteria in paragraph 16.7.

15.11 For the avoidance of doubt, questions amended in this way, must be delivered within the timescale referred to at paragraphs 16.3-16.4.

15.12 If a ~~question has been submitted to a Committee at which it is not relevant, it may be referred to an appropriate Member, Officer, or Committee for a direct response.~~

15.13 In the case of ~~extraordinary meetings, questions must relate to the subject(s) under consideration at that meeting.~~
~~15.9~~

Commented [EK12]: That is, a question to committee X must relate to responsibilities of committee X

Commented [EK13]: So public are directed appropriately

Commented [EK14]: Already the case only extraordinary meetings only items relative to the business may be transacted. For avoidance of doubt

At the meeting

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~~15.10~~15.14 Questions will be dealt with in order of receipt subject to the Chairman's discretion to group together questions on the same or similar subject.

~~15.11~~15.15 The Chairman may choose to take questions as read. However, if a questioner wishes to ask their question at the meeting, ~~he or she~~ they will be given ~~up to three minutes~~ one minute to ask each question as it has been submitted. If the questioner prefers, the question may be asked on their behalf by their local division Member if they consent to this.

Commented [EK15]: To allow someone to read out their question without taking the same time as a statement, which are limited in number

~~15.12~~15.16 If the questioner is not able to be present at the meeting and has not made arrangements for someone else to ask the question, the Chairman may ask the question on the questioner's behalf or indicate that a written reply will be given.

~~15.13~~15.17 Subject to time constraints, questions which are submitted by the deadline~~s~~ will be answered at the meeting. However, the Chairman in consultation with the ~~Monitoring Proper~~ Officer may refer a question to officers for a direct written response if they consider the question can be most appropriately handled in that way. Where a question is dealt with in this way, the questioner will be advised of this and provided with a response where possible within five working days of the meeting copied to all Members of the Council.

~~15.14~~15.18 The relevant Member of the Council or another Member on their behalf will aim to provide a response in advance of, or at, the meeting and this will be followed up by a written copy of the response being sent to the questioner where possible within five working days of the meeting. Where it is not possible to provide a response at the meeting, a written response will be sent to the questioner where possible within five working days of the meeting. A copy of the response will be ~~provided~~ provided be made available to all Members.

Commented [EK16]: Will be included with minutes or supplements, so does not need to be direct

~~15.15~~15.19 Any questions which cannot be dealt with during the time allocated for questions will be dealt with by a written response sent to the questioner where possible within five working days of the meeting. A copy of the response will be provided to all Members.

Supplementary questions

~~15.16~~15.20 For each question submitted, the questioner will be permitted to ask one supplementary question without notice which must be relevant to the original question or arise from the response given.

~~15.17~~15.21 The Chairman may reject the supplementary question on the grounds listed in paragraph 16.~~7-8~~ above (reasons for rejection). A supplementary question may not include an additional preceding statement.

Commented [EK17]: To emphasise purpose is to ask a follow up to the question response.

~~15.18~~15.22 The person to whom the question has been put or another Member on their behalf, shall answer the supplementary question if ~~he or she~~ they are able to do so at the time. If this is not possible, a written response will be provided to the questioner where possible within five working days of the meeting.

Form of response

~~15.19~~15.23 A response may take the following forms:

~~15.19.1~~15.23.1 a direct oral answer;
~~15.19.2~~15.23.2 where the answer is contained within a publication of the Council or in any report or minutes by reference to those documents;
~~15.19.3~~15.23.3 a written reply.

No debate on questions

~~15.20~~15.24 Ordinarily, no debate shall be allowed on questions presented or responses given. In exceptional circumstances only, the Chairman may allow discussion. No decision can be made arising from a question other than to refer it to Full Council, Cabinet or a Committee by way of a motion which shall be moved, seconded and voted on without discussion.

Circulation of questions and responses

~~15.21~~15.25 Upon receipt, copies of questions will be circulated to the Chairman and Vice-Chairman, Leader of the Council and to the Member of Council to whom the question is to be put and any other relevant Members.

~~15.22~~15.26 Copies of questions received in accordance with these rules will be provided to all Members or Members of the ~~C~~committee as appropriate prior to the meeting.

~~15.23~~15.27 Copies of responses where available, will be circulated to Members ~~the two~~ days before the meeting unless this is not possible due to exceptional circumstances.

Record of questions

~~15.24~~15.28 The minutes of the meeting shall record the name of the questioner (in respect of an organisation, the name of the organisation and the questioner's position within the organisation), the subject matter, and the name of the person replying.

Application at Planning Committees, Cabinet and Area Boards

~~15.25~~15.29 In respect of public participation at the Strategic Planning Committee and Area Planning Committees, the provisions ~~set out~~referenced in the Planning Code of Good Practice for Members of Wiltshire Council Protocol. (Protocol 4 to this constitution) will apply.

~~15.26~~15.30 In respect of public participation at Cabinet meetings, to the provisions set out in Part 7- Cabinet Procedure Rules will apply.

~~15.27~~15.31 In respect of Area Boards, ~~where~~ public engagement is ~~welcomed and~~ encouraged throughout the meeting. ~~The~~ procedure, rules and guidance are at the discretion of the Chairman subject to any guidance as issued from time to time by the Leader.

16. Members' Questions

16.1 A Member of the Council may ask the Leader, or any other Member of the Cabinet, the Chairman of a Committee or Sub-Committee any question without notice on a report of the Cabinet, Cabinet Member or a Committee or Sub-Committee when that report is being received or under consideration by Full Council.

Questions on notice

- 16.2 At ordinary meetings of Full Council, a Member of the Council may ask a question of:
- 16.2.1 the Chairman
 - 16.2.2 the Leader
 - 16.2.3 a Cabinet Member; or
 - 16.2.4 Chairman of a Committee or Sub-Committee;
- on any matters in relation to which the Council has powers or duties or which affects the Council's administrative area which are not included in a report to the Council.
- 16.3 In respect of an ordinary Committee or Sub-Committee meeting, a Member of the Council may ask a question of the Chairman on any matter in relation to the powers and duties of that Committee on matters which are not included in a report to that Committee or Sub-Committee.
- 16.4 In the case of extraordinary meetings, questions must relate to the subject(s) under consideration at that meeting.

Notice of questions by Members

- 16.5 In order to be guaranteed of receipt of written response prior to a Full Council meeting, questions must be delivered in writing or by email to the Proper Officer or their designated representative no later than 5pm nine clear working days before the meeting. The period of notice is to allow sufficient time for a written response to be formulated.
- 16.6 Any question received between 5pm nine clear working days before the meeting and no later than 5pm four clear working days before the meeting, may only receive an oral response at the meeting. Any questions received after this deadline will be received at the next meeting.
- 16.7 In exceptional circumstances the Chairman may allow questions without the full period of notice having been given where they are satisfied there is sufficient justification. In these circumstances, there is no guarantee that a full or written reply will be given at the meeting.

~~16.7~~ 16.8 For Committee meetings, the same timescales as set out for public questions would apply.

~~16.8~~ 16.9 Notice of each question must include the name of the Member asking the question and to whom the question is to be put and be listed in priority order

Scope of questions

- ~~16.9~~ 16.10 The question must be relevant to the powers and duties of the Full Council/Committee and be clear and concise. A question will be rejected where it:
- ~~16.9.1~~ 16.10.1 does not relate to a matter for which the Council/Committee has a responsibility or which does not affect the Council's administrative area;
 - ~~16.9.2~~ 16.10.2 is defamatory, frivolous, offensive, vexatious, unlawful or otherwise improper;
 - ~~16.9.3~~ 16.10.3 relates to any non-determined planning or licensing application;

Part 4 - Last Updated ~~26 November 2019~~ 16 May 2023

Commented [EK18]: To be clear members may submit questions to committees without the same deadlines as for full council, which are longer

- ~~46.9.4~~16.10.4 requires the disclosure of confidential or exempt information;
- ~~46.9.5~~16.10.5 names or identifies individual service users, Members of staff or Members of staff of partner agencies;
- ~~46.9.6~~16.10.6 relates solely to operational issues unless the Member does not receive a response from the relevant head or service or director, or has not received a response they consider satisfactory.
- ~~46.9.7~~16.10.7 is considered by the Chairman to be inappropriate for the particular meeting.

~~46.10~~16.11 The Chairman's ruling on rejection of a question will be final following consultation with the Monitoring Officer.

16.12 Where a question is rejected on the above grounds, the Member shall be advised of the reasons for rejection. Time permitting, the Member will be given an opportunity to submit an amended question that will be considered afresh against the criteria in paragraph 17.9 (reasons for rejection).

~~46.11~~16.13 For the avoidance of doubt, questions amended in this way, must be delivered within the timescale referred to at paragraph 17.5-17.6 above.

At the meeting

~~46.12~~16.14 No more than 20 supplementary questions will be answered at ~~the a~~ meeting. Any question which receives an oral response will also receive a written response from the appropriate Member no later than five clear working days after the meeting and copied to all Members or Members of the committee as appropriate and also attached to the minutes.

~~46.13~~16.15 Questions will be received in the order of receipt per Member, but a Member may not ask a second question until all other first questions from other Members have been dealt with. The same principle applies to third and subsequent questions subject to the Chairman's discretion.

~~46.14~~16.16 Questions will be taken as read. If a Member is not present to receive an answer to their question in the event they were to receive a verbal response, the Chairman may ask the question on the Member's behalf or indicate that a reply will be given in writing within five working days of the meeting.

Supplementary question

~~46.15~~16.17 For each question submitted, a Member will be permitted to ask one supplementary question without notice which must be relevant to the original question or arise from the response given, subject to the limit of 20 questions presented at the meeting in paragraph 17.12. The Chairman may reject the supplementary question on the grounds listed in paragraph 17.9 above (reasons for rejection). A supplementary question may not include an additional preceding statement.

~~46.16~~16.18 Subject to paragraph 17.13, Members should indicate prior to a meeting if they do not wish to ask a supplementary question to ensure that submitted question does not count toward the limit of 20 to be received at the meeting.

Commented [EK19]: As above, to emphasise the need to ask a follow up

~~16.17~~16.19 The person to whom the question has been put or another Member on their behalf, shall answer the supplementary question if ~~he or she~~they is able to do so at the time. If this is not possible, a written response will be provided to the Member where possible within five working days of the meeting.

Form of response

~~16.18~~16.20 A response may take the following forms:

~~16.18.1~~16.20.1 a direct oral answer, unless the question has been submitted nine clear working days prior to the meeting;

~~16.18.2~~16.20.2 where the answer is contained within a publication of the Council or in any report or minutes by reference to those documents;

~~16.18.3~~16.20.3 a written reply.

No debate on Member questions

~~16.19~~16.21 Ordinarily, no debate shall be allowed on questions presented or responses given. In exceptional circumstances only the Chairman may allow discussion. No decision can be made arising from a question other than to refer it to Council, Cabinet or a committee by way of a motion which shall be moved, seconded and voted on without discussion.

Circulation of Member questions and responses

~~16.20~~16.22 Upon receipt, copies of questions will be circulated to the Chairman and Vice-Chairman of Council or ~~committee~~ Committee as appropriate, the Leader and the Member of Council to whom the question is to be put and any other relevant Members.

~~16.21~~16.23 Copies of questions received in accordance with these rules will be provided to all Members or Members of the committee as appropriate prior to the meeting.

~~16.22~~16.24 Copies of responses where available, will be circulated to Members ~~two~~ ~~days~~the day before the meeting unless this is not possible due to exceptional circumstances.

~~16.23~~16.25 Copies of all questions and responses will be attached to the minutes of the meeting ~~unless already published prior to the meeting.~~

Commented [EK20]: If included in a supplement no need to attach to minutes

Record of Member questions

~~16.24~~16.26 The minutes of the meeting shall record the name of the Member asking the question, the subject matter, and the name of the Member replying.

17. Motions on notice

Notice

17.1 Except for motions which can be moved without notice under paragraph 19, written notice of every motion signed by at least two Members of Council must be delivered to

the Proper Officer or their designated representative no later than ten clear working days before the date of the meeting. This is to ensure that where appropriate a report is prepared to assist Council in its consideration of the motion.

- 17.2 In exceptional circumstances and in cases of urgency, the Chairman may accept motions without the full period of notice having been given.
- 17.3 Delivery can be by electronic means provided that the Proper Officer is satisfied that it has been sent by the Members concerned.
- 17.4 Notices of motion may be moved at the Annual Meeting or any ordinary meeting of Full Council.
- 17.5 Notices of motion may be moved at extraordinary meetings of the Council but only if the notice of motion relates to the subject matter of that extra-ordinary meeting.
- 17.6 There is no limit on the number of notices of motion that may be submitted to each meeting. However, the Chairman will apply this rule in the context of the length of the agenda to ensure proper conduct of the business to be transacted.

Scope

- 17.7 Motions must be clear and concise and be about matters for which the Council has a responsibility or which affect the Council's administrative area. Motions will be rejected where they:
 - 17.7.1 do not relate to a matter for which the Council has a responsibility or which do not affect the Council's administrative area or those living in that area;
 - 17.7.2 are defamatory, frivolous, offensive, vexatious, unlawful or otherwise improper;
 - 17.7.3 relate to any non-determined planning or licensing application;
 - 17.7.4 name or identify individual service users, Members of staff or Members of staff of partner agencies; or
 - 17.7.5 are considered by the Chairman to be inappropriate for the particular meeting or undermines the purposes of the constitution.
- 17.8 The Chairman's ruling on rejection of a motion will be final following consultation with the Monitoring Officer.
- 17.9 Where a motion is rejected, the Members concerned will be advised as soon as possible giving reasons for rejection. Where time permits, the Members concerned may submit an amended motion which will be considered afresh against the criteria in paragraph 18.7.

- 17.10 For the avoidance of doubt, motions amended in this way must be delivered within the timescale referred to at paragraph 18.1.

17.11 A motion may contain preamble or introductory text to provide context and explanation to the action or resolution which is proposed. For the avoidance of doubt, when moved at the meeting only the formal resolution or action requested would be moved unless stated otherwise by the mover.

Recording of motions

Commented [EK21]: Proposed for clarity - some might support a resolution even if they do not agree with all the preamble text, which is the mover's own reasoning for the resolution.

However, the mover may still choose to move the entire text, eg including text about 'Council notes, Council believes X'

Therefore only the text which is specifically moved would be capable of amendment, and only the text moved would be included in the minutes as the resolution if passed - ergo someone supporting the resolution would not be endorsing preamble text, if that was not moved

~~47.10~~17.12 On receipt of notices of motion received in accordance with these rules, the Proper Officer will record the details of the motion and the time and date of receipt. This record shall be open for inspection by Members of the public during normal office hours.

~~47.11~~17.13 Motions received in accordance with these rules will be listed on the agenda in the order in which notice was received subject to the Proper Officer's discretion to group together motions on the same or similar subject, unless the Members giving notice state in writing that they propose to move it at a later meeting or withdraw it.

At the meeting

~~47.12~~17.14 The Chairman will invite the proposer, or one of the Members, who has given notice of the motion, to move the motion. Where these Members are not available at the meeting, the motion can be moved and seconded by any other Members. ~~The Cabinet Member will also have the opportunity to respond to points raised during the debate, before the mover of the motion exercises their right of reply.~~

Commented [EK22]: Moved to appropriate section not deleted

~~47.13~~17.15 A notice of motion must be moved at the meeting, and it must then be seconded. If the motion is not moved and seconded, it will, unless postponed by consent of the Council, be treated as abandoned and may not be moved without fresh notice.

~~47.14~~17.16 Once moved and seconded at the meeting, the Member proposing the motion will be given up to five minutes in which to present their motion.

~~47.15~~17.17 The Chairman will give the relevant Cabinet Member an opportunity to respond to the motion giving them up to five minutes in which to do so. ~~The Cabinet Member will also later have the opportunity to respond to points raised during the debate, if one occurs, prior to the mover of the motion exercising their right of reply.~~

Commented [EK23]: Moved, with addition specifying only if debate does occur

~~47.16~~17.18 On considering a notice of motion and subject to paragraphs 18.18-18.23 below, the following options shall then be open to the Council:

- ~~47.16-17.18.1~~ debate the motion and vote on it;
- ~~47.16-17.18.2~~ refer it to an appropriate Member body with or without debate;
- ~~47.16-17.18.3~~ refer it to the Leader with or without debate.

~~47.17~~17.19 The Chairman will move ~~that the motion either be debated on the day or referred to the appropriate Member body~~ one of the options above. This will be seconded by the Vice-Chairman, or in their absence, another Member of the Council, and put to the vote without discussion. On the question of referring the motion to an appropriate Member body, the only amendment the Chairman will accept is to which Member body the motion should be referred.

Commented [EK24]: Clearer

~~47.18~~17.20 If the motion relates to a function exercisable only by Full Council, then Full Council will debate the motion and on consideration of a report, determine the motion or refer it to a future meeting of Full Council.

~~47.19~~17.21 If the motion relates to a function that has been delegated to another Member body then the Council will vote without debate on whether to refer the motion to that Member body.

~~17.20~~17.22 If referred to another Member body that Member body must consider the motion at its next available meeting. The mover and seconder of the motion will be invited to attend that meeting if they are not already Members of that body in order to present their motion but will not be able to vote unless they have voting rights. The Member body must report back to the Council as soon as practicable by way of the minutes of that meeting.

~~17.21~~17.23 If the notice of motion is referred to another Member body following debate at Council, a summary of the debate at Council together with any recommendation will be taken into account by the Member body when considering the motion.

~~17.22~~17.24 If the notice of motion relates to an executive function, the motion will be referred to the Leader. The Leader will write to the proposers of the motion with a copy to all Members of the Council, advising them what steps they propose to take.

~~17.23~~17.25 Any decision of Council arising from a motion must comply with the principles of decision making as set out in Part 2, paragraph 13.2 of this Constitution.

18. Motions without notice

18.1 The following motions may be moved without notice:

- 18.1.1 to elect a Chairman of the meeting at which the motion is moved;
- 18.1.2 in relation to the accuracy of the minutes;
- 18.1.3 to change the order of business in the agenda;
- 18.1.4 to refer something to an appropriate body or individual;
- 18.1.5 to appoint a committee or Member arising from an item on the summons for the meeting;
- 18.1.6 to receive reports or adoption of recommendations of Committees or officers and any resolutions following from them;
- 18.1.7 to withdraw a motion;
- 18.1.8 to amend a motion;
- 18.1.9 that the question be now put;
- 18.1.10 to adjourn a debate;
- 18.1.11 to adjourn a meeting;
- 18.1.12 to suspend a particular Council procedure rule capable of being suspended
- 18.1.13 to exclude the public and press in accordance with the access to information procedure rules;
- 18.1.14 not to hear further a Member named under paragraph 23.15 or to exclude them from the meeting under paragraph 23.16;
- 18.1.15 to give the consent of the Council where its consent is required by this constitution.

19. Rules of debate

No speeches until motion seconded

19.1 Once the mover has moved a proposal and explained its purpose, the motion must be seconded before any speeches may be made.

Right to require motion in writing

- 19.2 Unless notice of the motion has already been given, the Chairman may require it to be written down and handed to them before it is discussed.

Seconder's speech

- 19.3 When seconding a motion or amendment, a Member may reserve their speech until later in the debate.

Content and length of speeches

- 19.4 Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed five minutes without the consent of the Chairman.

When a Member may speak again

- 19.5 A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:
- 19.5.1 to speak once on an amendment moved by another Member;
 - 19.5.2 to move a further amendment if the motion has been amended since they last spoke;
 - 19.5.3 if their first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which they spoke was carried);
 - 19.5.4 in exercise of a right of reply;
 - 19.5.5 on a point of order;
 - 19.5.6 by way of personal explanation.

Amendments to motions

- 19.6 An amendment to a motion must be relevant to the motion and will be one of the following:
- 19.6.1 to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - 19.6.2 to leave out words;
 - 19.6.3 to leave out words and insert or add others or;
 - 19.6.4 to insert or add words

so long as the effect of the amendments is not to negate the motion. The ruling of the Chairman, following consultation with the Monitoring Officer or their designated representative, on effect of the amendment will be final.

- 19.7 Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been ~~disposed of, resolved.~~ This would not prevent the mover or the meeting consenting to altering the proposed amendment, for example in response to a suggestion raised during debate, in accordance with 20.11-20.12, as a friendly alteration to their motion or amendment.

Commented [EK25]: For clarity - standard rule that chairman's position is final

Commented [EK26]: For clarity - emphasising the ability of 'friendly amendments' within the current rules

- 19.8 If an amendment is not carried, other amendments to the original motion may be moved.
- 19.9 If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- 19.10 After an amendment has been carried, the Chairman if appropriate will read out the amended motion before accepting any further amendments, or if there are none, putting the substantive motion to the vote.

Alteration of motions or amendments

- 19.11 A Member may alter a motion or amendments of which they have given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- 19.12 A Member may alter a motion or amendments which they have moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- 19.13 Only alterations which could be made as an amendment may be made.

Withdrawal of motion

- 19.14 A Member may withdraw a motion which they have moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No Member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

Right of reply

- 19.15 The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- 19.16 If an amendment is moved, the mover of the original motion will be asked if they wish to accept the amendment as part of their motion, if the seconder of the motion also consents. They will indicate this without a speech or discussion. The mover of the original motion will then ~~has have~~ the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.

Commented [EK27]: Reflects actual practice - this is to give an opportunity to cabinet member/mover to accept something as a friendly amendment, whilst retaining that they cannot speak further until the close of debate in their right of reply

- 19.17 The mover of the amendment has the right of reply as the penultimate speaker, prior to the mover of the original motion, at the end of the debate on their amendment.

Motions which may be moved during debate

- 19.18 When a motion is under debate, no other motion may be moved except the following procedural motions:
- 19.18.1 to withdraw the motion;
 - 19.18.2 to amend the motion;
 - 19.18.3 that the question be now put;

- 19.18.4 to adjourn a debate;
- 19.18.5 to adjourn a meeting;
- 19.18.6 to exclude the public and press in accordance with the Access to Information Procedure Rules; or
- 19.18.7 not to hear further a Member named under paragraph 23.15, or to exclude them from the meeting under paragraph 23.16.

Closure motions

- 19.19 A Member may move, without comment, the following motions at the end of a speech of another Member:
- 19.19.1 that the question be now put;
 - 19.19.2 to adjourn the debate or;
 - 19.19.3 to adjourn a meeting.
- 19.20 If a motion that the question be now put is seconded and the Chairman considers the item has been sufficiently discussed, they will put the procedural motion to the vote. If it is passed they will give the mover of the original motion a right of reply before putting their motion to the vote.
- 19.21 If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, they will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

Point of order

- 19.22 A Member may raise a point of order at any time. The Chairman will hear them immediately. A point of order may only relate to an alleged breach of these Council rules of procedure or the law. The Member must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Chairman on the matter will be final.

Personal explanation

- 19.23 A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood in the present debate. The ruling of the Chairman on the admissibility of a personal explanation will be final.

20. Previous decisions and motions

Motion to rescind a previous decision

- 20.1 A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least ten Members (or a quarter of the Members of a committee).

Motion similar to one previously rejected

20.2 A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the previous six months cannot be moved unless the notice of motion or amendment is signed by at least ten Members (or a quarter of the Members of a committee). Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

21. Voting

Majority

21.1 Unless this constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put (Local Government Act 1972, Schedule 12, paragraph 39(1)).

Chairman's casting vote

21.2 If there are equal numbers of votes for and against, the Chairman will have a second or casting vote. There will be no restriction on how the Chairman chooses to exercise a casting vote (Local Government Act 1972, Schedule 12, paragraph 39(2)).

Affirmation

21.3 Unless a ballot or recorded vote is taken under paragraphs 22.4-22.7, the Chairman will take the vote by the affirmation of the meeting.

Ballots

21.4 The vote will take place by ballot if ten Members (or a quarter of the Members of a committee) present at the meeting demand it or at the Chairman's discretion. The Chairman will announce the numerical result of the ballot immediately the result is known.

Recorded vote

21.5 With the exception of the paragraph 22.6, if ten Members (or a quarter of the Members of a committee) present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be recorded in the minutes. A demand for a recorded vote will override a demand for a ballot.

Commented [EK28]: As with other para references, will be checked once document reformatted to ensure correct reference to refer to same section as previously

21.6 Recorded votes shall be taken on all decisions of Full Council in respect of:

21.6.1 Setting the authority's budget and determining the level of Council tax to be levied;

21.6.2 Policy Framework Items;

21.6.3 Member Motions on Notice, including any proposed amendments to the motions; and

21.6.4 other substantive significant issues as determined by the Chairman following consultation with the Proper Officer.

Commented [EK29]: To be clear that not just the final vote on a motion would be recorded, but any amendment that may be accepted or defeated

21.7 The names for and against the motion or amendment or abstaining from voting on these matters will be recorded and attached to the minutes.

Commented [EK30]: No change from current practice for Chairman to discuss with Proper Officer prior to the meeting, and announce prior to each vote at council. Wording for clarity

If there was any disagreement 10 members could still demand a recorded vote

Right to require individual vote to be recorded

- 21.8 Where any Member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting (Local Authorities (Standing Orders) Regulations 1993, Schedule 2, paragraph 1(1)).

Voting on appointments

- 21.9 If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person. The person presiding unless stated otherwise in the Constitution will have a casting vote if there is a tie for the least number of votes, or if there is a tie for the final two people nominated.

Commented [EK31]: This is included simply because Part 3 includes a different procedure for AB chairs and the person presiding is an officer who has no casting vote

22. Minutes

Signing the minutes

- 22.1 The Chairman will sign the minutes of the proceedings at the next suitable meeting (Local Government Act 1972, Schedule 12, paragraph 41(1)). The Chairman will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

No requirement to sign minutes of previous meeting at extraordinary meeting

- 22.2 Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an extraordinary meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

Form of minutes

- 22.3 Minutes will contain all motions and amendments in the exact form and order the Chairman put them.

Attendance, exclusions and other matters

Record of Attendance

- 22.4 All Members present during the whole or part of a meeting must sign their names on the attendance sheets, where one is used, before the conclusion of every meeting to assist with the record of attendance (Local Government Act 1972, Schedule 12, paragraph 40).
- 22.5 A record will be kept of when a Member of the Council leaves the meeting at any time before the meeting is closed or adjourned.

Members' attendance

Commented [EK32]: Moved, not new

22.6 Subject to paragraph 23.9, if a Member of the Council fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the Council, he or she they shall, unless the failure was due to some reason approved by the Council before the expiry of that period, cease to be a Member of the Council (Local Government Act 1972 s.85(1)).

22.7 Attendance as a Member at a meeting of any committee, sub-committee, area board, panel or working party of the Council, or at a meeting or any joint committee, joint board or other body by whom for the time being any functions of the Council are being discharged, or which was appointed to advise the Council on any matter relating to the discharge of its functions and attendance as the Council's representative on an outside body shall be deemed to be attendance (Local Government Act 1972 s.85(2)).

22.8 Any person (not being a Member of the Council) appointed by the Council or a committee to serve on a committee, sub-committee or panel who is absent from all meetings of such committee, sub-committee or panel for a continuous period of six months except for some reason approved by the committee, sub-committee or panel before the expiry of that period shall at the end of that period cease to be a Member of that committee, sub-committee or panel. (Local Government Act 1972 s102 (2-4))

22.9 If a Member of the Cabinet fails throughout a period of six consecutive months from the date of their last attendance, to attend any meeting of the Cabinet, they shall, unless the failure was due to some reason approved by the Council before the expiry of that period, cease to be a Member of the Council (Local Government Act 1972 s.85(2A) and s.85(2B)).

22.10 For the avoidance of doubt, virtual attendance at a meeting does not count toward form attendance for the purposes of the Local Government Act 1972.

Commented [EK33]: Reflects legal position

Exclusion of the Public

22.622.11 Members of the public and press may only be excluded only either in accordance with the Access to Information Rules in Part 5 of this constitution (Local Government Act 1972 s.100A and Local Authorities (Executive Arrangements) (Meetings and Access to Information (England) Regulations 2012 reg 4) (2)) or paragraph 147 (disturbance by public).

Members' attendance

Commented [EK34]: Moved not deleted

~~22.73.1 Subject to paragraph 23.9, if a Member of the Council fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the Council, he or she they shall, unless the failure was due to some reason approved by the Council before the expiry of that period, cease to be a Member of the Council (Local Government Act 1972 s.85(1)).~~

~~22.83.1 Attendance as a Member at a meeting of any committee, sub-committee, area board, panel or working party of the Council, or at a meeting or any joint committee, joint board or other body by whom for the time being any functions of the Council are~~

~~being discharged, or which was appointed to advise the Council on any matter relating to the discharge of its functions and attendance as the Council's representative on an outside body shall be deemed to be attendance (Local Government Act 1972 s.85(2)).~~

~~22.03.1 Any person (not being a Member of the Council) appointed by the Council or a committee to serve on a committee, sub-committee or panel who is absent from all meetings of such committee, sub-committee or panel for a continuous period of six months except for some reason approved by the committee, sub-committee or panel before the expiry of that period shall at the end of that period cease to be a Member of that committee, sub-committee or panel. (Local Government Act 1972 s102 (2-4))~~

~~22.103.1 If a Member of the Cabinet fails throughout a period of six consecutive months from the date of their last attendance, to attend any meeting of the Cabinet, they shall, unless the failure was due to some reason approved by the Council before the expiry of that period, cease to be a Member of the Council (Local Government Act 1972 s.85(2A) and s.85(2B)).~~

Standing to speak

~~22.11~~ ~~22.12~~ When a Member speaks at Full Council they must stand unless exempted by the Chairman.

~~22.12~~ ~~22.13~~ If more than one Member stands, the Chairman will ask one to speak and the others must sit. Other Members must remain seated whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation.

Chairman standing

~~22.13~~ ~~22.14~~ When the Chairman stands during a debate, any Member speaking at the time must stop and sit down. The meeting must be silent.

Addressing the Chair

~~22.14~~ ~~22.15~~ When a Member of the Council speaks they must address the Council through the Chairman.

Member not to be heard further

~~22.15~~ ~~22.16~~ If a Member persistently disregards the ruling of the Chairman by behaving improperly, or offensively, or deliberately obstructs business, the Chairman may move that the Member not be heard further. If seconded, the motion will be voted on without discussion.

Member to leave the meeting

~~22.16~~ ~~22.17~~ If the Member continues to behave improperly after a motion under paragraph 23.15 is carried, the Chairman may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

General disturbance

~~22.17~~22.18 If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as they consider necessary (Public Bodies (Admission to Meetings) Act 1960 s.1(8)).

23. Disturbance by the public

Removal of Member of the public

23.1 If a Member of the public interrupts proceedings, or their behaviour or attire is deemed by the Chairman to cause offence, the Chairman will warn the person concerned. If they continue to interrupt or continue to cause offence, the Chairman may order their removal from the meeting room (Local Government Act 1972 s.100A(8)) following consultation with the Monitoring Officer or their designated representative.

Clearance of part of meeting room

23.2 If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared (Local Government Act 1972 s.100A(8)).

24. Suspension and amendment of Council procedure rules

Suspension

24.1 All of these Council rules of procedure except paragraphs 22.8 and 23.1 may be suspended by motion on notice, or without notice, if at least one half of the whole number of Members of the Council are present. Suspension can be only for the duration of the meeting (Local Government Act 1972, Schedule 12, paragraph 42).

Amendment

24.2 Any motion to add to, vary or revoke these Council rules of procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of Full Council.

Schedule 1 – Part 4A Wiltshire Council Petitions Scheme

1. Petitions

- 1.1 A petition is any communication which is signed by or sent to the Council on behalf of a number of people. This includes both written and electronic petitions (“e-petitions”).
- 1.2 The Council has set up a [Petitions Homepage](#) to provide further information and guidance to Members and the public.

2. Receipt and Registration

- 2.1 In order to be received all petitions must:
 - 2.1.1 contain the name and contact details of the petition organiser. Only the name of the organiser will be published;
 - 2.1.2 contain a clear and concise statement of the concern, and what action the petitioners wish the Council to take;
 - 2.1.3 be relevant to the role and responsibility of the Council;
 - 2.1.4 contain at least ten names or signatures, or at least 25 names or signatures to be reported or presented to Full Council;
 - 2.1.5 those names to be accompanied by a postcode and house number for paper petitions, and full address and email address for electronic petitions. Only the name and postcode will be displayed in any Council report;
 - 2.1.6 Not be defamatory, frivolous, offensive, vexatious, unlawful or otherwise improper;
 - 2.1.7 Not name or identify individual service users, members of staff or members of staff of partner agencies
- 2.2 Anyone who signs a petition must meet the following eligibility requirements:
 - 2.2.1 For a petition to be presented to Full Council, signatories must be aged 13 or above, live, work or study in Wiltshire, or have a direct connection to the service which is the subject of the petition. For the petition to be noted at Full Council it requires a minimum of 25 signatures.
 - 2.2.2 For a petition to be presented to an Area Board, signatories must be aged 13 or above, live, work or study within the relevant community area. For the petition to be noted at a meeting of an Area Board, it requires a minimum of 10 signatures.
- 2.3 Petitions in respect of non-determined planning or licensing applications will not be covered by this petitions scheme, and will be referred to the relevant service as formal representations. Petitions in respect of statutory petitions or on matters with existing right of appeal such as Council tax banding and non-domestic rates, are covered by other procedures.

3. Submission and Acknowledgement

- 24.1 Paper petitions can be sent to: Democratic Services, Wiltshire Council, County Hall, Bythesea Road, Trowbridge, BA14 8JN.
- 24.2 A Wiltshire Council e-Petitions facility to allow the creating, signing and submission of e-petitions is available at [this link](#). This requires registration with the Council using a valid email address. The Council will review the content of the petition and approve it to go live within five working days.
- 24.3 The Council will accept e-petitions hosted on other sites, which can be sent to committee@wiltshire.gov.uk for consideration. The same eligibility requirements will apply.
- 24.4 All petitions provided to the Council will receive an acknowledgement within 2 working days of receipt, and a substantive response of how the Council will respond to the petition within 15 working days of receipt. If that is not possible, an explanation will be given as to the reason for the delay, what action is being taken, and when a response will be sent.
- 24.5 Any response will set out what the Council plans to do with the petition. The Council will treat something as a petition if it is identified as such, or it seems that it is intended to be a petition.
- 24.6 The local Members will be informed of any petition and response for a petition relating to matters within their Area Board.

4. Council Response

- 4.1 The Council's response to a petition will depend on what it asks for and how many people have signed it, but may include one or more of the following:
- 4.1.1 taking the action requested in the petition;
 - 4.1.2 referring the petition to the relevant Council department for consideration in consultation with the relevant cabinet member and/or local member;
 - 4.1.3 referring the petition to the relevant Area Board Chairman;
 - 4.1.4 referring the petition to Full Council, a Committee or the Cabinet;
 - 4.1.5 consider the petition as a consultation response if received during a consultation period;
 - 4.1.6 holding an inquiry into the matter;
 - 4.1.7 undertaking research into the matter;
 - 4.1.8 holding a public meeting;
 - 4.1.9 holding a consultation;
 - 4.1.10 holding a meeting with petitioners;
 - 4.1.11 calling a referendum;
 - 4.1.12 writing to the petition organiser setting out the Council's views about the request in the petition;
 - 4.1.13 other suitable action.

- 4.2 If more than one petition is received on a similar subject matter the Chairman may determine that they be considered by the Council as a single matter and taken together.
- 4.3 A petition will not normally be considered for presentation or debate where it is received within six months of another petition being considered by the Council on the same matter. In exceptional circumstances the Chairman, after consultation with the Monitoring Officer, may determine that the context of the matter has materially changed since the initial consideration and agree to reconsider the matter for presentation or debate.
- 4.4 If a petition is received immediately before an election or referendum it may be necessary to deal with the petition differently, in which case the petition organiser will be contacted to discuss the course of action.
- 4.5 Actions taken on any validly received petition will be reported to Full Council to note.

5. Presentation of Petitions

- 4.1 Petitions may be presented to Full Council provided they have received 25 signatures, if requested by the petition organiser.
- 4.2 Petitions may be presented to Cabinet or to a Committee, including Area Boards, if they have received ten signatures and are relevant to the remit of the Committee, and if requested by the petition organiser.
- 4.3 The petition organiser should submit their petition to Democratic Services at least ten clear working days before a meeting to ensure the petition is relevant to the remit of Council, or a Committee and to be registered.
- 4.4 Petitions submitted without notice at any meeting will be received by the Democratic Services Officer present to be registered and dealt with at the next meeting, if appropriate.
- 4.5 In these instances, the petition organiser will have up to three minutes to speak and the matter would not be debated. The petition will be taken as a public statement and recorded. Up to two other public speakers will be invited to speak for up to three minutes each.

6. Full Council Debates

- 6.1 If a petition has been signed by at least 5000 people and is validly received, upon request of the petition organiser it will also be scheduled for a Council debate.
- 6.2 Any petition which is to be debated must be submitted and acknowledged at least ten working days before the Full Council meeting at which it will be debated.
- 6.3 The petition organiser will be invited to speak for up to five minutes. Up to two other public speakers will be invited to speak for up to three minutes each.
- 6.4 The relevant Cabinet Member will then respond to the petition.

- 6.5 The Chairman of the Council will then move a motion relating to the petition for Full Council to debate.
- 6.6 The period for debate on any petition or grouped series of petitions will normally be 30 minutes, not including the contribution of the Cabinet Member in response or Group Leaders.
- 6.7 Members will be limited to contributions of three minutes each during a Full Council debate on a petition.

7. Area Board Debates

- 7.1 If relevant to the remit and powers of an Area Board a petition may be presented or debated at that Area Board.
- 7.2 Any petition with more than ten signatures may be considered for debate at an Area Board. This would be granted at the discretion of the Chairman of the Area Board if submitted and acknowledged at least ten working days before the meeting. Any valid petition with more than 50 signatures submitted and acknowledged at least ten working days before a meeting will be granted a debate if requested by a petition organiser.
- 7.3 The arrangements for a debate will be at the discretion of the Chairman of the Area Board, subject to consultation with the Monitoring Officer or their representatives and considering the remit and powers of the Area Board.

8. Complaints

- 8.1 If a petition organiser considers that their petition has not been dealt with properly, they may submit a complaint to the council's Complaints Service.
- 8.2 Any complaint should be made within twenty working days from the Council response to the petition organiser.
- 8.3 Any complaint must set out in what way it is considered that the petition has not been dealt with properly. Any review undertaken would consider whether the steps taken by the Council in response to the petition were adequate, not whether the decision on how to respond to the petition was correct.

Schedule 2 – Part 4B Guidance on Amendments to Motions

1. The requirements concerning amendments to motions are contained in the Council's Rules of Procedure in Part 4 of the Constitution. Paragraph 20.6 provides:

20.6 An amendment to a motion must be relevant to the motion and will be one of the following:

 - 20.6.1 to refer the matter to an appropriate body or individual for consideration or reconsideration;*
 - 20.6.2 to leave out words;*
 - 20.6.3 to leave out words and insert or add others or;*
 - 20.6.4 to insert or add words*

so long as the effect of the amendment is not to negate the motion.
2. The Chairman will determine the validity of any proposed amendment under this paragraph, after taking advice from the Monitoring Officer. The Chairman's decision on any proposed amendment is final.
3. In exercising judgment on the validity or otherwise of any proposed amendment, the Chairman will have regard to the following principles:
 - 3.1. the overriding principle of fairness in the conduct of the Council's business;
 - 3.2. the amendment is relevant to the motion;
 - 3.3. the proposed amendment does not negate the motion; this can be secured more appropriately by voting against the original motion.
 - 3.4. The content of the proposed amendment is proportionate to the original motion in nature and extent;
 - 3.5. The proposed amendment does not amount to a device to frustrate the purpose of the original motion or to raise a late motion.
4. Members are encouraged, where practicable, to seek advice from the Monitoring Officer in connection with any proposed amendment in advance of the meeting at which it is to be moved.

**Wiltshire Council
Constitution
Part 4
Rules of Procedure:
Council**

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PART 4 - RULES OF PROCEDURE: COUNCIL

1. Application to Committees and Sub-Committees

- 1.1 All of the Council rules of procedure apply to meetings of Full Council. Only paragraphs 16.27 and 23.10 apply to meetings of the Cabinet. Only paragraphs 7.1-16.21; 17.1-17.24; 19.1-22.8; 23.2-23.6; 23.9; 24.1-24.2 apply to meetings of Committees and Sub-Committees.

2. Annual meeting of the Council

- 2.1 In a year when there is an ordinary election of Members, the annual meeting will take place within 21 days of the retirement of the outgoing Members. In any other year, the annual meeting will take place in March, April or May (Local Government Act 1972, Schedule 12, paragraph 2).

2.2 The annual meeting will:

- 2.2.1 elect a person to preside if the Chairman of Council is not present;
- 2.2.2 elect the Chairman of Council (Local Government Act 1972, s.4);
- 2.2.3 elect the Vice-Chairman of Council (Local Government Act 1972, s.5);
- 2.2.4 approve the minutes of the last meeting;
- 2.2.5 receive any announcements from the Chairman and/or Head of Paid Service;
- 2.2.6 appoint at least one Overview and Scrutiny Committee, a Standards Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to Full Council nor are Cabinet functions (as set out in Part 3 of this Constitution) (Local Government and Housing Act 1989, s.15);
- 2.2.7 appoint chairmen and vice-chairmen of committees, as set out in Part 3 of this constitution;
- 2.2.8 agree the scheme of delegation or such part of it as the constitution determines it is for the Council to agree (as set out in Part 3 of this constitution);
- 2.2.9 approve a programme of ordinary meetings of the Full Council for the year; and
- 2.2.10 consider any business set out in the notice convening the meeting.
- 2.2.11 in an election year, elect the Leader;

3. Election of Chairman, Vice-Chairman and Leader of the Council

- 3.1 The election of the Chairman and the appointment of the Vice-Chairman shall be the first and second items of business respectively transacted at the annual meeting of the Council (Local Government Act 1972 s.4 and s.5).
- 3.2 The election of the Chairman, Vice-Chairman and Leader shall be determined by a show of hands unless at least 10 Members request a secret ballot. Where a secret ballot is requested it shall be conducted by the person presiding in accordance with the following procedure:
- 3.2.1 the person presiding at the meeting shall invite nominations for Chairman, Vice-Chairman and Leader (as appropriate) from those present at the meeting;

- 3.2.2 a Member must be proposed and seconded to be eligible;
- 3.2.3 a Member shall not be nominated in their absence for the position of Chairman, Vice-Chairman or Leader without their written consent;
- 3.2.4 the Chairman, Vice-Chairman or Leader shall be elected from among the Members of the Council duly nominated unless any Member nominated withdraws their name, in which case the election shall be from among the remaining nominees;
- 3.2.5 the Chairman, Vice-Chairman or Leader shall be elected by the vote of a majority of those Members present and voting (Local Government Act 1972 Schedule 12, paragraph 39);
- 3.2.6 each Member shall vote by writing the name of one of the Members nominated upon a ballot paper which shall then be placed in the ballot box;
- 3.2.7 when, in the opinion of the person presiding at the election, each Member present has had a reasonable time in which to vote, the ballot box should be delivered to the person presiding whereupon the voting shall be deemed to have been completed except that this shall not preclude the person presiding from exercising their casting vote in accordance with 3.2.11;
- 3.2.8 the ballot papers shall then be counted by the person presiding at the election;
- 3.2.9 if only one Member is nominated, the person presiding shall declare that Member elected as Chairman, Vice-Chairman or Leader as the case may be; and if two Members are nominated the Member receiving the vote of the majority of those Members present and voting shall be declared elected (Local Government Act 1972, Schedule 12, paragraph 39(2));
- 3.2.10 if more than two Members are nominated, the person presiding shall announce the name of the Member with the lowest number of votes and that Member shall be eliminated. A further ballot or ballots shall then be taken and after each ballot the Member receiving the lowest number of votes shall be eliminated, in accordance with the foregoing procedure, until only two Members remain which shall be submitted to the final vote;
- 3.2.11 in the event of an equality of votes in any of the ballots, the person presiding shall give a second or casting vote and where there are three or more Members with an equal number of votes the person presiding shall give a second casting vote to each of such Members except one (Local Government Act 1972, Schedule 12, paragraph 39(2)).

4. Selection of Members to serve on Committees and outside bodies

- 4.1 At the annual meeting, the Council will:
 - 4.1.1 decide which Committees to establish for the municipal year;
 - 4.1.2 decide the size and terms of reference for those Committees;
 - 4.1.3 decide the allocation of seats and substitutes to political groups in accordance with the political balance rules (Local Government and Housing Act 1989 s.15);
 - 4.1.4 receive nominations of Members to serve on each committee and appoint to those Committees
 - 4.1.5 Agree that appointments to outside bodies will be made by the Leader of Council, Cabinet, Area Boards or a meeting of group leaders as appropriate.

5. Ordinary meetings

- 5.1 Ordinary meetings of the Council will take place in accordance with a programme decided by Council.

5.2 Ordinary meetings will:

- 5.2.1 elect a person to preside if the Chairman and Vice-Chairman are not present;
- 5.2.2 elect a Leader if there is a vacancy;
- 5.2.3 approve the minutes of the last meeting;
- 5.2.4 receive any declarations of interest from Members;
- 5.2.5 receive any announcements from the Chairman, Leader, Members of the Cabinet, Committee Chairmen or the Head of Paid Service;
- 5.2.6 receive questions from and provide answers to Members of the Council and the public on any matters in relation to which the Council has powers or duties or which affects the Council's administrative area, which are not included in a report to the Council;
- 5.2.7 deal with any business from the last Council meeting;
- 5.2.8 receive reports from the Cabinet and the Council's Committees and receive questions and answers on any of those reports;
- 5.2.9 receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- 5.2.10 consider motions on notice; and
- 5.2.11 consider any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's Budget and Policy Framework and reports of the Overview and Scrutiny Committees for debate.

6. Extraordinary meetings

- 6.1 Those listed below may request the Proper Officer to call Council meetings in addition to the scheduled ordinary meetings:
 - 6.1.1 the Council by resolution;
 - 6.1.2 the Chairman of the Council (Local Government Act 1972, Schedule 12, paragraph 3(1));
 - 6.1.3 the Monitoring Officer or the Head of Paid Service (Local Government and Housing Act 1989 s.4 and s.5); or
 - 6.1.4 any five Members if they have signed a requisition and presented it to the Chairman of the Council and the Chairman has refused to call a meeting, or has failed to call a meeting within seven days of the presentation of the requisition (Local Government Act 1972, Schedule 12, paragraph 3(2)).
- 6.2 The notice for any extraordinary meeting must specify the business proposed to be transacted at the meeting with no consideration of previous minutes or reports from Committees.

7. Appointment of Substitute Members of Committees and Sub-Committees

Allocation

- 7.1 As well as allocating seats on Committees, the Council will allocate seats in the same manner for substitute Members.

Number

- 7.2 For each Committee, the Council will appoint up to four named substitutes for each political group which holds seats on that Committee.
- 7.3 For any Sub-Committees, the establishing Committee will be able to appoint any or all members of that Committee as substitutes, subject to any specific rules in their terms of reference .

Powers and duties

- 7.4 Substitute Members will have all the powers and duties of any ordinary Member of the committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

Notification of Substitution

- 7.5 Substitute Members may attend meetings in that capacity only:
- 7.5.1 to take the place of the ordinary Member for whom they are the designated substitute;
 - 7.5.2 where the ordinary Member will be absent in their capacity as a committee member for the whole of the meeting; and,
 - 7.5.3 where notification of the intended substitution has been given in writing to the Proper Officer before the start of the meeting by the member who is to be substituted, or by their group leader. Exceptionally, in cases of urgency, such notification may be made verbally in person or by telephone to the Proper Officer and confirmed subsequently in writing.
 - 7.5.4 The Proper Officer for these purposes is the Democratic Services Officer supporting the meeting.

8. Declaration of disclosable pecuniary interests and other interests

- 8.1 Where a Member has declared a disclosable pecuniary interest in an item on an agenda, they must withdraw from the meeting room for the duration of that item, and not speak or vote on the item unless a dispensation has been granted.
- 8.2 Part 12 of the Constitution, Code of Conduct, sets out details of when a Member may remain in the room or speak if they have declared other types of interest.

9. Time and place of meetings

- 9.1 The time and place of meetings will be determined by the Proper Officer and notified in the summons (Local Government Act 1972, Schedule 12, paragraphs 1(4) (annual meeting) and 2(2) (all other meetings of the Council)).
- 9.2 With the exception of an extraordinary meeting requisitioned by Members in accordance with paragraph 6, the Proper Officer may cancel a meeting in the event of the below circumstances following consultation with the Chairman, or in their absence the Vice-Chairman, and giving reasonable notice of its cancellation:

- 9.2.1 Inclement weather;
- 9.2.2 Where there is reason to believe the meeting would not be quorate;
- 9.2.3 Insufficient business for the meeting to be viable;
- 9.2.4 Other reasonable unforeseen circumstances.

10. Notice of and summons to meetings

- 10.1 The Proper Officer will give notice to the public of the time and place of any meeting in accordance with the Part 5 of this Constitution (Access to Information Procedure Rules).
- 10.2 For Full Council at least five clear days before a meeting the Proper Officer will send a summons signed by him or her by post to every Member of the Council, or leave it at their usual place of residence, or if the Member has consented, via email.
- 10.3 The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available (Local Government Act 1972, Schedule 12, paragraph 4 as amended by The Local Government (Electronic Communications) (England) Order 2015).

11. Chair of meeting

- 11.1 The person presiding at the meeting may exercise any power or duty of the Chairman.
- 11.2 Where these rules apply to committee and sub-committee meetings, references to the Chairman also include the Chairman of Committees and Sub-Committees.

12. Quorum

- 12.1 The quorum of any meeting will be one quarter of its total voting Membership, subject to a minimum number of three voting Members.
- 12.2 If during any meeting, upon request, the Chairman counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately.
- 12.3 Remaining business will be considered at a time and date fixed by the Chairman. If they do not fix a date, the remaining business will be considered at the next ordinary meeting (Local Government Act 1972, Schedule 12, paragraph 6).

13. Public participation at meetings

- 13.1 The Council welcomes public participation from anyone who lives, works or studies in Wiltshire, or who has a direct connection to a service provided by the Council. Public participation can take the form of presenting petitions, making statements or asking questions.
- 13.2 This rule applies to Council and most committee meetings. Paragraphs 16.25-16.27 refer to the application of this rule at Cabinet, Planning Committees and Area Boards.

14. Petitions

- 14.1 The Council has adopted a Petitions Scheme which is set out in Part 4A of this Constitution.
- 14.2 This sets out the purpose of a petition, the eligibility criteria and relevant thresholds for making, submitting or presenting petitions, and the procedure and review mechanisms for petitions.

15. Statements

- 15.1 Up to three speakers are permitted to speak for up to three minutes each on any agenda item, although this may be extended at the Chairman's discretion.
- 15.2 Those wishing to make a statement must register to do so at least ten minutes prior to the meeting by contacting Democratic Services.
- 15.3 Statements must be relevant to the powers and duties of the Council and be clear and concise.
- 15.4 A statement must not:
 - 15.4.1 be defamatory, frivolous, offensive, vexatious, unlawful or otherwise improper;
 - 15.4.2 relate to any non-determined planning or licensing application;
 - 15.4.3 name or identify individual service users, Members of staff or Members of staff of partner agencies.

16. Public Questions

- 16.1 At ordinary meetings of Full Council, questions can be asked of the Chairman of Council, Members of Cabinet and Chairmen of Committees. At meetings of Committees questions can be asked of the Chairman.
- 16.2 The total time set aside for such questions and answers will be limited to 15 minutes, which can be extended at the Chairman's discretion.

Notice of questions

- 16.3 No person or organisation may submit more than two questions at any one meeting. No question may be sub-divided into more than two related parts.
- 16.4 In order to be guaranteed receipt of a written response prior to the meeting questions must be delivered in writing or by email to the Proper Officer or their designated representative no later than 5pm four clear working days before the meeting. The period of notice is to allow sufficient time for a response to be formulated.
- 16.5 Any questions received between 5pm four clear working days before the meeting and 5pm two clear working days before the meeting, may only receive an oral response at the meeting. Any questions received after 5pm two clear working days before the meeting will be received at the next meeting

- 16.6 In exceptional circumstances and in cases of urgency the Chairman may allow questions without the full period of notice having been given where they are satisfied there is sufficient justification. In these circumstances, there is no guarantee that a full reply will be given at the meeting.
- 16.7 Notice of each question must include the name of the questioner, (in respect of an organisation, the name of the organisation and the questioner's position within the organisation) and to whom the question is to be put.

Scope of questions

- 16.8 The question must be relevant to the powers and duties of the Council, or the Committee to which the question has been submitted, and be clear and concise. A question will be rejected where it:
- 16.8.1 does not relate to a matter for which the Council/Committee has a responsibility or which affects the Council's administrative area;
 - 16.8.2 is defamatory, frivolous, offensive, vexatious, unlawful or otherwise improper;
 - 16.8.3 relates to any non-determined planning or licensing application;
 - 16.8.4 requires the disclosure of confidential or exempt information;
 - 16.8.5 names or identifies individual service users, Members of staff or Members of staff of partner agencies;
 - 16.8.6 is considered by the Chairman to be inappropriate for the particular meeting.
- 16.9 The Chairman's ruling on rejection of a question will be final following consultation with the Monitoring Officer.
- 16.10 Where a question is rejected on the above grounds, the questioner shall be advised of the reasons for rejection. Time permitting the questioner will be given an opportunity to submit an amended question that will be considered afresh against the criteria in paragraph 16.8.
- 16.11 For the avoidance of doubt, questions amended in this way, must be delivered within the timescale referred to at paragraphs 16.4-16.5.
- 16.12 If a question has been submitted to a Committee at which it is not relevant, it may be referred to an appropriate Member, Officer, or Committee for a direct response.
- 16.13 In the case of extraordinary meetings, questions must relate to the subject(s) under consideration at that meeting.

At the meeting

- 16.14 Questions will be dealt with in order of receipt subject to the Chairman's discretion to group together questions on the same or similar subject.
- 16.15 The Chairman may choose to take questions as read. However, if a questioner wishes to ask their question at the meeting, they will be given one minute to ask each question as it has been submitted. If the questioner prefers, the question may be asked on their behalf by their local division Member if they consent to this.

- 16.16 If the questioner is not able to be present at the meeting and has not made arrangements for someone else to ask the question, the Chairman may ask the question on the questioner's behalf or indicate that a written reply will be given.
- 16.17 Subject to time constraints, questions which are submitted by the deadlines will be answered at the meeting. However, the Chairman in consultation with the Proper Officer may refer a question to officers for a direct written response if they consider the question can be most appropriately handled in that way. Where a question is dealt with in this way, the questioner will be advised of this and provided with a response where possible within five working days of the meeting copied to all Members of the Council.
- 16.18 The relevant Member of the Council or another Member on their behalf will aim to provide a response in advance of, or at, the meeting and this will be followed up by a written copy of the response being sent to the questioner where possible within five working days of the meeting. Where it is not possible to provide a response at the meeting, a written response will be sent to the questioner where possible within five working days of the meeting. A copy of the response will be made available to all Members.
- 16.19 Any questions which cannot be dealt with during the time allocated for questions will be dealt with by a written response sent to the questioner where possible within five working days of the meeting. A copy of the response will be provided to all Members.

Supplementary questions

- 16.20 For each question submitted, the questioner will be permitted to ask one supplementary question without notice which must be relevant to the original question or arise from the response given.
- 16.21 The Chairman may reject the supplementary question on the grounds listed in paragraph 16.8 above (reasons for rejection). A supplementary question may not include an additional preceding statement.
- 16.22 The person to whom the question has been put or another Member on their behalf, shall answer the supplementary question if they are able to do so at the time. If this is not possible, a written response will be provided to the questioner where possible within five working days of the meeting.

Form of response

- 16.23 A response may take the following forms:
- 16.23.1 a direct oral answer;
 - 16.23.2 where the answer is contained within a publication of the Council or in any report or minutes by reference to those documents;
 - 16.23.3 a written reply.

No debate on questions

- 16.24 Ordinarily, no debate shall be allowed on questions presented or responses given. In exceptional circumstances only, the Chairman may allow discussion. No decision can be made arising from a question other than to refer it to Full Council, Cabinet or a

Committee by way of a motion which shall be moved, seconded and voted on without discussion.

Circulation of questions and responses

- 16.25 Upon receipt, copies of questions will be circulated to the Chairman and Vice-Chairman, Leader of the Council and to the Member of Council to whom the question is to be put and any other relevant Members.
- 16.26 Copies of questions received in accordance with these rules will be provided to all Members or Members of the Committee as appropriate prior to the meeting.
- 16.27 Copies of responses where available, will be circulated to Members the day before the meeting unless this is not possible due to exceptional circumstances.

Record of questions

- 16.28 The minutes of the meeting shall record the name of the questioner (in respect of an organisation, the name of the organisation and the questioner's position within the organisation), the subject matter, and the name of the person replying.

Application at Planning Committees, Cabinet and Area Boards

- 16.29 In respect of public participation at the Strategic Planning Committee and Area Planning Committees, the provisions referenced in the Planning Code of Good Practice for Members of Wiltshire Council Protocol will apply - Protocol 4 to this constitution.
- 16.30 In respect of public participation at Cabinet meetings, to the provisions set out in Part 7 Cabinet Procedure Rules will apply.
- 16.31 In respect of Area Boards, public engagement is encouraged throughout the meeting. The procedure, rules and guidance are at the discretion of the Chairman subject to any guidance as issued from time to time by the Leader.

17. Members' Questions

- 17.1 A Member of the Council may ask the Leader, or any other Member of the Cabinet, the Chairman of a Committee or Sub-Committee any question without notice on a report of the Cabinet, Cabinet Member or a Committee or Sub-Committee when that report is being received or under consideration by Full Council.

Questions on notice

- 17.2 At ordinary meetings of Full Council, a Member of the Council may ask a question of:
- 17.2.1 the Chairman
 - 17.2.2 the Leader
 - 17.2.3 a Cabinet Member; or
 - 17.2.4 Chairman of a Committee or Sub-Committee;
- on any matters in relation to which the Council has powers or duties or which affects the Council's administrative area which are not included in a report to the Council.

- 17.3 In respect of an ordinary Committee or Sub-Committee meeting, a Member of the Council may ask a question of the Chairman on any matter in relation to the powers and duties of that Committee on matters which are not included in a report to that Committee or Sub-Committee.
- 17.4 In the case of extraordinary meetings, questions must relate to the subject(s) under consideration at that meeting.

Notice of questions by Members

- 17.5 In order to be guaranteed of receipt of written response prior to a Full Council meeting, questions must be delivered in writing or by email to the Proper Officer or their designated representative no later than 5pm nine clear working days before the meeting. The period of notice is to allow sufficient time for a written response to be formulated.
- 17.6 Any question received between 5pm nine clear working days before the meeting and no later than 5pm four clear working days before the meeting, may only receive an oral response at the meeting. Any questions received after this deadline will be received at the next meeting.
- 17.7 In exceptional circumstances the Chairman may allow questions without the full period of notice having been given where they are satisfied there is sufficient justification. In these circumstances, there is no guarantee that a full or written reply will be given at the meeting.
- 17.8 For Committee meetings, the same timescales as set out for public questions would apply.
- 17.9 Notice of each question must include the name of the Member asking the question and to whom the question is to be put and be listed in priority order

Scope of questions

- 17.10 The question must be relevant to the powers and duties of the Full Council/Committee and be clear and concise. A question will be rejected where it:
- 17.10.1 does not relate to a matter for which the Council/Committee has a responsibility or which does not affect the Council's administrative area;
 - 17.10.2 is defamatory, frivolous, offensive, vexatious, unlawful or otherwise improper;
 - 17.10.3 relates to any non-determined planning or licensing application;
 - 17.10.4 requires the disclosure of confidential or exempt information;
 - 17.10.5 names or identifies individual service users, Members of staff or Members of staff of partner agencies;
 - 17.10.6 relates solely to operational issues unless the Member does not receive a response from the relevant head or service or director, or has not received a response they consider satisfactory.
 - 17.10.7 is considered by the Chairman to be inappropriate for the particular meeting.
- 17.11 The Chairman's ruling on rejection of a question will be final following consultation with the Monitoring Officer.

- 17.12 Where a question is rejected on the above grounds, the Member shall be advised of the reasons for rejection. Time permitting, the Member will be given an opportunity to submit an amended question that will be considered afresh against the criteria in paragraph 17.10 (reasons for rejection).
- 17.13 For the avoidance of doubt, questions amended in this way, must be delivered within the timescales referred to at paragraph 17.5-17.6 above.

At the meeting

- 17.14 No more than 20 supplementary questions will be answered at a meeting. Any question which receives an oral response will also receive a written response from the appropriate Member no later than five clear working days after the meeting and copied to all Members or Members of the committee as appropriate and also attached to the minutes.
- 17.15 Questions will be received in the order of receipt per Member, but a Member may not ask a second question until all other first questions from other Members have been dealt with. The same principle applies to third and subsequent questions subject to the Chairman's discretion.
- 17.16 Questions will be taken as read. If a Member is not present to receive an answer to their question in the event they were to receive a verbal response, the Chairman may ask the question on the Member's behalf or indicate that a reply will be given in writing within five working days of the meeting.

Supplementary question

- 17.17 For each question submitted, a Member will be permitted to ask one supplementary question without notice which must be relevant to the original question or arise from the response given, subject to the limit of 20 questions presented at the meeting in paragraph 17.12. The Chairman may reject the supplementary question on the grounds listed in paragraph 17.9 above (reasons for rejection). A supplementary question may not include an additional preceding statement.
- 17.18 Subject to paragraph 17.13, Members should indicate prior to a meeting if they do not wish to ask a supplementary question to ensure that submitted question does not count toward the limit of 20 to be received at the meeting.
- 17.19 The person to whom the question has been put or another Member on their behalf, shall answer the supplementary question if they is able to do so at the time. If this is not possible, a written response will be provided to the Member where possible within five working days of the meeting.

Form of response

- 17.20 A response may take the following forms:
- 17.20.1 a direct oral answer, unless the question has been submitted nine clear working days prior to the meeting;
 - 17.20.2 where the answer is contained within a publication of the Council or in any report or minutes by reference to those documents;

17.20.3 a written reply.

No debate on Member questions

17.21 Ordinarily, no debate shall be allowed on questions presented or responses given. In exceptional circumstances only the Chairman may allow discussion. No decision can be made arising from a question other than to refer it to Council, Cabinet or a committee by way of a motion which shall be moved, seconded and voted on without discussion.

Circulation of Member questions and responses

17.22 Upon receipt, copies of questions will be circulated to the Chairman and Vice-Chairman of Council or Committee as appropriate, the Leader and the Member of Council to whom the question is to be put and any other relevant Members.

17.23 Copies of questions received in accordance with these rules will be provided to all Members or Members of the committee as appropriate prior to the meeting.

17.24 Copies of responses where available, will be circulated to Members the day before the meeting unless this is not possible due to exceptional circumstances.

17.25 Copies of all questions and responses will be attached to the minutes of the meeting unless already published prior to the meeting.

Record of Member questions

17.26 The minutes of the meeting shall record the name of the Member asking the question, the subject matter, and the name of the Member replying.

18. Motions on notice

Notice

18.1 Except for motions which can be moved without notice under paragraph 19, written notice of every motion signed by at least two Members of Council must be delivered to the Proper Officer or their designated representative no later than ten clear working days before the date of the meeting. This is to ensure that where appropriate a report is prepared to assist Council in its consideration of the motion.

18.2 In exceptional circumstances and in cases of urgency, the Chairman may accept motions without the full period of notice having been given.

18.3 Delivery can be by electronic means provided that the Proper Officer is satisfied that it has been sent by the Members concerned.

18.4 Notices of motion may be moved at the Annual Meeting or any ordinary meeting of Full Council.

18.5 Notices of motion may be moved at extraordinary meetings of the Council but only if the notice of motion relates to the subject matter of that extraordinary meeting.

- 18.6 There is no limit on the number of notices of motion that may be submitted to each meeting. However, the Chairman will apply this rule in the context of the length of the agenda to ensure proper conduct of the business to be transacted.

Scope

- 18.7 Motions must be clear and concise and be about matters for which the Council has a responsibility or which affect the Council's administrative area. Motions will be rejected where they:
- 18.7.1 do not relate to a matter for which the Council has a responsibility or which do not affect the Council's administrative area or those living in that area;
 - 18.7.2 are defamatory, frivolous, offensive, vexatious, unlawful or otherwise improper;
 - 18.7.3 relate to any non-determined planning or licensing application;
 - 18.7.4 name or identify individual service users, Members of staff or Members of staff of partner agencies; or
 - 18.7.5 are considered by the Chairman to be inappropriate for the particular meeting or undermines the purposes of the constitution.
- 18.8 The Chairman's ruling on rejection of a motion will be final following consultation with the Monitoring Officer.
- 18.9 Where a motion is rejected, the Members concerned will be advised as soon as possible giving reasons for rejection. Where time permits, the Members concerned may submit an amended motion which will be considered afresh against the criteria in paragraph 18.7.
- 18.10 For the avoidance of doubt, motions amended in this way must be delivered within the timescale referred to at paragraph 18.1.
- 18.11 A motion may contain preamble or introductory text to provide context and explanation to the action or resolution which is proposed. For the avoidance of doubt, when moved at the meeting only the formal resolution or action requested would be moved unless stated otherwise by the mover.

Recording of motions

- 18.12 On receipt of notices of motion received in accordance with these rules, the Proper Officer will record the details of the motion and the time and date of receipt. This record shall be open for inspection by Members of the public during normal office hours.
- 18.13 Motions received in accordance with these rules will be listed on the agenda in the order in which notice was received subject to the Proper Officer's discretion to group together motions on the same or similar subject, unless the Members giving notice state in writing that they propose to move it at a later meeting or withdraw it.

At the meeting

- 18.14 The Chairman will invite the proposer, or one of the Members who has given notice of the motion, to move the motion. Where these Members are not available at the meeting, the motion can be moved and seconded by any other Members.

- 18.15 A notice of motion must be moved at the meeting, and it must then be seconded. If the motion is not moved and seconded, it will, unless postponed by consent of the Council, be treated as abandoned and may not be moved without fresh notice.
- 18.16 Once moved and seconded at the meeting, the Member proposing the motion will be given up to five minutes in which to present their motion.
- 18.17 The Chairman will give the relevant Cabinet Member an opportunity to respond to the motion giving them up to five minutes in which to do so. The Cabinet Member will also later have the opportunity to respond to points raised during the debate, if one occurs, prior to the mover of the motion exercising their right of reply.
- 18.18 On considering a notice of motion and subject to paragraphs 18.18-18.23 below, the following options shall then be open to the Council:
- 18.18.1 debate the motion and vote on it;
 - 18.18.2 refer it to an appropriate Member body with or without debate;
 - 18.18.3 refer it to the Leader with or without debate.
- 18.19 The Chairman will move one of the options above. This will be seconded by the Vice-Chairman, or in their absence, another Member of the Council, and put to the vote without discussion. On the question of referring the motion to an appropriate Member body, the only amendment the Chairman will accept is to which Member body the motion should be referred.
- 18.20 If the motion relates to a function exercisable only by Full Council, then Full Council will debate the motion and on consideration of a report determine the motion or refer it to a future meeting of Full Council.
- 18.21 If the motion relates to a function that has been delegated to another Member body then the Council will vote without debate on whether to refer the motion to that Member body.
- 18.22 If referred to another Member body that Member body must consider the motion at its next available meeting. The mover and seconder of the motion will be invited to attend that meeting if they are not already Members of that body in order to present their motion but will not be able to vote unless they have voting rights. The Member body must report back to the Council as soon as practicable by way of the minutes of that meeting.
- 18.23 If the notice of motion is referred to another Member body following debate at Council, a summary of the debate at Council together with any recommendation will be taken into account by the Member body when considering the motion.
- 18.24 If the notice of motion relates to an executive function, the motion will be referred to the Leader. The Leader will write to the proposers of the motion with a copy to all Members of the Council, advising them what steps they propose to take.
- 18.25 Any decision of Council arising from a motion must comply with the principles of decision making as set out in Part 2, paragraph 13.2 of this Constitution.

19. Motions without notice

19.1 The following motions may be moved without notice:

- 19.1.1 to elect a Chairman of the meeting at which the motion is moved;
- 19.1.2 in relation to the accuracy of the minutes;
- 19.1.3 to change the order of business in the agenda;
- 19.1.4 to refer something to an appropriate body or individual;
- 19.1.5 to appoint a committee or Member arising from an item on the summons for the meeting;
- 19.1.6 to receive reports or adoption of recommendations of Committees or officers and any resolutions following from them;
- 19.1.7 to withdraw a motion;
- 19.1.8 to amend a motion;
- 19.1.9 that the question be now put;
- 19.1.10 to adjourn a debate;
- 19.1.11 to adjourn a meeting;
- 19.1.12 to suspend a particular Council procedure rule capable of being suspended
- 19.1.13 to exclude the public and press in accordance with the access to information procedure rules;
- 19.1.14 not to hear further a Member named under paragraph 23.15 or to exclude them from the meeting under paragraph 23.16;
- 19.1.15 to give the consent of the Council where its consent is required by this constitution.

20. Rules of debate

No speeches until motion seconded

20.1 Once the mover has moved a proposal and explained its purpose, the motion must be seconded before any speeches may be made.

Right to require motion in writing

20.2 Unless notice of the motion has already been given, the Chairman may require it to be written down and handed to them before it is discussed.

Secunder's speech

20.3 When seconding a motion or amendment, a Member may reserve their speech until later in the debate.

Content and length of speeches

20.4 Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed three minutes without the consent of the Chairman.

When a Member may speak again

20.5 A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- 20.5.1 to speak once on an amendment moved by another Member;
- 20.5.2 to move a further amendment if the motion has been amended since they last spoke;
- 20.5.3 if their first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which they spoke was carried);
- 20.5.4 in exercise of a right of reply;
- 20.5.5 on a point of order;
- 20.5.6 by way of personal explanation.

Amendments to motions

- 20.6 An amendment to a motion must be relevant to the motion and will be one of the following:
- 20.6.1 to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - 20.6.2 to leave out words;
 - 20.6.3 to leave out words and insert or add others or;
 - 20.6.4 to insert or add words

so long as the effect of the amendments is not to negate the motion. The ruling of the Chairman, following consultation with the Monitoring Officer or their designated representative, on effect of the amendment will be final.

- 20.7 Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been resolved. This would not prevent the mover or the meeting consenting to altering the proposed amendment, for example in response to a suggestion raised during debate, in accordance with 20.11-20.12, as a friendly alteration to their motion or amendment.
- 20.8 If an amendment is not carried, other amendments to the original motion may be moved.
- 20.9 If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- 20.10 After an amendment has been carried, the Chairman if appropriate will read out the amended motion before accepting any further amendments, or if there are none, putting the substantive motion to the vote.

Alteration of motions or amendments

- 20.11 A Member may alter a motion or amendments of which they have given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- 20.12 A Member may alter a motion or amendments which they have moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

20.13 Only alterations which could be made as an amendment may be made.

Withdrawal of motion

20.14 A Member may withdraw a motion which they have moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No Member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

Right of reply

20.15 The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.

20.16 If an amendment is moved, the mover of the original motion will be asked if they wish to accept the amendment as part of their motion, if the seconder of the motion also consents. They will indicate this without a speech or discussion. The mover of the original motion will then have the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.

20.17 The mover of the amendment has the right of reply as the penultimate speaker, prior to the mover of the original motion, at the end of the debate on their amendment.

Motions which may be moved during debate

20.18 When a motion is under debate, no other motion may be moved except the following procedural motions:

20.18.1 to withdraw the motion;

20.18.2 to amend the motion;

20.18.3 that the question be now put;

20.18.4 to adjourn a debate;

20.18.5 to adjourn a meeting;

20.18.6 to exclude the public and press in accordance with the Access to Information Procedure Rules; or

20.18.7 not to hear further a Member named under paragraph 23.15, or to exclude them from the meeting under paragraph 23.16.

Closure motions

20.19 A Member may move, without comment, the following motions at the end of a speech of another Member:

20.19.1 that the question be now put;

20.19.2 to adjourn the debate or;

20.19.3 to adjourn a meeting.

20.20 If a motion that the question be now put is seconded and the Chairman considers the item has been sufficiently discussed, they will put the procedural motion to the vote. If it is passed they will give the mover of the original motion a right of reply before putting their motion to the vote.

- 20.21 If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, they will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

Point of order

- 20.22 A Member may raise a point of order at any time. The Chairman will hear them immediately. A point of order may only relate to an alleged breach of these Council rules of procedure or the law. The Member must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Chairman on the matter will be final.

Personal explanation

- 20.23 A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood in the present debate. The ruling of the Chairman on the admissibility of a personal explanation will be final.

21. Previous decisions and motions

Motion to rescind a previous decision

- 21.1 A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least ten Members (or a quarter of the Members of a committee).

Motion similar to one previously rejected

- 21.2 A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the previous six months cannot be moved unless the notice of motion or amendment is signed by at least ten Members (or a quarter of the Members of a committee). Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

22. Voting

Majority

- 22.1 Unless this constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put (Local Government Act 1972, Schedule 12, paragraph 39(1)).

Chairman's casting vote

- 22.2 If there are equal numbers of votes for and against, the Chairman will have a second or casting vote. There will be no restriction on how the Chairman chooses to exercise a casting vote (Local Government Act 1972, Schedule 12, paragraph 39(2)).

Affirmation

- 22.3 Unless a ballot or recorded vote is taken under paragraphs 22.4-22.7, the Chairman will take the vote by the affirmation of the meeting.

Ballots

- 22.4 The vote will take place by ballot if ten Members (or a quarter of the Members of a committee) present at the meeting demand it or at the Chairman's discretion. The Chairman will announce the numerical result of the ballot immediately the result is known.

Recorded vote

- 22.5 With the exception of the paragraph 22.6, if ten Members (or a quarter of the Members of a committee) present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be recorded in the minutes. A demand for a recorded vote will override a demand for a ballot.
- 22.6 Recorded votes shall be taken on all decisions of Full Council in respect of:
- 22.6.1 Setting the authority's budget and determining the level of Council tax to be levied;
 - 22.6.2 Policy Framework Items;
 - 22.6.3 Member Motions on Notice, including any proposed amendments to the motions; and
 - 22.6.4 other significant issues as determined by the Chairman following consultation with the Proper Officer.
- 22.7 The names for and against the motion or amendment or abstaining from voting on these matters will be recorded and attached to the minutes.

Right to require individual vote to be recorded

- 22.8 Where any Member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting (Local Authorities (Standing Orders) Regulations 1993, Schedule 2, paragraph 1(1)).

Voting on appointments

- 22.9 If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person. The person presiding unless stated otherwise in the Constitution will have a casting vote if there is a tie for the least number of votes, or if there is a tie for the final two people nominated.

23. Minutes

Signing the minutes

- 23.1 The Chairman will sign the minutes of the proceedings at the next suitable meeting (Local Government Act 1972, Schedule 12, paragraph 41(1)). The Chairman will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

No requirement to sign minutes of previous meeting at extraordinary meeting

- 23.2 Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an extraordinary meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

Form of minutes

- 23.3 Minutes will contain all motions and amendments in the exact form and order the Chairman put them.

24. Attendance, exclusions and other matters

Record of Attendance

- 24.1 All Members present during the whole or part of a meeting must sign their names on the attendance sheets, where one is used, before the conclusion of every meeting to assist with the record of attendance (Local Government Act 1972, Schedule 12, paragraph 40).
- 24.2 A record will be kept of when a Member of the Council leaves the meeting at any time before the meeting is closed or adjourned.

Members' attendance

- 24.3 Subject to paragraph 23.9, if a Member of the Council fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the Council, they shall, unless the failure was due to some reason approved by the Council before the expiry of that period, cease to be a Member of the Council (Local Government Act 1972 s.85(1)).
- 24.4 Attendance as a Member at a meeting of any committee, sub-committee, area board, panel or working party of the Council, or at a meeting or any joint committee, joint board or other body by whom for the time being any functions of the Council are being discharged, or which was appointed to advise the Council on any matter relating to the discharge of its functions and attendance as the Council's representative on an outside body shall be deemed to be attendance (Local Government Act 1972 s.85(2)).
- 24.5 Any person (not being a Member of the Council) appointed by the Council or a committee to serve on a committee, sub-committee or panel who is absent from all

meetings of such committee, sub-committee or panel for a continuous period of six months except for some reason approved by the committee, sub-committee or panel before the expiry of that period shall at the end of that period cease to be a Member of that committee, sub-committee or panel. (Local Government Act 1972 s102 (2-4))

24.6 If a Member of the Cabinet fails throughout a period of six consecutive months from the date of their last attendance, to attend any meeting of the Cabinet, they shall, unless the failure was due to some reason approved by the Council before the expiry of that period, cease to be a Member of the Council (Local Government Act 1972 s.85(2A) and s.85(2B)).

24.7 For the avoidance of doubt, virtual attendance at a meeting does not count toward form attendance for the purposes of the Local Government Act 1972.

Exclusion of the Public

24.8 Members of the public and press may only be excluded only either in accordance with the Access to Information Rules in Part 5 of this constitution (Local Government Act 1972 s.100A and Local Authorities (Executive Arrangements) (Meetings and Access to Information (England) Regulations 2012 reg 4) (2)) or paragraph 147 (disturbance by public).

Standing to speak

24.9 When a Member speaks at Full Council they must stand unless exempted by the Chairman.

24.10 If more than one Member stands, the Chairman will ask one to speak and the others must sit. Other Members must remain seated whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation.

Chairman standing

24.11 When the Chairman stands during a debate, any Member speaking at the time must stop and sit down. The meeting must be silent.

Addressing the Chair

24.12 When a Member of the Council speaks they must address the Council through the Chairman.

Member not to be heard further

24.13 If a Member persistently disregards the ruling of the Chairman by behaving improperly, or offensively, or deliberately obstructs business, the Chairman may move that the Member not be heard further. If seconded, the motion will be voted on without discussion.

Member to leave the meeting

24.14 If the Member continues to behave improperly after a motion under paragraph 23.15 is carried, the Chairman may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

General disturbance

24.15 If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as they consider necessary (Public Bodies (Admission to Meetings) Act 1960 s.1(8)).

25. Disturbance by the public

Removal of Member of the public

25.1 If a Member of the public interrupts proceedings, or their behaviour or attire is deemed by the Chairman to cause offence, the Chairman will warn the person concerned. If they continue to interrupt or continue to cause offence, the Chairman may order their removal from the meeting room (Local Government Act 1972 s.100A(8)) following consultation with the Monitoring Officer or their designated representative.

Clearance of part of meeting room

25.2 If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared (Local Government Act 1972 s.100A(8)).

26. Suspension and amendment of Council procedure rules

Suspension

26.1 All of these Council rules of procedure except paragraphs 22.8 and 23.1 may be suspended by motion on notice, or without notice, if at least one half of the whole number of Members of the Council are present. Suspension can be only for the duration of the meeting (Local Government Act 1972, Schedule 12, paragraph 42).

Amendment

26.2 Any motion to add to, vary or revoke these Council rules of procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of Full Council.

Schedule 1 – Part 4A Wiltshire Council Petitions Scheme

1. Petitions

- 1.1 A petition is any communication which is signed by or sent to the Council on behalf of a number of people. This includes both written and electronic petitions (“e-petitions”).
- 1.2 The Council has set up a [Petitions Homepage](#) to provide further information and guidance to Members and the public.

2. Receipt and Registration

- 2.1 In order to be received all petitions must:
- 2.1.1 contain the name and contact details of the petition organiser. Only the name of the organiser will be published;
 - 2.1.2 contain a clear and concise statement of the concern, and what action the petitioners wish the Council to take;
 - 2.1.3 be relevant to the role and responsibility of the Council;
 - 2.1.4 contain at least ten names or signatures, or at least 25 names or signatures to be reported or presented to Full Council;
 - 2.1.5 those names to be accompanied by a postcode and house number for paper petitions, and full address and email address for electronic petitions. Only the name and postcode will be displayed in any Council report;
 - 2.1.6 Not be defamatory, frivolous, offensive, vexatious, unlawful or otherwise improper;
 - 2.1.7 Not name or identify individual service users, members of staff or members of staff of partner agencies
- 2.2 Anyone who signs a petition must meet the following eligibility requirements:
- 2.2.1 For a petition to be presented to Full Council, signatories must be aged 13 or above, live, work or study in Wiltshire, or have a direct connection to the service which is the subject of the petition. For the petition to be noted at Full Council it requires a minimum of 25 signatures.
 - 2.2.2 For a petition to be presented to an Area Board, signatories must be aged 13 or above, live, work or study within the relevant community area. For the petition to be noted at a meeting of an Area Board, it requires a minimum of 10 signatures.
- 2.3 Petitions in respect of non-determined planning or licensing applications will not be covered by this petitions scheme, and will be referred to the relevant service as formal representations. Petitions in respect of statutory petitions or on matters with existing right of appeal such as Council tax banding and non-domestic rates, are covered by other procedures.

3. Submission and Acknowledgement

- 8.1 Paper petitions can be sent to: Democratic Services, Wiltshire Council, County Hall, Bythesea Road, Trowbridge, BA14 8JN.
- 8.2 A Wiltshire Council e-Petitions facility to allow the creating, signing and submission of e-petitions is available at [this link](#). This requires registration with the Council using a valid email address. The Council will review the content of the petition and approve it to go live within five working days.
- 8.3 The Council will accept e-petitions hosted on other sites, which can be sent to committee@wiltshire.gov.uk for consideration. The same eligibility requirements will apply.
- 8.4 All petitions provided to the Council will receive an acknowledgement within 2 working days of receipt, and a substantive response of how the Council will respond to the petition within 15 working days of receipt. If that is not possible, an explanation will be given as to the reason for the delay, what action is being taken, and when a response will be sent.
- 8.5 Any response will set out what the Council plans to do with the petition. The Council will treat something as a petition if it is identified as such, or it seems that it is intended to be a petition.
- 8.6 The local Members will be informed of any petition and response for a petition relating to matters within their Area Board.

4. Council Response

- 4.1 The Council's response to a petition will depend on what it asks for and how many people have signed it, but may include one or more of the following:
- 4.1.1 taking the action requested in the petition;
 - 4.1.2 referring the petition to the relevant Council department for consideration in consultation with the relevant cabinet member and/or local member;
 - 4.1.3 referring the petition to the relevant Area Board Chairman;
 - 4.1.4 referring the petition to Full Council, a Committee or the Cabinet;
 - 4.1.5 consider the petition as a consultation response if received during a consultation period;
 - 4.1.6 holding an inquiry into the matter;
 - 4.1.7 undertaking research into the matter;
 - 4.1.8 holding a public meeting;
 - 4.1.9 holding a consultation;
 - 4.1.10 holding a meeting with petitioners;
 - 4.1.11 calling a referendum;
 - 4.1.12 writing to the petition organiser setting out the Council's views about the request in the petition;
 - 4.1.13 other suitable action.
- 4.2 If more than one petition is received on a similar subject matter the Chairman may determine that they be considered by the Council as a single matter and taken together.

- 4.3 A petition will not normally be considered for presentation or debate where it is received within six months of another petition being considered by the Council on the same matter. In exceptional circumstances the Chairman, after consultation with the Monitoring Officer, may determine that the context of the matter has materially changed since the initial consideration and agree to reconsider the matter for presentation or debate.
- 4.4 If a petition is received immediately before an election or referendum it may be necessary to deal with the petition differently, in which case the petition organiser will be contacted to discuss the course of action.
- 4.5 Actions taken on any validly received petition will be reported to Full Council to note.

5. Presentation of Petitions

- 4.1 Petitions may be presented to Full Council provided they have received 25 signatures, if requested by the petition organiser.
- 4.2 Petitions may be presented to Cabinet or to a Committee, including Area Boards, if they have received ten signatures and are relevant to the remit of the Committee, and if requested by the petition organiser.
- 4.3 The petition organiser should submit their petition to Democratic Services at least ten clear working days before a meeting to ensure the petition is relevant to the remit of Council, or a Committee and to be registered.
- 4.4 Petitions submitted without notice at any meeting will be received by the Democratic Services Officer present to be registered and dealt with at the next meeting, if appropriate.
- 4.5 In these instances, the petition organiser will have up to three minutes to speak and the matter would not be debated. The petition will be taken as a public statement and recorded. Up to two other public speakers will be invited to speak for up to three minutes each.

6. Full Council Debates

- 6.1 If a petition has been signed by at least 5000 people and is validly received, upon request of the petition organiser it will also be scheduled for a Council debate.
- 6.2 Any petition which is to be debated must be submitted and acknowledged at least ten working days before the Full Council meeting at which it will be debated.
- 6.3 The petition organiser will be invited to speak for up to five minutes. Up to two other public speakers will be invited to speak for up to three minutes each.
- 6.4 The relevant Cabinet Member will then respond to the petition.
- 6.5 The Chairman of the Council will then move a motion relating to the petition for Full Council to debate.

6.6 The period for debate on any petition or grouped series of petitions will normally be 30 minutes, not including the contribution of the Cabinet Member in response or Group Leaders.

6.7 Members will be limited to contributions of three minutes each during a Full Council debate on a petition.

7. Area Board Debates

7.1 If relevant to the remit and powers of an Area Board a petition may be presented or debated at that Area Board.

7.2 Any petition with more than ten signatures may be considered for debate at an Area Board. This would be granted at the discretion of the Chairman of the Area Board if submitted and acknowledged at least ten working days before the meeting. Any valid petition with more than 50 signatures submitted and acknowledged at least ten working days before a meeting will be granted a debate if requested by a petition organiser.

7.3 The arrangements for a debate will be at the discretion of the Chairman of the Area Board, subject to consultation with the Monitoring Officer or their representatives and considering the remit and powers of the Area Board.

8. Complaints

8.1 If a petition organiser considers that their petition has not been dealt with properly, they may submit a complaint to the council's Complaints Service.

8.2 Any complaint should be made within twenty working days from the Council response to the petition organiser.

8.3 Any complaint must set out in what way it is considered that the petition has not been dealt with properly. Any review undertaken would consider whether the steps taken by the Council in response to the petition were adequate, not whether the decision on how to respond to the petition was correct.

Schedule 2 – Part 4B Guidance on Amendments to Motions

1. The requirements concerning amendments to motions are contained in the Council's Rules of Procedure in Part 4 of the Constitution. Paragraph 20.6 provides:

20.6 An amendment to a motion must be relevant to the motion and will be one of the following:

 - 20.6.1 to refer the matter to an appropriate body or individual for consideration or reconsideration;*
 - 20.6.2 to leave out words;*
 - 20.6.3 to leave out words and insert or add others or;*
 - 20.6.4 to insert or add words*

so long as the effect of the amendment is not to negate the motion.
2. The Chairman will determine the validity of any proposed amendment under this paragraph, after taking advice from the Monitoring Officer. The Chairman's decision on any proposed amendment is final.
3. In exercising judgment on the validity or otherwise of any proposed amendment, the Chairman will have regard to the following principles:
 - 3.1. the overriding principle of fairness in the conduct of the Council's business;
 - 3.2. the amendment is relevant to the motion;
 - 3.3. the proposed amendment does not negate the motion; this can be secured more appropriately by voting against the original motion.
 - 3.4. The content of the proposed amendment is proportionate to the original motion in nature and extent;
 - 3.5. The proposed amendment does not amount to a device to frustrate the purpose of the original motion or to raise a late motion.
4. Members are encouraged, where practicable, to seek advice from the Monitoring Officer in connection with any proposed amendment in advance of the meeting at which it is to be moved.

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