

## AGENDA

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**Meeting:** Standards Committee  
**Place:** Kennet Room - County Hall, Trowbridge BA14 8JN  
**Date:** Wednesday 9 July 2014  
**Time:** 2.00 pm

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

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

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### Membership:

Cllr Desna Allen	Cllr Julian Johnson (Chairman)
Cllr Rosemary Brown	Cllr John Noeken (Vice Chairman)
Cllr Allison Bucknell	Cllr Paul Oatway QPM
Cllr Trevor Carbin	Cllr Sheila Parker
Cllr Terry Chivers	Cllr Horace Prickett
Cllr Howard Greenman	

### Substitutes:

Cllr Glenis Ansell	Cllr Magnus Macdonald
Cllr Ernie Clark	Cllr Howard Marshall
Cllr Mary Douglas	Cllr Pip Ridout
Cllr Dennis Drewett	Cllr John Smale
Cllr George Jeans	Cllr Jerry Wickham
Cllr Bob Jones MBE	

### Non-Elected Non-Voting Members:

Mr Philip Gill MBE JP  
Mr Paul Neale  
Mr John Scragg  
Miss Pam Turner

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## **Part 1**

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

### **1 Membership Changes**

To note the following changes to Membership of the Committee following the meeting of Council on 13 May 2014.

Removed as Full Members: Cllrs IanTomes, Howard Marshall (now substitute member).

Removed as Substitute Members: Cllrs Sheila Parker (now full member), Rosemary Brown (now full member), John Walsh, Russell Hawker, Roy While, Simon Killane, Chris Caswill, Chris Hurst.

Added as Substitute Members: Cllrs John Smale, Jerry Wickham, Magnus Macdonald, Bob Jones, Glenis Ansell.

### **2 Apologies for Absence**

To receive any apologies or substitutions for the meeting.

### **3 Minutes** *(Pages 1 - 4)*

To confirm the minutes of the meeting held on 25 April 2014.

### **4 Declarations of Interest**

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

### **5 Chairman's Announcements**

To receive any announcements through the Chair.

### **6 Public Participation and Questions**

The Council welcomes contributions from members of the public.

#### **Statements**

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

#### **Questions**

To receive any questions from members of the public or members of the Council 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 on the front of the agenda no later than 5pm on Wednesday 2 July 2014. Please contact the officer named on the front of this agenda for

further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

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

7 **Draft Annual Governance Statement 2013/14** (Pages 5 - 32)

To receive a report from the Monitoring Officer.

8 **Recommendations from the Constitution Focus Group - Part 3 of the Constitution** (Pages 33 - 122)

To consider the recommendations of the Constitution Focus Group regarding Part 3 of the Constitution (Responsibility for Functions and Schemes of Delegation).

Attached are the reports on and proposed tracked changes to Part 3 together with the minutes from the Focus Group meeting on 28 May 2014.

9 **Status Report on Complaints** (Pages 123 - 124)

To receive a report from the Monitoring officer on the current status of Complaints under the Code of Conduct.

10 **Parish and Town Council Training**

The Monitoring Officer will advise the Committee of plans to provide training on the Code of Conduct for Parish and Town councils in the autumn.

11 **Date of the Next Meeting and Forward Plan** (Pages 125 - 126)

To note the date of the next meeting as 8 October 2014.

To confirm the details of the Forward Work Programme.

12 **Urgent Items**

To consider any other items that, in the opinion of the Chairman, should be taken as a matter of urgency.

**Part II**

**Item(s) during consideration of which it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed**

None

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## **STANDARDS COMMITTEE**

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### **DRAFT MINUTES OF THE STANDARDS COMMITTEE MEETING HELD ON 25 APRIL 2014 AT KENNET ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN.**

#### **Present:**

Cllr Desna Allen, Cllr Trevor Carbin, Mr Philip Gill MBE JP, Cllr Julian Johnson (Chairman), Mr Paul Neale, Cllr Paul Oatway, Cllr Sheila Parker (Substitute), Cllr Horace Prickett, Cllr Pip Ridout (Substitute), Cllr Ian Tomes and Miss Pam Turner

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#### **11 Apologies for Absence**

Apologies for absence were received from Councillors Allison Bucknell, Howard Greenman, Howard Marshall, John Noeken and Mr John Scragg.

Councillor Bucknell was substituted by Councillor Sheila Parker.

Councillor Noeken was substituted by Councillor Pip Ridout.

#### **12 Minutes of the Previous Meeting**

The minutes of the meeting held on 20 January 2014 were presented for consideration, and it was,

#### **Resolved:**

**To APPROVE as a true and correct record and sign the minutes.**

#### **13 Declarations of Interest**

There were no declarations.

#### **14 Chairman's Announcements**

There were no announcements.

#### **15 Public Participation and Questions**

There were no questions or statements submitted.

## 16 **Recommendations and Update from the Constitution Focus Group**

The Monitoring Officer introduced the reports and recommendations from the Constitution Focus Group on Part 4 of the Constitution in relation to Petitions, Part 9 - Financial Regulations and Procedure Rules - and Part 12A in relation to the Safeguarding Children and Young People Panel.

In discussing Petitions it was explained that with the repeal of the underpinning Act of Parliament, the Council's statutory petition scheme had lapsed, and the Constitution Focus Group had considered what details should be retained or added to the discretionary petition scheme. The Focus Group had recommended that once petitions reach a specific threshold they should be able to trigger specific actions such as a council debate, and that the previous thresholds had been too high. The Focus Group had therefore recommended new thresholds, as well as clarifying the rules on e-petitions and who was eligible to sign a petition.

It was clarified that the changes to Part 9 were largely to remove duplication with other parts of the Constitution and updates to reflect council practice, management structure and legislative changes.

The changes to Part 12A of the Constitution were stated to incorporate details of the Safeguarding Children and Young People Panel established by Cabinet as part of its acceptance of the recommendations of the Safeguarding Task Group. This provides consistency in approach as this Panel runs parallel to the Corporate Parenting Panel.

The Committee discussed the proposed changes, requesting details of how population would be determined for the community areas and the associated thresholds for petition actions. In relation to Part 9 members were assured that with removal of information from Part 9 that other parts of the Constitution contained the relevant details on Overview and Scrutiny.

The Monitoring Officer then updated the Committee on progress of the work to revise Part 3 of the Constitution - Responsibility for Functions and Scheme of Delegation - which would be brought forward for the Committee's approval at a future date.

At the conclusion of debate, it was,

### **Resolved:**

**To recommend that Council adopt the proposed revisions to Part 4, Part 9 and Part 12A of the Constitution.**

## 17 **Review of Whistleblowing Complaints Procedure**

The Head of Governance presented a report on the review of the Whistleblowing Complaints Procedure, noting the current procedure had been in place for 8 years, with minor amendments in 2012 and 2013 following internal

reviews and requests from the Care Quality Commission, such as the inclusion of external regulator contract details.

In 2013 a Whistleblowing Commission was established to examine the effectiveness of whistleblowing policies, recommending the introduction of a statutory code of practice for whistleblowing arrangements. The Head of Governance explained that the recommendations made by the Commission, including the maintenance of confidentiality where requested and clear assurance to staff about protection from reprisal, formed part of the Wiltshire arrangements for many years, and it was not anticipated that a statutory code would result in any significant changes to the council's existing policy.

The Committee discussed the report, requesting further details about contact information for whistleblowing, and the difference between reporting a grievance and the need to blow the whistle. In response to queries it was stated that while despite assurances some staff might fear reprisal for whistleblowing, the council's policy made it a disciplinary offence to victimise a whistleblower.

At the end of debate, it was,

**Resolved:**

**To note the report.**

**18 Update on Review of the Effectiveness of Code of Conduct Complaints Procedure**

The Head of Governance introduced a report on the review of the effectiveness of Code of Conducts Complaints procedure, with details in the report on the number of complaints received and the actions taken.

The Committee discussed the report, and noted that since the implementation of the new standards regime, no complaint in Wiltshire taken under the new system had been referred for investigation. The Committee felt that this could result in public perception of the new system as ineffective, and further work was required to look at the system operation in depth to properly assess its effectiveness.

At the end of discussion, it was,

**Resolved:**

**To arrange a seminar as soon as possible for members of the Committee and any other Wiltshire Councillors who wish to attend, together with the council's three Independent Persons and Mr Paul Hoey of Hoey Ainscough Associates Ltd. to review the operation and effectiveness of the standards regime and consider whether any changes to the current system are appropriate.**

19 **Forward Plan**

The proposed forward plan was noted, with the addition that an update would be provided to the Committee following the meeting proposed under minute 18.

It was also noted that a briefing on the constitutional changes recommended to Council would be held on 6 May.

20 **Urgent Items**

There were no urgent items.

(Duration of meeting: 2.00 - 2.50 pm)

The Officer who has produced these minutes is Kieran Elliott of Democratic Services, direct line 01225 718504, e-mail [kieran.elliott@wiltshire.gov.uk](mailto:kieran.elliott@wiltshire.gov.uk)

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



## Wiltshire Council

### Audit Committee

9 July 2014

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#### Draft Annual Governance Statement 2013-14

##### Purpose

1. To ask the Standards Committee to consider a draft Annual Governance Statement (AGS) for 2013 -14 for preliminary comment before final approval is sought from the Audit Committee at its meeting on 31 July 2014.

##### Background

2. The Council is required, as part of its annual review of the effectiveness of its governance arrangements, to produce an AGS for 2013-14. This will be signed by the Leader of the Council and the Corporate Directors, after final approval by the Audit Committee on 31 July 2014. The AGS will form part of the Annual Statement of Accounts for 2013-14.
3. Based on advice from the Chartered Institute of Public Finance and Accountancy (CIPFA), the AGS should include:
  - an acknowledgement of responsibility for ensuring there is a sound system of governance, incorporating the system of internal control;
  - an indication of the level of assurance that the systems and processes that comprise the Council's governance arrangements can provide;
  - a brief description of the key elements of the governance framework, including reference to group activities where those activities are significant;
  - a brief description of the process that has been applied in maintaining and reviewing the effectiveness of the governance arrangements;
  - an outline of the actions taken, or proposed, to deal with significant governance issues, including an agreed action plan.

4. The AGS for Wiltshire Council should demonstrate how the Council is meeting the six principles of good governance adopted in its Code of Corporate Governance. These principles are:
  - focusing on the purpose of the Council and on outcomes for the community and creating and implementing a vision for the local area;
  - councillors and officers working together to achieve a common purpose with clearly defined functions and roles;
  - promoting values for the council and demonstrating the values of good governance through upholding high standards of conduct and behaviour;
  - taking informal and transparent decisions which are subject to effective scrutiny and managing risk;
  - developing the capacity and capability of councillors and officers to be effective;
  - engaging with local people and other stakeholders to ensure robust accountability.
5. The AGS is primarily retrospective. It reports on the assurance framework and measures in place for the financial year 2013-14, but must take account of any significant issues of governance up to the date of publication of the Statement of Accounts in July 2014. The AGS should outline the actions taken or proposed to address any significant governance issues identified.
6. The AGS is drafted by members of the Governance Assurance Group, which comprises senior officers who have lead roles in corporate governance and a member representative from the Audit Committee.
7. The evidence for the AGS comes from a variety of sources, including assurance statements from associate directors, relevant lead officers within the organisation, internal and external auditors and inspection agencies.

#### **Draft AGS - Content**

8. Work on the draft AGS 2013-14 is in progress. A copy of the latest draft is attached at Appendix 1. The draft will be revised in the light of further reviewing of assurance sources by the Governance Assurance Group and any observations of the Audit Committee, Cabinet, Standards Committee and the Council's external auditors, KPMG.
9. The draft reflects the elements described in paragraph 3 of this report and has regard to revised guidance from CIPFA.

10. Section C of the AGS describes the Council's governance framework for the relevant period. The final version will need to reflect the position up to the date of approval and signature in July 2014.
11. Section D provides a review of the effectiveness of the Council's governance framework. This section has been structured to reflect the key governance principles set out in the Council's Code of Corporate Governance.
12. The council's internal auditors have given an overall audit opinion of reasonable assurance on the effectiveness of the council's control environment for 2013-14.
13. Assurance statements are being obtained from associate directors. These are being reviewed and any potential significant governance issues arising from these will be included in the final version of the AGS and highlighted at the July meeting.
14. Section E of the draft AGS requires the Council to identify any significant internal control issues affecting the Council during the relevant period.
15. CIPFA guidance suggests that an internal control issue is to be regarded as significant if:
  - the issue has seriously prejudiced or prevented achievement of a principal objective;
  - the issue has resulted in a need to seek additional funding to allow it to be resolved, or has resulted in significant diversion of resources from another aspect of the business;
  - the issue has led to a material impact on the accounts;
  - the audit committee, or equivalent, has advised that it should be considered significant for this purpose;
  - the Head of Internal Audit has reported on it as significant, for this purpose, in the annual opinion on the internal control environment;
  - the issue, or its impact, has attracted significant public interest or has seriously damaged the reputation of the organisation;
  - the issue has resulted in formal action being taken by the Chief Financial Officer and/or the Monitoring Officer.

16. At this stage it is proposed to include three significant governance issues in this section:

- Delivery of the Council's Business Plan 2013-17
- Information Governance
- Safeguarding Children and Young People

Details on these issues are set out in paragraph 82 of the draft AGS.

17. This report was previously considered by the Audit Committee on 24 June 2014. The draft minute extract from that meeting is attached at appendix 2.

18. Any further potential significant governance issues that are identified will be reported to the Audit Committee when the AGS is brought back for final approval on 31 July 2014.

19. KPMG will be consulted on the draft AGS and their comments will be taken into account in the presentation of the final version to the Audit Committee.

### **Financial Implications**

20. There are no financial implications arising directly from the issues covered in this report.

### **Risk Assessment**

21. The production of the AGS is a statutory requirement. Ongoing review of the effectiveness of the Council's governance arrangements is an important part of the Council's risk management strategy.

### **Environmental Impact**

22. There is no environmental impact regarding the proposals in this report.

### **Equality and Diversity Impact**

23. There are no equality and diversity issues arising from this report.

### **Reasons for the Proposal**

24. To prepare the AGS 2013-14 for publication in accordance with the requirements of the Audit and Accounts Regulations.

## **Proposal**

25. The Standards Committee is, therefore, asked:

- a) to consider the draft AGS as set out in Appendix 1 and to make any amendments or observations on the content.
  
- b) to note that the draft AGS will be revised in the light of comments from the Committee, Cabinet, Standards Committee and further work by the Governance Assurance Group before being brought back to the Audit committee for final approval and publication with the Statement of Accounts at the end of July.

## **Ian Gibbons**

### **Associate Director Legal and Governance and Monitoring Officer**

Report Authors: Ian Gibbons and Marie Lindsay, Ethical Governance Officer

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Unpublished documents relied upon in the production of this report: None

Appendices:

Appendix 1 - draft Annual Governance Statement 2013-14

Appendix 2 - extract from draft minutes of Audit Committee 24 June 2014

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# Annual Governance Statement

2013-14



Draft 7

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Internal Audit

External Audit and Inspections

Directors' Assurance Statements

Monitoring Officer

## Section D

Review of Effectiveness

Focus on the purpose of the authority and on outcomes for the community, creating and implementing a vision for the local area

Engaging with local people and other stakeholders to ensure robust public accountability

Ensuring that councillors and officers work together to achieve a common purpose with clearly defined functions and roles

Promoting high standards of conduct and behaviour, and establishing and articulating the authority's values to members, staff, the public and other stakeholders

Taking informed, risk based and transparent decisions which are subject to effective scrutiny

Developing the capacity of councillors and officers to be effective in their roles

## Section E

Significant Governance Issues



## A. Scope of Responsibility

1. Wiltshire Council is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for, and used economically, efficiently and effectively. The Council also has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
2. In discharging this overall responsibility, the Council is also responsible for putting in place proper arrangements for the governance of its affairs, including the management of risk, and facilitating the effective exercise of its functions.

## B. The Purpose of the Governance Framework

3. The governance framework comprises the systems and processes, and culture and values, by which the Council is directed and controlled and the activities through which the Council accounts to, engages with and leads the community. It enables the Council to monitor the achievement of its strategic objectives and to consider whether those objectives have led to the delivery of appropriate, cost effective services.
4. The assurance framework and the system of internal control are significant parts of that framework. They are designed to manage risk to a reasonable level. They cannot eliminate all risk of failure to achieve policies, aims and objectives and can therefore only provide reasonable and not absolute assurance of effectiveness. The assurance framework and the system of internal control are based on an ongoing process that is designed to:
  - a. identify and prioritise the risks to the achievement of the Council's policies, aims and objectives;
  - b. evaluate the likelihood of those risks being realised;
  - c. assess the impact of the risks if they are realised;
  - d. manage the risks efficiently, effectively and economically.
5. The assurance framework also provides a mechanism for monitoring and implementing a system of continuous governance improvement.
6. The governance framework has been in place at the Council for the year ended 31 March 2014 and up to the date of approval of the Statement of Accounts for 2013/14.

## C. The Governance Framework

7. The Council's governance framework comprises a broad range of strategic and operational controls, which work together to ensure the sound operation of the Council. The key elements are summarised below.
8. Documents referred to are available from the Council or may be viewed on the Council's website ([www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)).
9. The review of the Council's governance arrangements, through the Annual Governance Statement, has taken account of best practice identified in the CIPFA/Solace guidance Delivering Good Governance in Local Government, Addendum 2012.

### **Purpose and Planning**

10. In September 2013 the council adopted a new Business Plan for 2013-17 with the following priorities:
  - to protect those who are most vulnerable;
  - to boost the local economy; and,
  - to bring communities together to enable and support them to do more for themselves.
11. These priorities serve to deliver the council's vision to create stronger and more resilient communities.
12. The Business Plan is supported by a Financial Plan, which demonstrates how it will be funded. The management of the Council's strategic risks helps achieve the Council's objectives

### **Policy and Decision-Making Framework**

13. The Council's Constitution provides the framework within which the Council operates. It sets out how decisions are made and the procedures which must be followed to ensure that these are efficient, effective, transparent and accountable.
14. The Constitution defines the role and responsibilities of the key bodies in the decision-making process - the Council, Cabinet, and Committees, including the Strategic Planning Committee, Area Planning Committees, Licensing Committee, Overview and Scrutiny Committees, Standards Committee, Audit Committee, Staffing Policy Committee, Officer Appointments Committee and Area Boards.
15. The council has established a Health and Well-being Board in accordance with requirements under the Health and Social Care Act 2012. The Board is a committee of the council with a strategic leadership role in promoting integrated working between the council and the NHS, and in relation to public health services. It is the key partnership and focal point for strategic decision making about the health and well-being needs of the local community. The council has also established the Wiltshire

Police and Crime Panel to review and scrutinise decisions of the Police and Crime Commissioner. The Panel is a joint committee with Swindon Borough Council.

16. The Constitution is reviewed regularly by the Monitoring Officer and the Standards Committee through its Constitution Focus Group to ensure that it reflects changes in the law and remains fit for purpose.
17. The Leader and Cabinet are responsible for discharging the executive functions of the Council, within the budget and policy framework set by the Council, and some of this is delegated to Area Boards.
18. The Council publishes a Forward Work Plan once a month giving details of all matters anticipated to be considered by the Cabinet over the following 4 months, including items which constitute a key decision<sup>1</sup>
19. Schemes of Delegation are in place for Cabinet Committees, Cabinet Members and Officers to facilitate efficient decision-making. The Leader has established three Cabinet Committees - the Cabinet Capital Assets Committee, Cabinet Transformation Committee and the Cabinet Business Relief Committee.
20. The Council has established 18 area committees known as Area Boards. Each area board exercises local decision making under powers delegated by the Leader.
21. The Council's overview and scrutiny arrangements consist of a management committee and 3 select committees covering Children's Services, Environment, and Health. These committees establish standing and ad hoc task groups to undertake detailed reviews. Rapid scrutiny exercises also provide opportunities where there are time constraints. Scrutiny member representatives can also be appointed to boards of major projects to exercise lay challenge. Partners and contractors also contribute to the scrutiny process.
22. These arrangements serve to hold the Cabinet, its Committees, individual Cabinet Members and officers to public account for their executive policies, decisions and actions.

<sup>1</sup> 'Key decisions' are defined in Paragraph 9 of Part 1 of the Constitution. They include any decision that would result in the closure of an amenity or total withdrawal of a service; any restriction of service greater than 5%; any action incurring expenditure or producing savings greater than 20% of a budget service area; any decision involving expenditure of £ 500,000 or more, (subject to certain exceptions), any proposal to change the policy framework; any proposal that would have a significant effect on communities in an area comprising two or more electoral divisions.

23. The Standards Committee is responsible for:

- promoting and maintaining high standards of conduct by Members and Officers across the Council;
- determination of complaints under the Members' Code of Conduct;
- oversight of the Constitution, overview of corporate complaints handling and Ombudsman investigations, and the whistle blowing policy;

24. The Council has adopted a Code of Conduct for members and established arrangements for dealing with complaints under the code for Wiltshire unitary and parish councillors, including the appointment of 3 independent persons in accordance with the statutory requirements.

25. The Council has in place arrangements for considering complaints made about the conduct of the Police and Crime Commissioner for Wiltshire.

26. The Audit Committee is responsible for:

- monitoring and reviewing the Council's arrangements for corporate governance, risk management and internal control;
- reviewing the Council's financial management arrangements and approving the annual Statement of Accounts;
- focusing audit resources
- monitoring the effectiveness of the internal and external audit functions;
- monitoring the implementation of agreed management actions arising from audit reports.

### **Wiltshire Pension Fund**

27. The Wiltshire Pension Fund is overseen by the Wiltshire Pension Fund Committee. This Committee has its delegated power from the full Council, rather than the Executive (Cabinet), so as to avoid any conflict of interest (e.g. in relation to the setting of employer contributions).

28. This Committee is responsible for all aspects of the fund, including:

- the maintenance of the fund;
- preparation and maintenance of policy, including funding and investment policy;
- management and investment of the fund;
- appointment and review of investment managers;
- monitoring of the audit process.

29. The Wiltshire Pension Fund Committee exercises its responsibilities in relation to investment management when it sets investment policy and appoints/monitors external investment managers.

## Regulation of Business

30. The Constitution contains detailed rules and procedures which regulate the conduct of the Council's business. These include:

- Council Rules of Procedure
- Budget and Policy Framework Procedure
- Financial Regulations and Procedure Rules
- Procurement and Contract Rules
- Members' Code of Conduct
- Officers' Code of Conduct
- Corporate Complaints Procedure

31. The statutory officers - the Head of Paid Service (see note below in this paragraph), the Monitoring Officer (Solicitor to the Council) and the Chief Finance Officer have a key role in monitoring and ensuring compliance with the Council's regulatory framework and the law. The statutory officers are supported in this role by the Council's HR, legal, governance and democratic services, finance and procurement teams, and also by the internal audit service.

32. Internal Audit services in Wiltshire are provided through a partnership with South West Audit Partnership.

33. The following bodies have an important role in ensuring compliance:

- Audit Committee
- Overview and Scrutiny Committees and Task Groups
- Standards Committee
- Internal Audit (this function is provided externally by the South West Audit Partnership (SWAP))
- External Audit and Inspection Agencies.

34. The Council has established a Governance Assurance Group whose membership is composed of senior officers with lead responsibility for key areas of governance and assurance, together with an elected member who is the vice-chair of the Audit Committee. Other officers and members attend by invitation to provide the Group with information about issues on which it is seeking assurance. Officers can also bring any concerns about the Council's governance arrangements forward to the Group for consideration.

<sup>2</sup> The Corporate Leadership Team comprises the three Corporate Directors, supported by the Chief Finance Officer / Section 151 Officer, Solicitor to the Council / Monitoring Officer, Service Director HR and Organisational Development and the Director of Communications. The statutory role of Head of Paid Service is rotated between the three corporate directors every four months.

35. The Governance Assurance Group meets monthly and has a forward work plan. It is responsible for gathering evidence for and drafting the Annual Governance Statement. It identifies any potential significant governance issues throughout the year, and seeks assurance on the effectiveness of measures to address these. It has a key role in promoting and supporting sound governance across the organisation and reports as required to the Corporate Leadership Team.<sup>3</sup>

## **Management of Resources, Performance and Risk**

### **Financial Management**

36. Financial management and reporting is facilitated by:

- Regular reports to Cabinet on the Council's Revenue Budget and Capital Programme;
- Regular review by the Corporate Leadership Team;
- Regular consideration of these reports by the Budget and Performance Task Group;
- Budget monitoring by Service Managers;
- Compliance with the Council's Budgetary and Policy Framework, Financial Regulations and Financial Procedure Rules;
- Compliance with external requirements, standards and guidance;
- Publication of Statement of Accounts;
- Overseeing role of the Audit Committee.

37. The Council's financial management arrangements are consistent with the governance requirements of the CIPFA Statement on the Role of the Chief Financial Officer in Local Government, issued in 2010.

### ***Performance and Risk Management Reporting***

38. At the heart of the Business Plan 2013 – 2017 is the vision to create stronger and more resilient communities and sets out how we plan to achieve this and outlines our key priorities which are to continue to:

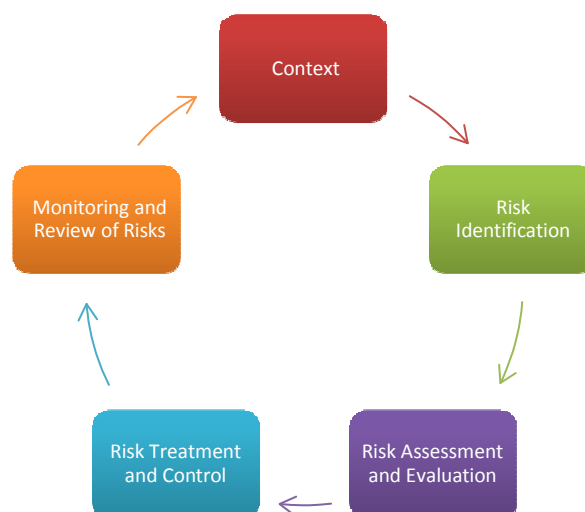
- Protect our most vulnerable in our communities;
- Boost the local economy – creating and safeguarding jobs
- Support and empower communities to do more for themselves

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The role of Head of Paid Service was discharged by the Service Director, HR and Organisational Development until July 2013 when the council agreed that the role should be discharged by one of the corporate directors, Maggie Rae, pending consideration of a further report in November 2013 on how this would operate on a rotational basis between the three corporate directors)

39. Measuring success is about how we will know we are performing well and moving in the right direction to achieve our vision and priorities. A Strategic Performance and Risk Management Board has been established to take the strategic lead on the development and review of the corporate planning cycle including the performance and risk management approach. Risk management is a central part of the Council's strategic management and the Board will review the Risk Management Strategy on an annual basis to ensure that risk management arrangements remain effective.
40. The Corporate Leadership Team receives six monthly performance and risk reports detailing the risks that impact upon the strategic objectives of the Council. The Audit Committee receives reports every six months on the effectiveness of the risk management processes within the Council and its partnerships. Exception reports are submitted as and when required.
41. Risks are identified and monitored by service areas. Risks that are deemed significant are referred to the Operational Performance and Risk Management Group in the first instance for challenge and review. Reports are issued on the corporate risks through the Council's reporting arrangements. Training on Risk Management is delivered to Members annually, including the development of specific training for staff involved in risk management arrangements as a result of their work. The diagram below demonstrates the cycle of managing risk.



42. The risks associated with major projects are managed through project management arrangements with regular reporting to the relevant boards and member bodies. Any significant or corporate risks are also considered by the Operational Performance & Risk Management Group and included within the Corporate Risk Register where appropriate.
43. The Council's Business Continuity Policy provides a framework to maintain and develop business continuity arrangements at both corporate and

service levels. It sets out the responsibilities of different management levels and groups as part of this process.



## **Internal Audit**

44. The main role of Internal Audit is to provide an independent and objective opinion on the Council's control environment.
45. Internal Audit has the following additional responsibilities:
- providing support to the Chief Finance Officer in meeting his responsibilities under Section 151 of the Local Government Act 1972, to make arrangements for the proper administration of the Council's financial affairs;
  - investigating any allegations of fraud, corruption or impropriety;
  - advising on the internal control implications of proposed new systems and procedures.
46. The annual Internal Audit Plan is based on an assessment of risk areas, using the most up to date sources of risk information, in particular the Council's Corporate and Service Risk Registers. The Plan is agreed with Corporate Directors, and presented to the Audit Committee for approval. The Committee receives reports of progress against the plan throughout the year. The Internal Audit Annual Report summarises the results and conclusions of the audit work throughout the year, and provides an audit opinion on the internal control environment for the Council as a whole.

## **External Audit and Inspections**

47. The Council is subject to audit by its external auditors, KPMG LLP, specifically in relation to the Council's financial statements and achievement of value for money (VFM). It is also subject to reviews by external inspection agencies, OFSTED, and the Care Quality Commission (CQC). The outcomes of external audit work and inspections are used to help strengthen and improve the Council's internal control environment and help secure continuous improvement.
48. In September 2013 the authority was the subject of a peer review challenge. A further visit is planned for later in 2014.
49. The challenge covered five core components: understanding of the local context and priority setting, political and managerial leadership, financial planning and viability, governance and decision making and organisational capacity. In addition the peer team was asked to focus on how the Council was transforming Wiltshire through innovation in three particular areas.
50. The council's key strengths were identified as follows:
- A very strong respect and high regard for the council leader
  - A strong and trusted relationship between officers and elected members with a clear appreciation that the council is strongly member led.

- The council has a good reputation in the community. Its vision ‘to create stronger and more resilient communities’ has resonance locally. Parish and town councils, volunteers and voluntary sector organisations speak positively about the purposeful intent of the council to delegate responsibilities and enable local people and groups to do more for themselves.
- A highly engaged workforce with a real sense of pride in the organisation.

51. Recommendations included addressing the budget gap for 2015/16 and beyond, clarifying the desired outcomes for area boards, improving the effectiveness of scrutiny, strengthening performance management and working closely with the CCG to ensure shared visions and plans. Action has been taken to implement these recommendations.

52. The council has also undergone a peer review challenge of its adult social care Help to Live at Home programme. The initial findings are positive and the full report is awaited.

### **Associate Directors’ Assurance Statements**

53. Associate directors’ assurance statements [ are being] reviewed by the Governance Assurance Group. [Any significant governance issues identified will be included in Section E].

### **Monitoring Officer**

54. The Monitoring Officer has not made any adverse findings in the course of the exercise of his statutory responsibilities.

#### D. Review of Effectiveness

55. The Council has responsibility for conducting, at least annually, a review of the effectiveness of its governance framework, including the system of internal control. The review of effectiveness is informed by the work of the executive managers within the Council who have responsibility for the development and maintenance of the governance environment, the Council's internal audit function, and also by reports of external auditors and other review agencies and inspectorates.

56. The key principles of corporate governance are set out in the Council's Code of Corporate Governance as follows:

- Focusing on the purpose of the Council and on outcomes for the community, creating and implementing a vision for the local area;
- Engaging with local people and other stakeholders to ensure robust public accountability;
- Ensuring that members and officers work together to achieve a common purpose with clearly defined functions and roles;
- Promoting high standards of conduct and behaviour, and establishing and articulating the Council's values to members, staff, the public and other stakeholders;
- Taking informed, risk based and transparent decisions which are subject to effective scrutiny; and
- Developing the capacity of members and officers to be effective in their roles.

57. The effectiveness of the Council's assurance framework and system of internal control is assessed against these six principles.

#### **Focus on the purpose of the Council and on outcomes for the community, creating and implementing a vision for the local area**

58. The Council's vision and priorities are set out in its Business Plan 2013-2017. This is consistent with the long term priorities that are set out in the Community Plan 2011-2026.

#### **Engaging with local people and other stakeholders to ensure robust public accountability**

59. The development of Wiltshire's area boards has played a key role in ensuring robust public accountability and democratic engagement in Wiltshire. The devolved governance arrangements are set out in the Council's Constitution. In 2014 a comprehensive review of the Area Boards was undertaken to more closely align governance arrangements with the aspirations set out in the Council's business plan. The conclusions and recommendations arising from the review were adopted by the Council on 22<sup>nd</sup> April 2014 (Cabinet minute no. 47).

60. The Council monitors the performance of the area boards in a number of ways:

- Public reporting on all issues and grant applications referred to the boards through online systems (including a new grants evaluation process in 2014);
- Periodic scrutiny reviews and audit of financial arrangements;
- Feedback received following events;
- An annual satisfaction survey of people attending area board meetings;
- The Area Boards self evaluation process; and
- Ongoing lean systems reviews.

61. The Council seeks to align the resources delegated to area boards with the needs of local communities and to assess the impact of its devolved governance arrangements through the Joint Strategic Assessment process. This involves the prioritisation of issues by the local community, action and resource allocation by the area boards and the use of the boards' collaborative influence to initiate community-led action in the area. In 2014, revised arrangements were put in place to capture and monitor the effectiveness of this process, through improved reporting to the Health and Wellbeing Board.

### **Ensuring that councillors and officers work together to achieve a common purpose with clearly defined functions and roles**

62. The Constitution sets out clearly the roles and responsibilities of Councillors and Officers in the decision making process.

63. The Council has adopted a Councillor and Officer Relations Protocol which:

- outlines the essential elements of the relationship between councillors and officers;
- promotes the highest standards of conduct;
- clarifies roles and responsibilities;
- ensures consistency with the law, codes of conduct and the Council's values and practices; and
- identifies ways of dealing with concerns by councillors or officers.

## **Promoting high standards of conduct and behaviour, and establishing and articulating the authority's values to members, staff, the public and other stakeholders**

64. All staff are required to meet high standards of ethical conduct under the Officers' Code of Conduct.
65. The council has a code of conduct for officers which is underpinned by a behaviours framework. This framework clearly articulates the behaviours expected of council officers, and is explicitly referred to in recruitment and performance appraisal processes.
66. The Council has adopted a code of conduct for Councillors and arrangements for dealing with member misconduct complaints under the requirements of the Localism Act 2011. The effectiveness of the code is kept under review by the Standards Committee.
67. The Council has established arrangements for receiving and investigating complaints about the Police and Crime Commissioner for Wiltshire.
68. The Council's Governance Service is responsible for customer complaints, access to information legislation, operation of the agreed arrangements under the new standards regime, and the promotion of good governance within the Council and with key partners, including the town and parish councils of Wiltshire. This helps to ensure that robust governance arrangements are supported across the Council.

## **Internal Audit**

69. Internal Audit represents an important element of the Council's internal control environment, and to be effective it must work in accordance with the Code of Practice for Internal Audit in Local Government, which lays down the mandatory professional standards for the internal audit of local authorities.
70. The Internal Audit Annual Report and Opinion 2013 -14 summarises the results and conclusions of the audit work throughout the year, and provides an independent audit opinion on the internal control environment for the Council as a whole. The Council's internal auditors, SWAP, have given an overall audit opinion of reasonable assurance on the adequacy and effective operation of the Council's control environment for 2012-13.

## **External Audit**

71. The latest report to those charged with governance, issued by KPMG LLP in respect of Wiltshire Council for 2013/14, is the interim report, in advance of the full report, which summarises the key issues arising from the interim work at Wiltshire Council in relation to the 2013/14 financial statements and the work to support the 2013/14 value for money conclusions.

72. The report highlights the key messages as follows:

- The organisational control environment is effective overall;
- Good progress has been made during the year in improving the overall IT control environment;
- In relation to those controls reviewed, the key financial systems are sound;
- In relation to the work on the financial controls, the external auditor is able to place reliance upon the work of Internal Audit;
- The overall process for the preparation of the financial statements is strong.

73. KPMG LLP's report to those charged with governance for 2013/2014 will be tabled at the meeting of the Audit Committee on 31 July 2014.

## **Taking informed, risk based and transparent decisions which are subject to effective scrutiny**

74. Cabinet Members and Officers exercising delegated powers are required to take decisions in accordance with their respective schemes of delegation. The Leader's protocol for decision-making by Cabinet Members ensures transparency by requiring publication of the intention to make a decision on 5 clear days' notice and the final decision.

75. The Partnership Protocol and Register captures the Council's partnership arrangements. As of May 2014 the number of partnerships in operation is 42. During 14/15 a review of the protocol will be conducted. Once completed all arrangements will be reviewed with service areas to check all are aware of the requirements of the revised protocol and all partnerships are captured.

76. Since implementing the recommendations of a major review in May 2012 to increase the effectiveness of the Overview and Scrutiny function, a single work programme has been developed in discussion with Cabinet members and senior management under the control of the Management Committee

which focused on Council priorities. It aims for early dialogue enabling most of its work to support policy development and pre-decision scrutiny in the Council. The peer challenge review undertaken in September 2013 made a number of recommendations relating to Overview and Scrutiny. As a consequence a closer alignment has been made between its work and the Council's Business Plan 2013-17 with a stronger focus on better outcomes for communities and residents. This includes supporting delivery of the Plan's objectives and monitoring the investments and efficiencies in the corresponding Financial Plan.

77. The work undertaken by the Audit Committee this year has included:

- review and approval of the Annual Governance Statement for 2012-13;
- review and approval of the Statement of Accounts for 2012-13 and 2013-14 - due to a change in timings, it has been possible for the current years' accounts to also be included in this year's Assurance Governance Statement;
- review of the work and findings of Internal Audit, including the Annual Report and audit opinion on the control environment;
- review of the Council's risk management arrangements;
- review of the work and findings of external audit, including the Annual Audit Letter and Report to Those Charged with Governance;

78. The successful transfer of the Public Health team into the authority in April 2013 offered an opportunity to strengthen our response to both business continuity and emergency planning - to learn from their experience and expertise and to ensure the Council is able to respond to Public Health emergencies. During 2013-14 the Emergency Planning and Resilience teams have been restructured to ensure the structures are fit for purpose. In addition organisational resilience has been strengthened through the introduction of Corporate Director and Associate Director on call arrangements.

### **Developing the capacity of councillors and officers to be effective in their roles**

79. The Council is committed to the ongoing development of its Councillors and recognises the importance of building up their capacity and effectiveness.

80. The Council's Councillor Development Policy:

- Establishes Councillors' individual training needs and

protocols and allocates budget according to the Council's priorities;

- Ensures equality of access to funds and training events;
- Evaluates the effectiveness of councillor development annually to inform the prioritisation and allocation of funding for future years.

81. A "People Strategy" is in place to support delivery of the business plan and the transformation programme, and priorities to continue embedding the Behaviours Framework and developing the culture of the council are clearly outlined in the strategy. An action plan that outlines the activities needed to deliver the aims of the People Strategy is reviewed regularly and updated annually to ensure the actions are aligned with the priorities in the business plan. The People Strategy outlines priority areas for action which are critical to the delivery of this plan, ensuring that the Council has the workforce capacity it needs to work in different ways and successfully meet current and future challenges.

#### E) Significant Governance Issues

82. The following have been identified as significant governance issues:

#### **Delivery of the Council's Business Plan 2013-17**

Last year the council published its Business Plan 2013-17 that sets out what the council plans to deliver over the next four years. The vision to create stronger and more resilient communities will underpin the work and provide a clear focus to the actions taken. The priorities will also continue to focus on

- **Boosting the local economy - creating jobs and safeguarding jobs**
- **Supporting and empowering communities to do more for themselves**
- **Protecting those who are most vulnerable**

Delivering the Business Plan remains a significant challenge given an increasing demand for key services, such as care for vulnerable children and adults, and highways maintenance, as well as rising inflation costs, and reducing resources. In order to achieve this, the Council will continue to embrace change and adopt a transformational and innovative approach, aligning resources to priorities and challenging if or how services are provided. This will be underpinned by effective performance, financial and workforce information and sound risk management.



## Information Governance

In February 2013 the Corporate Leadership Team agreed an action plan to strengthen and improve the Council's information governance arrangements. A number of priority actions have been put in place, including the appointment of a Corporate Director as the Council's Senior Information Risk Owner (SIRO), the establishment of an Information Governance Assurance Group and the introduction of an on-line register of data incidents. The on-line register has been publicised to staff and is working effectively. In addition the council has recently established the Information Management Transformational Board to oversee the delivery of improvements in the council's information management arrangements. The council's Data Protection Policy has been refreshed. At the beginning of July 2014 the council will start a phased roll out of mandatory on-line training programme for all staff, including agency staff, on data protection and good practice in information management. The Information Commissioner will be invited to conduct an information governance audit in order to provide an overview of other steps that may be taken to reinforce the improvement programme already in place.

## Safeguarding Children and Young People

The Improvement Notice has now been lifted and the last meeting of the Safeguarding Improvement Board was held on 5 April 2014. A Peer Review of the Wiltshire Children Safeguarding Board (WCSB) took place in December 2013. This judged that the WCSB was able to fulfill its statutory duties.

The Lead Member and Corporate Director (who is the statutory Director of Children's Services) will receive 6 weekly highlight reports on progress. A Safeguarding and Child Protection Improvement Group has been established, chaired by the Associate Director for Operational Children's Services. The Safeguarding Scrutiny Task Group will continue to meet until October 2015.

The Council will continue to have a relentless focus on safeguarding improvement, and in order to monitor progress this safeguarding remains an SGI this year. A safeguarding Peer Challenge will take place in October 2014.

Jane Scott

Leader of the Council

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Corporate Directors

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Dated



**Minutes Extract of the Audit Committee Meeting Held on 24 June 2014 at the Kennet Room, County Hall, Trowbridge, BA14 8JN**

21 **Annual Governance Statement**

The Associate Director of Law and Governance stated that the Annual Governance Statement was a statutory requirement. The layout of the Statement was explained and it was stated that Associate Director's input would be collated. Any issue that arose would be in the final version of the Statement in July. It was explained that 'section E' of the Statement set out significant governance issues.

Clarification was sought over the nature of the Annual Governance Statement. It was explained that it was part of the statement of accounts which is intended for public consumption.

The elderly and vulnerable were discussed and it was asked what action had been taken to address their issues in relation to the cost of their care. It was stated that the Overview and Scrutiny Management Committee would look at the overall care package for individuals.

Financial management controls were discussed, as well as the Safeguarding Peer Challenge planned for October 2014. The external peer review was also raised which ensured commitments were being met.

A need to highlight any future changes to the Statement was raised by Members.

**Resolved:**

**To receive and note the contents of the Annual Governance Statement.**

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## Wiltshire Council

### Standards Committee

9 July 2014

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#### **Review of Part 3 of the Constitution - Responsibility for Functions**

##### **Purpose**

1. The purpose of this report is to ask the Standards Committee to consider proposed changes to Part 3 of the Constitution, as shown at Appendix 1, including the transfer of the Police and Crime Panel Procedure Rules and Panel Arrangements from Part 3 to a new Protocol, as shown at Appendix 2.

##### **Background**

2. Part 3 of the Constitution deals with Responsibility for Functions. This includes setting out the functions of Council, Committees and Cabinet, as well as the Delegation of Executive Functions, Scheme of Delegation to Officers and Scheme of Sub-Delegation.
3. The majority of the changes which have been made are intended to make this Part clearer and easier to follow.
4. Some updates have been required to take account of the following new legislation:
  - a. Local Authorities (Executive Arrangements)(Meetings and Access to Information) (England) Regulations 2012
  - b. Police Reform and Social Responsibility Act 2011
  - c. Health and Social Care Act 2012
5. The other changes which have been made are summarised in paragraph 7 below. These changes do not make any material changes to existing powers but seek to ensure that the powers that are granted under the constitution are exercised properly.
6. The Constitution Focus Group has considered the proposed amendments and further changes were made as a result.

##### **Main Issues for Consideration**

7. The changes which have been made to Part 3 are shown in tracked changes.
  - a. A new contents section has been added for ease of use and to ensure that Part 3 can be more easily navigated.

b. A new definitions section has also been added for ease of reference.

c. **Part 3 Section A:**

This section contains a core set of principles which identify the key points which should be considered when applying Part 3. Some of these principles have been moved from other sections of the existing Part 3, some have been added to ensure clarity and some are as a result of changes to the legislation as set out in Paragraph 4 of this report.

d. **Part 3 Section B:**

The section has been updated to take account of new legislation and remove reference to repealed legislation.

Some ambiguity was identified in Part 3A, as previously drafted, regarding the responsibilities of the Strategic Planning Committee and Area Planning Committees. This has been dealt with by redrafting parts of paragraphs 2.1 and 2.2.

Paragraph 2.3 has been updated to reflect changes in respect of Licensing.

Part of paragraph 2.5 has been amended to reflect the decision of Full Council at the meeting on 12 November 2013 regarding political balance in respect of sub-committees.

Paragraph 2.7 has been updated to reflect changes made by the Pension Committee.

Responsibility for agreeing the council tax base and controlling capital expenditure has been removed from paragraph 1.3 (Full Council) and re-inserted into paragraph 3 (Cabinet) after consultation with the Associate Director Finance.

Paragraphs 4.7 and 4.8 have been amended to clarify membership arrangements and distinguish between voting members and other participants>

Paragraph 4.9 has been updated to clarify the procedure for appointing a chairman and vice chairman of an Area Board in a unitary election year.

Paragraphs 5 and 6, which relate to the Police and Crime Panel and Health and Wellbeing Board have been inserted. The Police and Crime Panel Procedure Rules and Panel Arrangements have been removed from this section and put into a separate protocol.

e. **Part 3 Section C:**

Appendix 2 has been updated.

f. **Part 3 Section D:**

A new contents and introduction have been inserted for ease of use.

g. **Part 3 Section D1:**

The previous Part 3B Schedule 1, which listed Directors' Areas of Responsibility, has been deleted. This will now be included as part of a separate register, which is required under statute.

This section has also been updated to reflect the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

h. **Part 3 Section D2:**

This Section has been separated from the previous section to distinguish between the Scheme of Delegation to Directors and the Scheme of Sub-Delegation to Officers in their areas of responsibility. This clarification should make it easier to ensure that decisions are properly authorised and the risk of a successful challenge is avoided. We have included reference to the register, which the council is required to maintain under the Local Government Act 1992 and make available to members of the public.

i. **Part 3 Section D3:**

An additional provision has been added to paragraph 1 to clarify that the Associate Director Economic Development and Planning Services is responsible for determining whether an application falls within the remit of Strategic Planning Committee or the relevant area planning committee.

8. There was discussion at the Constitution Focus Group Meeting on 15 April 2014 about how members would be made aware when an officer delegated decision had been made in order to allow them to scrutinise the decision. The provisions of the Constitution which allow members to scrutinise decisions are summarised below:

- a. A decision made by Cabinet, an individual member of Cabinet, a committee of Cabinet or a key decision made by an officer with delegated authority from Cabinet can be called-in to be scrutinised by the Overview and Scrutiny Management Committee (Part 1 Paragraph 12, Part 2 Article 6, Part 8 Paragraph 33, Protocol 5).
- b. In relation to decisions made by officers, which are not key decisions, any member of the Council may request that decisions taken by officers under

delegated powers are scrutinised by the appropriate overview and scrutiny committee (Part 3 Section D1 Paragraph 1.8).

There is not a formal call-in procedure for officer decisions which are not key decisions therefore there are no time limits for scrutinising decisions. There are controls in place under the Scheme of Delegation to Officer to ensure officers consider the following when making a decision:

- a. Obtaining the views of relevant members in accordance with set criteria;
- b. Implication of any Council policy, initiative, strategy or procedure;
- c. Consultation;
- d. Other options;
- e. Staffing, financial and legal implications;
- f. Risk assessment;
- g. Involvement of statutory officers and/or Directors;
- h. Regional or national guidance and legislation; and
- i. The Constitution.

9. It is proposed that officer decision reports required under Part 3 will be published on the intranet in similar way to Cabinet member delegated decisions.

### **Recommendations**

10. Members of the Standards Committee are asked to:

- a. consider the proposed changes to Part 3 as shown at Appendix 1; and
- b. consider the transfer of the Police and Crime Panel Procedure Rules and Panel Arrangements from Part 3 to a new Protocol as shown at Appendix 2

and to make recommendations to Full Council as appropriate.

**Ian Gibbons**

**Associate Director, Legal and Governance and Monitoring Officer**

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Report Author: Marcus Wilson, Solicitor

Background Papers: None

Appendices: Appendix 1 - Proposed Track Changes to Part 3

Appendix 2 - Proposed Police and Crime Panel Protocol



## **PART 3**

### **RESPONSIBILITY FOR FUNCTIONS**

#### **SECTION A: GENERAL**

1. Introduction
2. Definitions
3. Principles

#### **SECTION B: FUNCTIONS OF COUNCIL, COMMITTEES AND CABINET**

1. The Council
2. Committees
  - 2.1 Strategic Planning Committee
  - 2.2 Area Planning Committee
  - 2.3 Licensing Committee
  - 2.4 Staffing Policy Committee
    - 2.4.1 Senior Officers' Employment Sub-Committee
    - 2.4.2 Staffing Appeals Sub-Committee
    - 2.4.3 Grievance Appeals Sub-Committee
  - 2.5 Standards Committee
  - 2.6 Officer Appointments Committee
  - 2.7 Wiltshire Pension Fund Committee
  - 2.8 Audit Committee
  - 2.9 Appeals Committee
3. Cabinet
  - a. Local Choice Options
  - b. Cabinet Members
4. Area Boards
5. Police and Crime Panel
6. Health and Wellbeing Board

Schedule 1 AREA BOARDS: ELECTORAL DIVISION AND PARISH ALLOCATIONS

#### **SECTION C: DELEGATION OF EXECUTIVE FUNCTIONS**

#### **SECTION D: SCHEME OF DELEGATION TO OFFICERS**

##### **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 STAFF**

## **PART 3**

# **RESPONSIBILITY FOR FUNCTIONS**

### **SECTION A: GENERAL**

#### **1. Introduction**

Part 3 of this Constitution deals with responsibility for functions and decision making.

#### **2. Definitions**

In this Part, the following words and phrases have the following meaning:

<b>Director</b>	includes Corporate Directors and Associate Directors, except where the context requires otherwise.
<b>Executive decision</b>	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.
<b>Incidental decision</b>	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.
<b>Proper Officer</b>	means the Associate Director, Corporate Function and Procurement, or such other officer as designated from time to time by the Head of Paid Service.
<b>Register</b>	means the register referred to in Part 3 Section D 1 Paragraph 1.6 and stored and maintained on the Council's intranet.
<b>Regulations</b>	means the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

**Comment [a1]:** Definition from The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

In this Part 3 reference to any legislation includes reference to any successor legislation.

#### **3. Principles**

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 or an executive function.
2. Section B of this Part 3 sets out the functions specifically reserved to the Council, Cabinet or Committees in accordance with Section B of this Part 3.
3. The Corporate Directors, supported by the Associate Directors, shall have responsibility for the overall corporate management of the Council.

**Comment [a2]:** Local Government Act 2000 S9C

4. Where a function has not been specifically reserved in accordance with Principle 2 above, the Corporate Directors and the Associate Director within whose remit the matter falls are empowered to make decisions on behalf of the Council in accordance with Part 3 Section D 1 of the Constitution.
5. Directors may authorise officers to take decisions on their behalf provided a written scheme of sub delegation is recorded.
6. 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 a Director 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 a particular Director to other officers within that Director's team to make particular types of decision for and in the name of that Director and therefore such sub delegation can be given up to the maximum limits of the Director's own powers.
7. Decisions made under delegated powers should be recorded in accordance with Part 3 Section D 1 Paragraph 2.3 and 2.4.
8. Each Director must ensure that schemes of sub delegation for decision making for their service areas are in place. Directors are also responsible for ensuring valid instruments of appointment for any powers exercised by officers by virtue of any statutory appointments are in place. Directors must ensure that schemes of sub delegation and instruments of appointment are recorded on the Register.
9. Any decision taken by an officer on behalf of a Director shall remain the responsibility of the Director.
10. In making decisions officers will comply with requirements of this Constitution including but not limited to:
  - The Constitution (Part 2)
  - Access to Information Procedure Rules (Part 5),
  - Financial Regulations and Procedure Rules (Parts 9 and 10)
  - Procurement and Contract Rules (Part 11)
  - Leader's Protocol for Individual Decision Making by Cabinet Members (Protocol 5)
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.
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.

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**Comment [a3]:** The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

## 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:
- Wiltshire Children and Young People's Plan, as required by the Apprenticeships, Skills, Children and Learning Act 2009;
  - ~~Crime and Disorder Reduction Strategy~~ [Joint Strategic Assessment of Crime and Policing](#), as required by the Crime and Disorder Act 1998;
  - Emergency plans and civil contingency plans, as required by the Civil Contingencies Act 2004;
  - Local Transport Plan, as required by the Transport Act 2000;
  - Local development documents ([including supplementary planning documents](#)) which together comprise the Local Development Framework, as required by Planning and Compulsory Purchase Act 2004;
  - ~~Wiltshire and Swindon Structure Plan, as required by the Planning and Compulsory Purchase Act 2004;~~
  - Youth Justice Plan, as required by the Crime and Disorder Act 1998;
  - Corporate Equality Plan, [pursuant to the Public Sector Equality Duty under s149 of the Equality Act 2010; as required by the Race Relations \(Amendment\) Act 2000, the Sex Discrimination Act 1975, the Equal Pay Act 1970 and the Disability Discrimination Act 1995;](#)
  - ~~Local Area Agreement within the Local Agreement for Wiltshire, as required by the Local Government and Public Involvement in Health Act 2007;~~
  - Homelessness Strategy, as required by the Homelessness Act 2002;
  - Housing Renewal Strategy, as required by the Housing Act 2004;
  - Licensing Authority Policy Statement, as required by the Licensing Act 2003;
  - ~~Gambling Act Statement of Principles, as required by the Gambling Act 2005;~~
  - ~~Pay Policy Statement, as required by the Localism Act 2011;~~
  - ~~Child Poverty Strategy, as required by the Child Poverty Act 2010;~~
  - ~~Enforcement Policy, as required by the Legislative and Regulatory Reform Act 2006.~~
  - ~~Wiltshire and Swindon Waste Local Plan, as required by the European Framework Directive on Waste 2006 and the Landfill Directive 1999.~~
- 1.2 Adopting the following non-statutory plans, strategies and documents which also form part of the policy framework of the Council:
- ~~Social Service Plan (reported through NHS Local Development Plans)~~
  - ~~Sustainable Community Strategy~~
  - Adult Learning Plan
  - ~~Library Plan~~
  - Customer Access Strategy

**Comment [a4]:** Revoked by South West (Revocation) Order 2013.

- Young Carers' Strategy
  - Adult Care Transformation
  - Corporate Asset Investment Strategy and Corporate Property Strategy
  - Corporate Parenting Policy for Looked After Children and Young People in Wiltshire
  - [Corporate Business Plan](#)
  - Food [Safety, Food Standards and Food](#) Law Enforcement Service Plan, as required by the Food Standards Agency
  - [Housing Strategy](#)
  - [Air Quality Strategy, as required by the Environment Act 1995](#)
  - [Contaminated Land Strategy, as required by Part 2A Environmental Protection Act 1990](#)
  - Such other plans and strategies as the Council may include to form part of its policy framework.
- 1.3 **Approving the budget, including:**
- Allocating financial resources to different services and projects
  - Establishing contingency funds
  - ~~Agreeing the council tax base~~
  - Setting the council tax
  - Making decisions relating to the control of the Council's borrowing requirement
  - ~~Controlling capital expenditure~~
  - Setting virement limits
  - Annual Investment Strategy
  - Annual policy for making a Minimum Revenue Provision (MRP)
- 1.4 Approving and amending the constitution.
- 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 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.
- 1.9 Confirming the appointment of the Head of Paid Service.
- 1.10 Appointing the returning officer and electoral registration officer.
- 1.11 Submitting proposals to the secretary of state under the Representation of the People Act 2000.

**Comment [a5]:** Michael Hudson has confirmed this is correct subject to the removal of the two functions which are the responsibility of Cabinet or their committees.

1.12 To carry 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.

1.13 Making, amending, revoking, re-enacting or adopting bylaws and promoting, or opposing, the making of local legislation or personal bills.

1.14 Agreeing the cycle of Council meetings.

~~1.14~~1.15 Any function under a local act, ~~other than a function specified or referred to in regulation two or schedule one of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.~~

**Comment [a6]:** Amended for clarity. Regulations referred to at Part 3 Section A Paragraph 3.1.

~~1.15~~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.

~~1.16~~1.17 Making appointments to the Police and Crime Panel in accordance with the relevant legislation and guidance.

**Comment [a7]:** Changes due to Police Act 1996 being repealed. 1.17 required under Police Reform and Social Responsibility Act 2011.

~~1.17~~1.18

## 2. Committees

The Council will exercise the following functions by delegation of powers to the under-mentioned committees:

### 2.1 Strategic Planning Committee

#### Composition

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. Substitutes will be permitted in accordance with Part 4 of this Constitution. Councillors 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

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:
  - Large-scale major developments (defined by the Department for Communities and Local Government as those of 200 houses or more or 10,000 square metres of non-residential floor space) which, by their nature, (e.g. scale, location etc.) have wider strategic implications and raise issues of more than local importance;
  - 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;

- Significant applications 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 (Regulation 3 applications);
- 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 committees;
- Any application where the Associate Director, Economic Development and Planning Services considers it inappropriate to exercise delegated powers having regard to the public representations received and consultee responses;
- Any application the Associate Director Economic Development and Planning Services has determined should be dealt with by the Strategic Planning Committee.
- Consider documents relating to the Local Development Framework and advise Cabinet where appropriate.

There shall be no referral up of applications to the Strategic Planning Committee from the area planning committees.

The Associate Director, Economic Development and Planning Services shall be responsible for determining whether an application falls within the remit of Strategic Planning Committee or the relevant area planning committee down of applications from Strategic Planning Committee to Area Planning Committees.

#### Public Participation

Details of the rules concerning public participation at the Strategic Planning Committee are documented in the Planning Code of Good Practice for Members of Wiltshire Council (Protocol 4).

## **2.2 Area Planning Committee**

There shall be four area planning committees with the following composition and role and functions.

#### Composition

The size of the committees and appointments to them will be determined by Council. Appointment to each of the area planning committees will be politically proportional having regard to the wishes of group leaders, who would be asked to nominate wherever possible on a geographical basis.

Substitutes will be permitted in accordance with Part 4 of this Constitution from those eligible, selected wherever possible on a geographical basis.

Councillors 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

To consider planning applications not within the remit of the Strategic Planning Committee and not delegated to officers except where the Associate Director,



Economic Development and Planning Services considers it inappropriate to exercise delegated powers having considered public representations and consultee responses.

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, with the exception of those that fail to be determined by the Strategic Planning Committee;

There shall be no referral up of applications from the area planning committees to the Strategic Planning Committee.

The Associate Director, Economic Development and Planning Services, 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 Associate Director, Economic Development and Planning Services shall be required to set out the reasons in writing.

**Comment [a8]:** Inserted for clarity.

#### Other Roles and Functions

Where an objection has been received and that objection has not been resolved by officers, to consider matters of local importance within the area such as:

- Registration of common land for town and village greens;
- Variation of rights of common;
- Determination of applications under the ~~Explosives Act 1875~~ 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.

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#### Scheme of Delegation

The scheme of delegation to the Associate Director, Economic Development and Planning Services is detailed in Part 3 Section D 3 of this Constitution.

#### Public Participation

Details of the rules concerning public participation at the Area Planning Committees are documented in the Planning Code of Good Practice for Members of Wiltshire Council (Protocol 4).

## **2.3 Licensing Committee**

#### Composition

The size of the committee and appointments to it will be determined by Council with a membership of between 10 and 15 councillors. Appointments will be made having regard to the rules on political proportionality.

Substitutes will be permitted in accordance with Part 4 of this Constitution

Councillors 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

Taxi, gambling, casino, gaming, entertainment, food, liquor and miscellaneous licensing.

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 any other associated matters and [anyall other similar](#) licensing and registration functions. ~~carried out by the Public Protection Service that naturally fall within the jurisdiction of the committee where legislation permits.~~

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.

Each sub-committee will comprise three members drawn from the Licensing Committee and appointed by the ~~Proper Officer Associate Director Corporate Function and Procurement~~ having regard to the following:

- Availability of councillors;
- Councillors selected are not the representative for the area in which the premises subject to the hearing or review is situated;
- Councillors do not have a personal or prejudicial interest in the matter to be determined;
- Cross-party representation on all sub-committees is achieved where at all possible.

#### Scheme of Delegation

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. the Licensing Act \(Hearings\) Regulations 2005](#)

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

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.

Substitutes will be permitted in accordance with Part 4 of this Constitution.

#### Role and Function

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.

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.

#### **2.4.1 Senior Officers' Employment Sub-Committee**

This sub-committee is authorised to dismiss and take disciplinary action against the officers categorised below 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

For this purpose the sub-committee shall comprise at least three councillors, at least one of whom shall be a member of the Cabinet.

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 councillors. There is no requirement for any of those members to be a member of the Cabinet.

#### **2.4.2 Staffing Appeals Sub-Committee**

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.

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.

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.

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 councillors, at least one of whom shall be a member of the Cabinet.

No councillor who was involved in determining a matter which is the subject of an appeal will be appointed to the Staffing Appeals Sub-Committee.

### **2.4.3 Grievance Appeals Sub-Committee**

This sub-committee is authorised to hear appeals under stage two of the Council's grievance procedure.

The sub-committee shall comprise at least three councillors to hear an appeal. There is no requirement for any member to be a member of the Cabinet.

No councillor who was involved in determining a matter which is the subject of an appeal will be appointed to the Grievance Appeals Sub-Committee.

## **2.5 Standards Committee**

### Composition

This Committee will comprise 13 elected councillors, 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 councillors from within the Council's area who are not councillors or officers of the Council.

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

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

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

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

### Roles and Function

The Standards Committee is responsible for:

- promoting and maintaining high standards of conduct by elected and co-opted members and officers.
- assisting the elected and co-opted members to observe the members' code of conduct.
- advising the Council on the adoption or revision of the members' code of conduct and the arrangements for dealing with member complaints of misconduct which the Council is required to make under Section 28 of the Localism Act 2011.
- monitoring and advising the Council about the operation of its code of conduct in the light of best practice and any changes in the law.
- advising, and, through the Member Development Group, arranging to train elected and co-opted members on matters relating to the members' code of conduct and ensuring that members are aware of the standards expected of them under the code

- granting dispensations to elected and co-opted members from requirements relating to interests.
- overseeing the operation of the Council's arrangements for dealing with misconduct complaints against members and co-opted members of Wiltshire Council, and parish, town and city councillors in Wiltshire.
- overview of the whistle blowing policy.
- overview of corporate complaints handling and Ombudsman investigations.
- overview of corporate complaints handling and Ombudsman investigations.
- reviewing the implementation of recommendations made by the Ombudsman.
- oversight of the Constitution.

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:

- A Hearing Sub-Committee to determine member misconduct complaints under the Council's arrangements.
- A Review Sub-Committee to determine requests for review under the Council's arrangements.
- A Dispensation Sub-Committee to determine requests for dispensation from the requirements relating to interests.

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

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 Monitoring Officer in consultation with the Chairman of the Standards Committee on the basis of member availability, drawing from the membership of the Committee and their substitutes.

**Comment [a9]:** Amendment from Full Council 12 November 2013

Members of the Review Sub-Committee may not serve on the Hearing Sub-Committee for the same or a linked complaint.

For the avoidance of doubt decisions of the Sub-Committees will be made by a simple majority of the elected members present.

## 2.6 Officer Appointments Committee

This committee will comprise five councillors 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 Corporate Directors and Associate Directors, subject to the officer employment procedure rules as set out in Part 15 of this Constitution.

## 2.7 Wiltshire Pension Fund Committee

This committee will comprise five councillors from the authority and co-opted members as follows:

- Two voting members from Swindon Borough Council;
- **Two voting Employer Representatives**
- **Two** non-voting employee representatives, one representing Wiltshire Council employees, and one representing Swindon Borough Council employees.

It will exercise the functions of the Council as administering authority under the Local Government Superannuation Acts & Regulations and deal with all matters relating thereto. **The committee will publish meetings attendance records in an Annual Report.**

**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.**

**Comment [M10]:** Updated to reflect changes made by the Pension Committee.

## 2.8 Audit Committee

### Composition

The size of the Audit Committee and appointments to it will be determined by Council. Appointments will be made having regard to rules on political proportionality.

The Audit Committee will exclude members of the Cabinet. The Leader of the Council or the cabinet member responsible for finance and governance is a non-voting member of the Committee.

Substitute members will be permitted in accordance with Part 4 of this Constitution.

### Role and Function

The Audit Committee will be responsible for:

- Internal Audit Activity:
  - To approve the terms of reference and strategy for internal audit, and the annual internal audit plan;
  - To monitor and review the effectiveness of internal audit to ensure compliance with statutory requirements;
  - To consider the Head of Internal Audit's annual report and opinion, and a 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 monitor the implementation of agreed management actions.
- 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 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.
- Regulatory Framework:
  - To monitor and review the effective development and operation of corporate governance, risk 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, and to approve the draft AGS;
  - To monitor the development and implementation of the Council's anti-fraud and corruption policy and strategy.
- Financial Management and Accounts
  - To ensure the Council's arrangements for financial management are adequate and effective, and 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

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.

An appeals panel will comprise three councillors, drawn by the Proper Officer from those members of the Appeals Committee who have received appropriate training.

At each meeting of the appeals panel, one of its members shall be elected to chair the appeals panel for the duration of that meeting.

### Function

An Appeals Panel 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.

No councillor who was involved in determining a matter which is the subject of an appeal will be appointed to a panel hearing the appeal.

### 3. Cabinet

#### General

This section should be read in conjunction with the Cabinet Procedure Rules (Part 7).

The Leader either directly or through Cabinet will carry out within the Council's Policy and Budget 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.

Without limiting the scope of paragraph 3 above, Cabinet either directly or by delegating its powers as set out in Part 3 Section C of this Constitution 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.

**Comment [M11]:** Moved from section 1.3 above on the advice of the Chief Finance Officer.

#### 3.1 Local Choice Options

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 anybody other than the authority and to any committee or sub-committee of such a body and the revocation of any such appointment.

The Cabinet elects to delegate the following local choice options as follows:

- Associate Director, Economic Development and Planning Services - 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.

### **3.2 Cabinet Members**

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:

- 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.

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 other Council officers.

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.

Individual cabinet members will have power within any scheme of delegation determined by the Leader in accordance with:

- Article seven of Part 2 (The Constitution)
- Part 3 Section C (Delegation of Executive Functions)
- Paragraphs two to ten of the Part 7 (Cabinet Procedure Rules).

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 Boards

- 4.1 The purpose of area boards is to promote the development of stronger and more resilient communities across Wiltshire's community areas through:
- Efficient, transparent and accountable decision making;
  - Effective collaboration with public, voluntary and private sector partners locally to meet the aspirations of local people;
  - Shaping the delivery of local services;
  - Addressing local issues;
  - Building community leadership and local engagement.
- 4.2 Each area board will have the following functions in conjunction with their local area:

- To provide a focus for community leadership, local influence and delegated decision-making, through the democratic mandate of elected councillors;
- To influence the allocation of resources and delivery of public services in the community area in order to pursue local priorities and issues;
- To bring together key service providers and the local community into a coherent cycle, linked to budget and decision-making processes;
- To consider current conditions and future priorities through an annual state of the community area debate;
- To publish a local area assessment setting out the agreed priorities for action arising from the state of the community area debate;
- To determine budget priorities and spend within the revenue budget allocated by the Cabinet;
- To agree a framework for consultations carried out in the community area on behalf of the Council;
- To provide feedback on major statutory consultations on behalf of the community area;
- To allocate core funding for the operation of the community area partnership and project funding for identified community priorities;
- To develop participatory budgeting processes and to be instrumental in supporting and developing funding applications to external bodies and funding streams;
- 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;
- To publish and maintain a forward plan of forthcoming agenda items to give councillors, the public, parishes and the media adequate notice of the issues that are to be considered;
- To consider issues referred to the area board by town and parish councils, partners and the public;
- To establish task and finish groups to examine specific issues.

#### 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 councillor being elected following a by-election, Interim Associate Director Policy, Performance, Procurement, Democratic Services has delegated authority to appoint the councillor to the relevant 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 Pewsey and Tidworth are established as a single area committee with two sub-committees, each of which operate as an area board known as Pewsey Area Board and Tidworth Area Board respectively.

#### Membership and Representation

~~4.7 Each area boards will comprise the following membership shall comprise of :~~  
~~4.7 The elected unitary councillors representing the electoral divisions covered by the area board, as set out in schedule 1.~~

4.8 The following representatives will also participate in area boards :

- An elected representative from each town or parish council within the area covered by the area board as shown in schedule 1;
- Representatives from the following groups and organisations:
  - Local neighbourhood policing team (inspector with a sergeant as deputy);
  - ~~Wiltshire National Health Service~~ Clinical Commissioning Group;
  - Housing Association or housing officer;
  - Community Area Partnership and/or other groups representative of the local community;
  - ~~Community area young people's issues group~~;
  - Wiltshire Fire and Rescue Service;
  - Local Youth Network;
  - Campus Operation Group (or equivalent).
- 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, Wiltshire Involvement Network 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.

4.9 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 councillors 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.~~

4.9.1 The outgoing chairman unless he or she is seeking re-election will preside over the election. If the chairman is seeking re-election, the vice-chairman will preside.

4.9.2 The person presiding will call for nominations for the position of chairman of the area board. A councillor's nomination must be seconded to be valid. A councillor shall not be nominated in his/her absence without their written consent.

4.9.3 In the event of only one valid nomination being received the person presiding will declare the nominated councillor elected.

4.9.4 In the case of two valid nominations the Chairman will ask for a show of hands from those councillors in favour of each councillor and declare the candidate receiving the majority of votes of the councillors present and voting, to be the winner.

4.9.5 In the case of an equality of votes for the two candidates, the person presiding may exercise his or her right to use a casting vote to determine the winner of the election and then declare the result.

4.9.6 In the case of three or more valid nominations being made, the person presiding will call for a show of hands for each of the candidates. The person

presiding 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 person presiding may exercise his or her right to use a casting vote 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.

- 4.9.7 The newly elected Chairman of the Area Board shall then preside over the election of the Vice Chairman in the manner described above.
- 4.9.8 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.
- 4.10 A member of Wiltshire Council's Cabinet will attend 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.
- 4.11 An Associate Director from Wiltshire Council will be assigned to an area board and Corporate Directors will attend as and when required. Their role is to advise and assist the area board.
- 4.12 No substitutes are permitted for unitary councillors on area boards.
- 4.13 The Pewsey and Tidworth Area Committee will appoint a named deputy for each of the three unitary councillors on the Pewsey Area Board and the Tidworth Area Board, drawn from the Tidworth Area Board and the Pewsey Area Board respectively.

#### Voting

- 4.14 Only the elected unitary councillors on the area board may vote on matters involving the discharge of executive functions within the scope of the delegation to area boards set out below.
- 4.15 Voting is by a majority of the voting members present. The chair of the area board has the casting vote.
- 4.16 Area boards will seek to reach decisions by consensus, where possible involving all participants. The area board may decide to test opinion by a show of hands before the unitary councillors make their decision.

#### Quorum

- 4.17 The quorum for each area board is one quarter of its total voting membership, subject to a minimum number of three voting members.

#### Delegation

- 4.18 Decisions involving the discharge of executive functions will be made by the local area board, provided the decision does not:
- Have a significant impact outside of the area concerned;
  - Have a significant impact on the overall resources of the Council;
  - Contradict any policy or service standard set by the Council;

- Involve the taking of regulatory or quasi-judicial decisions;
  - Relate to the exercise of functions in respect of any particular person, including any individual member of staff.
- 4.19 Area boards must operate within the Council's Budget and Policy Framework and in accordance with the requirements of this Constitution.
- 4.20 Each area board will receive delegated funding as determined from time to time by the Leader.
- 4.21 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 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 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.
- 4.24 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.
- 4.25 Area boards must not be directly involved in deciding planning applications. However, they should be involved in the following in relation to their area:
- Consideration of the benefits of larger developments;
  - Pre-application discussions relating to major developments;
  - Consideration of planning briefs;
  - Development of Local Development Framework policies.

#### Procedure Rules and Guidance

- 4.26 Area boards will follow any procedure rules and guidance as issued from time to time by the Leader.

#### Access to Information

- 4.27 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 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 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 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 [ ].

**Comment [a12]:** See new protocol

## **6. Health and Wellbeing Board**

### Composition

#### Voting members

- The Leader of the Council
- Wiltshire Council Cabinet representatives with responsibility for Children, Adults and Public Health
- 1 Member of the Opposition representative
- 4 representatives from the CCG
- 1 representative from Healthwatch
- 1 Police and Crime Commissioner (PCC)
- 1 NHS England representative

#### Non-voting members

- Wiltshire Council officers with statutory responsibility for Children, Adults and Public Health services
- Chief Officer / Chief Finance Officer of the Clinical Commissioning Group
- Acute Hospital Trusts representatives (Salisbury Hospital FT, Great Western Hospital FT and Bath RUH FT)
- 1 South West Ambulance Service (SWAS) representative
- 1 Avon and Wiltshire Mental Health Partnership (AWP) representative
- 1 Wiltshire Police Chief Constable representative
- ~~1 Member of the Opposition representative~~
- ~~1 Wessex Medical Committee representative~~
- Wiltshire Council portfolio holder for Adult Care and Public Health

In addition the NHS Commissioning Board must appoint a representative for the purposes of participating in the preparation of the Joint Strategic Needs Assessment and the Joint Health and Wellbeing Strategy and will join the Board when it is considering these matters.

#### Voting

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

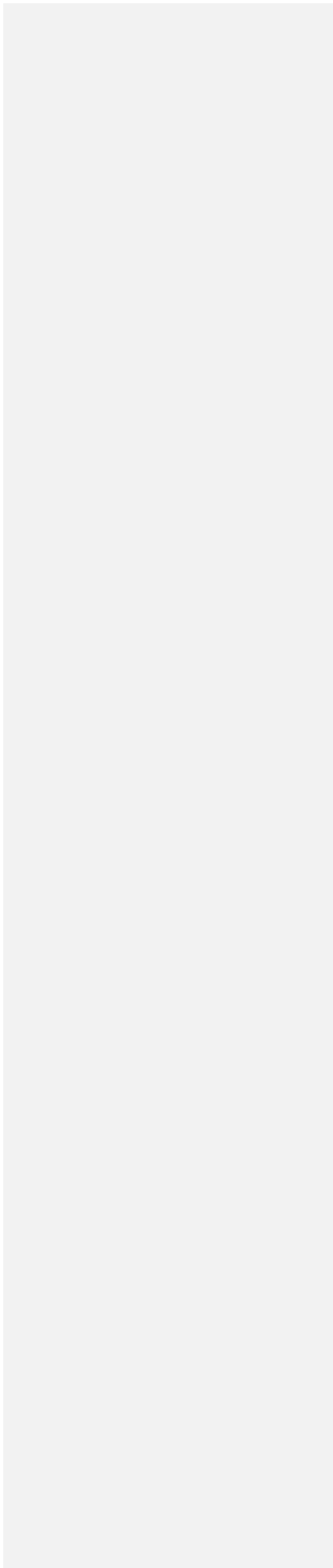
The statutory functions of the Health and Wellbeing Board contained within the Health and Social Care Act 2012 are:-

- to prepare Joint Strategic Needs Assessments (JSNAs) and Joint Health and Wellbeing Strategies (JHWSs), which is a duty of local authorities and clinical commissioning groups (CCGs).
- 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.
- a power to encourage close working between commissioners of health related services and the board itself.
- 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

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

The Health and Well-Being Board is subject to the Access to Information Procedure Rules in Part 5 of this Constitution.





## PART 3 SECTION B

### SCHEDULE 1

#### AREA BOARDS: ELECTORAL DIVISION AND PARISH ALLOCATIONS

##### Amesbury Area Board

###### Electoral Divisions 6

Amesbury East ED	Figcheldean CP
Amesbury West ED	Great Wishford CP
Till & Wylve Valley ED	Idmiston CP
Durrington & Larkhill ED	Milston CP
Bulford, Allington & Figcheldean ED	Newton Tony CP
Bourne & Woodford Valley ED	Orcheston CP

###### Parishes

Allington CP	Shrewton CP
Amesbury CP	Stapleford CP
Berwick St. James CP	Steeple Langford CP
Bulford CP	Tilshead CP
Cholderton CP	Wilsford cum Lake CP
Durnford CP	Winterbourne CP
Durrington CP	Winterbourne Stoke CP
	Woodford CP
	Wylve CP

##### Bradford on Avon Area Board

###### Electoral Divisions 4

Holt & Staverton ED	Winsley CP
Winsley & Westwood ED	Monkton Farleigh CP
	Bradford-on-Avon CP

Bradford on Avon North ED

Holt CP

Bradford on Avon South ED

South Wraxall CP

Wingfield CP

**Parishes**

Westwood CP

Limpley Stoke CP

Staverton CP

**Calne Area Board**

**Electoral Divisions 5**

**Parishes**

Calne Rural ED

Calne without CP

Calne North ED

Bremhill CP

Calne Chilvester & Abberd ED

Hilmarton CP

Calne Central ED

Heddington CP

Calne South & Cherhill ED

Cherhill CP

Compton Bassett CP

Calne CP

**Chippenham Area Board**

**Electoral Divisions 10**

North Wraxall CP

By Brook ED

Chippenham CP

Chippenham Cepen Park & Derriads ED

Chippenham without CP

Chippenham Cepen Park & Redlands ED

Langley Burrell without CP

Chippenham Hardenhuish ED

Nettleton CP

Chippenham Monkton ED

Castle Combe CP

Chippenham Queens and Sheldon ED

Kington St. Michael CP

Chippenham Hardens and England ED

Kington Langley CP

Chippenham Lowdon and Rowden ED	Stanton St. Quintin CP
Chippenham Pewsham ED	Hullavington CP
Kington ED	Sutton Benger CP
	Seagry CP
<b>Parishes</b>	Yatton Keynell CP
Grittleton CP	Christian Malford CP
Biddestone CP	

<b>Corsham Area Board</b>
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<b>Electoral Divisions 4</b>	<b>Parishes</b>
Box and Colerne ED	Box CP
Corsham Pickwick ED	Colerne CP
Corsham without & Box Hill	Corsham CP
Corsham Town ED	Lacock CP

<b>Devizes Area Board</b>
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<b>Electoral Divisions 7</b>	Cheverell Parva
Bromham, Rowde and Potterne ED	Devizes CP
Devizes & Roundway South ED	Easterton CP
Devizes East ED	Erlestoke CP
Devizes North ED	Etchilhampton CP
Roundway ED	Market Lavington CP
The Lavingtons & Erlestoke ED	Marston CP
Urchfont & The Cannings ED	Potterne CP
	Roundway CP
<b>Parishes</b>	Rowde CP
All Cannings CP	Stert CP
Bishops Cannings CP	Urchfont CP
Bromham CP	West Lavington CP

Cheverell Magna

Worton CP

**Malmesbury Area Board**

**Electoral Divisions 4**

Brinkworth ED

Malmesbury ED

Minety ED

Sherston ED

Great Somerford CP

Hankerton CP

Lea and Cleverton CP

Leigh CP

Little Somerford CP

Luckington CP

**Parishes**

Ashton Keynes CP

Brinkworth CP

Brokenborough CP

Charlton CP

Crudwell CP

Dauntsey CP

Easton Grey CP

Malmesbury CP

Minety CP

Norton CP

Oaksey CP

Sherston CP

Sopworth CP

St. Paul Malmesbury without CP

**Marlborough Area Board**

**Electoral Divisions 4**

Aldbourn & Ramsbury ED

Marlborough East ED

Marlborough West ED

West Selkley ED

East Kennett CP

Froxfield CP

Fyfield CP

Marlborough CP

Mildenhall CP

Ogbourne St. Andrew CP

**Parishes**

Aldbourn CP

Avebury CP

Ogbourne St. George CP

Preshute CP

Ramsbury CP

Baydon CP

Savernake CP

Berwick Bassett CP

West Overton CP

Broad Hinton CP

Winterbourne Bassett CP

Chilton Foliat CP

Winterbourne Monkton CP

### **Melksham Area Board**

#### **Electoral Divisions 6**

Melksham Central ED

Melksham North ED

Melksham South ED

Melksham without North ED

Melksham without South ED

Summerham and Seend ED

#### **Parishes**

Atworth CP

Broughton Gifford CP

Bulkington CP

Great Hinton CP

Keevil CP

Melksham CP

Melksham without CP

Poulshot CP

Seend CP

Semington CP

Steeple Ashton CP

### **Pewsey Area Board**

#### **Electoral Divisions 3**

Pewsey Vale ED

Pewsey ED

Burbage & The Bedwyns ED

Patney CP

Pewsey CP

Rushall CP

Stanton St. Bernard CP

Upavon CP

#### **Parishes**

Alton CP

Beechingstoke CP

Wilcot CP

Wilsford CP

Woodborough CP

Charlton CP	Wootton Rivers CP
Chirton CP	Burbage CP*
Easton CP	Buttermere CP*
Huish CP	Grafton CP*
Manningford CP	Ham CP*
Marden CP	Great Bedwyn CP*
Milton Lilbourne CP	Little Bedwyn CP*
North Newnton CP	Shalbourne CP*

### Salisbury Area Board

#### Electoral Divisions 8

Salisbury Fisherton & Bemerton Village ED	Salisbury St Martin's & Cathedral ED
Salisbury Bemerton ED	Salisbury St Paul's ED
Salisbury Harnham ED	
Salisbury St Edmund & Milford ED	<b>Parish</b>
Salisbury St Francis & Stratford ED	Salisbury CP
Salisbury St Mark's & Bishopdown ED	(including part of Laverstock & Ford CP)

### South West Wiltshire Area Board

#### Electoral Divisions 5

	East Knoyle CP
Fovant & Chalke Valley ED	Ebbesborne Wake CP
Mere ED	Fonthill Bishop CP
Nadder & East Knoyle ED	Fonthill Gifford CP
Tisbury ED	Fovant CP
Wilton & Lower Wylde Valley ED	Hindon CP
	Kilmington CP
<b>Parishes</b>	Mere CP
Alvediston CP	Netherhampton CP

Ansty CP	Quidhampton CP
Barford St. Martin CP	Sedgehill and Semley CP
Berwick St. John CP	South Newton CP
Berwick St. Leonard CP	Stourton with Gasper CP
Bishopstone CP	Stratford Toney CP
Bower Chalke CP	Sutton Mandeville CP
Broad Chalke CP	Swallowcliffe CP
Burcombe without CP	Teffont CP
Chicklade CP	Tisbury CP
Chilmark CP	Tollard Royal CP
Compton Chamberlayne CP	West Knoyle CP
Dinton CP	West Tisbury CP
Donhead St. Andrew CP	Wilton CP
Donhead St. Mary CP	Zeals CP

#### **Southern Wiltshire Area Board**

#### **Electoral Divisions 5**

Alderbury & Whiteparish ED	Downton CP
Downton & Ebbel Valley ED	Firsdon CP
Laverstock, Ford and Old Sarum ED	Grimstead CP
Redlynch & Landford ED	Landford CP
Winterslow ED	Laverstock and Ford CP
	Odstock CP

#### **Parishes**

Alderbury CP	Pitton and Farley CP
Britford CP	Redlynch CP
Clarendon Park CP	West Dean CP
Coombe Bissett CP	Whiteparish CP
	Winterslow CP

#### **Tidworth Area Board**

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**Electoral Divisions: 3**

The Collingbournes & Netheravon ED  
Ludgershall & Perham Down ED  
Tidworth ED

Netheravon CP  
Tidcombe and Fosbury CP  
Tidworth CP

**Parishes**

Chute CP  
Chute Forest CP  
Ludgershall CP  
Collingbourne Ducis CP  
Collingbourne Kingston CP  
Enford CP  
Everliehg CP  
Fittleton CP

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**Trowbridge Area Board**

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**Electoral Divisions 9**

Hilperton ED  
Southwick ED  
Trowbridge Adcroft ED  
Trowbridge Central ED  
Trowbridge Drynham ED  
Trowbridge Grove ED  
Trowbridge Lambrok ED  
Trowbridge Park ED  
Trowbridge Paxcroft ED

**Parishes**

Hilperton CP  
North Bradley CP  
Southwick CP  
Trowbridge CP  
West Ashton CP

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**Warminster Area Board**

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**Electoral Divisions 5**

Waminster without ED  
Warminster Broadway ED  
Warminster Copheap and Wylye ED  
Warminster East ED  
Warminster West ED

Codford CP  
Corsley CP  
Heytesbury CP  
Homingsham CP  
Kingston Deverill CP  
Knook CP  
Longbridge Deverill CP  
Maiden Bradley with Yarnfield CP  
Norton Bavant CP  
Sherrington CP  
Stockton CP  
Sutton Veny CP  
Upton Lovell CP  
Upton Scudamore CP  
Warminster CP

**Parishes**

Bishopstrow CP  
Boyton CP  
Brixton Deverill CP  
Chapmanslade CP  
Chitterne CP

**Westbury Area Board****Electoral Divisions 4**

Ethandune ED  
Westbury East ED  
Westbury North ED  
Westbury West ED

**Parishes**

Bratton CP  
Coulston CP  
Dilton Marsh CP  
Edington CP  
Heywood CP  
Westbury CP

**Royal Wootton Bassett and Cricklade Area Board****Electoral Divisions 6**

Cricklade and Latton ED  
Lyneham ED

**Parishes**

Braydon CP  
Broad Town CP

Purton ED

Wootton Bassett East ED

Wootton Bassett North ED

Wootton Bassett South ED

Clyffe Pypard CP

Cricklade CP

Latton CP

Lydiard Millicent CP

Lydiard Tregoze CP

Lyneham and Bradenstoke CP

Marston Maisey CP

Purton CP

Tockenham CP

Royal Wootton Bassett CP

## PART 3 SECTION C

### DELEGATION OF EXECUTIVE FUNCTIONS

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.

This scheme of delegation records the arrangements made by the Leader or the Cabinet for the discharge of executive functions by:

- The Cabinet as a whole
- a committee of the Cabinet
- an individual member of the Cabinet
- an Area Board
- an officer
- joint arrangements or
- another local authority.

#### Cabinet as a whole

In accordance with the terms of reference of Cabinet as set out at paragraph 3 of Part 3 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.

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.

#### A Committee of the Cabinet

The Leader may appoint a committee of the Cabinet for the discharge of executive functions.

To date the following cabinet committees have been appointed:

- **Cabinet (Capital Assets) Committee**  
Membership and terms of reference details as set out in Appendix 1
- **Cabinet (Business Rates Relief) Committee**  
Membership and terms of reference details as set out in Appendix 1
- **Cabinet Transformation Committee**  
Membership and terms of reference details as set out in Appendix 1

#### An individual member of the Cabinet

Cabinet members may exercise any executive functions within their allocated areas of responsibility, as set out in Appendix 2. [The monitoring officer has delegated authority to amend Appendix 2 from time to time to reflect the decision of the Leader.](#)

This does not include executive functions which are specifically reserved to the Council, the Leader and/or Cabinet, or officers.

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.

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.

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.

#### An Area Board

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

Area Boards may exercise the following executive functions within their geographical areas of responsibility subject to compliance with paragraph 4.17 – 4.24 of Part 3 Section B of this Constitution and specifically:

- The approval of applications from community and voluntary groups and town and parish councils for grant funding through the Area Boards grant scheme.
- 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.

#### Officers

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.

#### Joint Arrangements

The discharge of executive functions under joint arrangements with one or more local authority as described at Article 12.2 of Part 2 of this constitution.

#### Another local authority

Cabinet may delegate cabinet functions to another local authority or the cabinet of another local authority in certain circumstances as described at Article 12.4 of Part 2 of this Constitution.

Those delegated to take decisions within this scheme of delegation must:

- act within the council's Budget and Policy Framework
- 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
- follow the principles of decision making in Article 14.2 of Part 2 of this constitution.
- consider the implication of any council policy, initiative, strategy or procedure
- consider the staffing, financial, legal and environmental implications of any proposal
- consider the assessment of any risks associated with a proposal in accordance with the council's risk management strategy

This scheme may be varied at any time in accordance with paragraph 9 of the Cabinet Procedure Rules (Part 7).

## **Part 3 Section C**

### **Delegation of Executive Functions**

#### **Appendix 1**

##### **Cabinet Committees**

##### **Cabinet Capital Assets Committee**

###### Membership:

- Cllr Jane Scott OBE – Leader of the Council
- Cllr John Thomson – Cabinet Member for Highways and Streetscene and Broadband
- Cllr Fleur de Rhé-Philipe – Cabinet Member for Economy Skills and Transport
- Cllr Toby Sturgis – Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Property and Waste
- Cllr R Tonge – Cabinet Member for Finance, Performance, Risk, Procurement and Welfare Reform

The Leader may nominate any of the remaining members of Cabinet as listed below to serve on the committee as a voting substitute:

Cllr Keith Humphries

Cllr Laura Mayes

Cllr Jonathon Seed

Cllr Stuart Wheeler

Other Cabinet members and non-executive members may attend meetings of the committee as relevant to the subject matter, but will not be entitled to vote.

Key strategic partners involved in the transformation programme, such as the Police and Crime Commissioner and the Clinical Commissioning Group, will be invited to nominate representatives to attend meetings of the Transformation committee in a non-voting capacity.

###### Quorum:

The Quorum is three members.

###### Purpose:

The Board will increase the political visibility of and accountability for the coordination and use of all capital assets. This will include and serve to develop a wide range of mechanisms for delivering the financial strategy, including partnership work.

Authority:

To discharge the executive functions of the council with regard to the management of capital assets.

Terms of Reference:

1. The Capital Assets Committee, in respect of all assets owned funded or occupied by Wiltshire Council, will be responsible for:

1.1 Developing the corporate strategy;

1.2 Delivering the council's business plan insofar as it relates to or requires the acquisition, management and disposal of capital assets;

1.3 Authorising the acquisition and disposal of real property assets by any means, including – but not restricted to – freehold property [\(this responsibility runs concurrently with the officer scheme of delegation\)](#); and

1.4 Preparing the council's capital programme for consideration by the cabinet and monitoring and ensuring the delivery of that programme,

Within the existing executive functions of the Cabinet and, for the avoidance of doubt, without rescinding any existing delegations.

2. In order to achieve this the Committee will

2.1 Receive and monitor reporting information from the Workplace Transformation Programme Board regarding the delivery of that programme;

2.2 Support the delivery of the economic development strategy, and take a strategic overview of the town 'vision' statements for Chippenham, Salisbury and Trowbridge;

2.3 Strategic overview of the council's policy on Section 106 funding and the use of the funds;

2.4 Work within the framework set by the council's financial strategy and Constitution;

2.5 Ensure enhanced visibility of all capital asset transactions and budget monitoring for capital spend by Wiltshire Council;

2.6 Advise the Cabinet as necessary on future capital projects and their impacts on the council's revenue budget; and

2.7 Investigate other mechanisms for the delivery and coordination of council capital assets.

Frequency of meetings:

Every two months, with authority to hold additional ad hoc formal meetings as merited.

**Cabinet (Transformation) Committee**

Membership

- Cllr Jane Scott OBE - Leader of the Council
- Cllr John Thomson - Deputy Leader and cabinet member for highways and streetscene and broadband
- Cllr Jonathon Seed - Cabinet member for communities, campuses, area boards, leisure, libraries and flooding
- Cllr Stuart Wheeler - Cabinet member for hubs, heritage and arts, governance (including information management), support services (HR, legal, ICT, business services, democratic services)
- Cllr Dick Tonge - Cabinet member for finance, performance, risk, procurement and welfare reform

The Leader may nominate any of the remaining members of cabinet as listed below to serve on the committee as a voting substitute:

- Cllr Keith Humphries
- Cllr Laura Mayes
- Cllr Toby Sturgis
- Cllr Fleur de Rhé-Philippe

Other cabinet and non-executive elected members may attend meetings of the committee as relevant to the subject matter, but will not be entitled to vote. Key strategic partners involved in the transformation programme, such as the Police and Crime Commissioner and the Clinical Commissioning Group, will be invited to nominate representatives to attend meetings of the Transformation Committee in a non-voting capacity.

Purpose

To discharge the executive functions of the council with regard to the implementation of the transformation programme.



The Transformation Committee will be responsible for all policy decisions relating to the implementation of the transformation programme, as agreed by the Leader.

The appointment of this committee will:

- increase political visibility, transparency and accountability in relation to the implementation of the transformation programme
- enhance the efficiency and effectiveness of the decision making process in this area
- facilitate increased partnership working with our strategic partners within the transformation programme.

The Cabinet Capital Assets Committee will be responsible for decisions that relate to the use of the Council's assets in relation to the delivery of the transformation programme.

### **Cabinet (Business Rates Relief) Committee**

#### Membership:

Any three members of the Cabinet appointed by the Proper Officer

#### Quorum:

The quorum is three members.

#### Purpose and Authority:

To determine applications for business rates relief where the rate relief applied for is in excess of £10,000 in accordance with the council's Hardship Rate Relief Application and Assessment Protocol.

Note: An Appeals Panel of the Appeals Committee will determine cases where an application has been rejected and an appeal by the ratepayer is lodged.

#### Frequency of meetings:

As and when required

## Part 3 Section C

### Delegation of Executive Functions

#### Individual members of Cabinet

#### Appendix 2

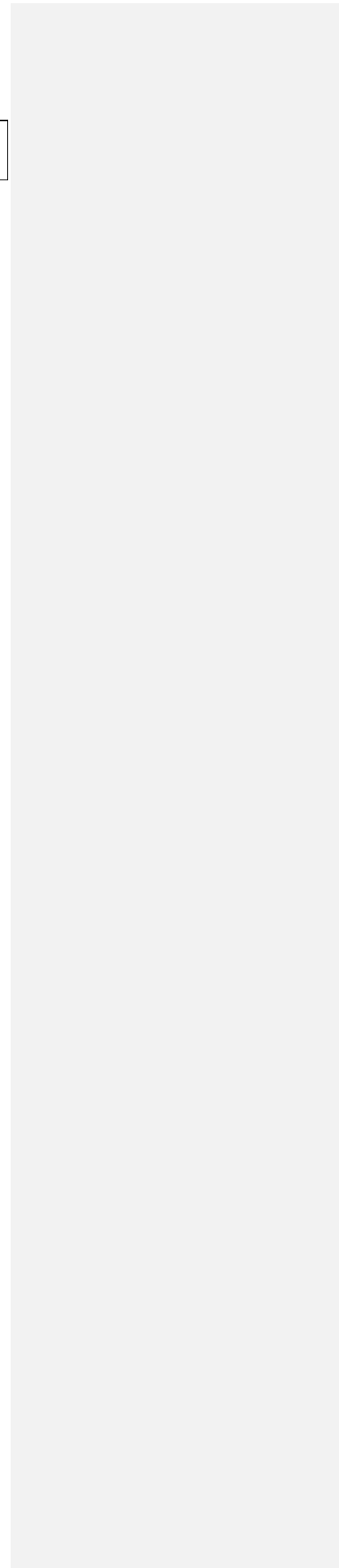
Cabinet Member	Responsibilities	Cabinet Member(s)
<p><b>Leader</b></p> <p><u>Communications, Customer Care and Systems Thinking</u></p>	<ul style="list-style-type: none"> <li>○ <u>Setting strategic direction</u></li> <li>○ <u>Ensuring the needs and aspirations of Wiltshire people are known</u></li> <li>○ <u>Management initiatives</u></li> <li>○ <u>Identifying priorities and setting targets</u></li> <li>○ <u>Setting priorities</u></li> <li>○ <u>Communication policy</u></li> <li>○ <u>Promoting the council</u></li> <li>○ <u>Relationships with other political group leaders and the chairman of the council</u></li> <li>○ <u>Business transformation (systems thinking/lean)</u></li> </ul> <p><u>Customer care</u></p>	<p><u>Cllr Jane Scott OBE</u> <u>Bybrook</u></p> <p><u>Correspondence address:</u> <u>Leader of the Council</u> <u>Wiltshire Council</u> <u>Bythesea Road</u> <u>Trowbridge</u> <u>BA14 8JN</u></p>
<p><b>Deputy Leader</b></p> <p><b>Highways and Streetscene and Broadband</b></p>	<ul style="list-style-type: none"> <li>○ <u>Highways maintenance and improvements</u></li> <li>○ <u>Rights of way</u></li> <li>○ <u>Public conveniences</u></li> <li>○ <u>Grounds and open space management including allotments</u></li> <li>○ <u>Cemeteries and markets</u></li> <li>○ <u>Broadband</u></li> <li>○ <u>Litter and cleansing</u></li> </ul>	<p><u>Cllr John Thomson</u> <u>Sherston</u> <u>Correspondence address:</u> <u>Wiltshire Council</u> <u>Bythesea Road,</u> <u>Trowbridge</u> <u>BA11 8JN</u></p>

	<p><u>activities and environmental enforcement including abandoned vehicles, fly tipping etc</u></p> <ul style="list-style-type: none"> <li>○ <u>Traffic management including car parking, road safety and passenger transport</u></li> </ul>	
<b>Finance, Performance, Risk, Procurement and Welfare Reform</b>	<ul style="list-style-type: none"> <li>○ <u>Finance</u></li> <li>○ <u>Probity and financial management</u></li> <li>○ <u>Housing benefit</u></li> <li>○ <u>Welfare Reform</u></li> <li>○ <u>Council tax</u></li> <li>○ <u>Performance</u></li> <li>○ <u>Risk</u></li> <li>○ <u>Pensions</u></li> <li>○ <u>Audit</u></li> <li>○ <u>Procurement and commissioning</u></li> </ul>	<p><u>Cllr Richard (Dick) Tonge</u>  <u>Corsham Without and Box Hill</u>  <u>Correspondence address:</u>  <u>Wiltshire Council</u>  <u>Bythesea Road,</u>  <u>Trowbridge</u>  <u>BA11 8JN</u></p>
<b>Children's Services</b>	<ul style="list-style-type: none"> <li>○ <u>Performance of children's social services including child protection, fostering and adoption, children's homes and special educational needs</u></li> <li>○ <u>Relations with other organisations, especially the health service and voluntary organisations regarding children's services</u></li> <li>○ <u>Partnership with Wiltshire's school governors and headteachers on education matters including school performance and funding, curriculum, buildings and admissions</u></li> </ul> <p>Performance of the youth</p>	<p><u>Cllr Laura Mayes</u>  <u>Roundway</u>  <u>Correspondence address:</u>  <u>Wiltshire Council</u>  <u>Bythesea Road,</u>  <u>Trowbridge</u>  <u>BA11 8JN</u></p>

	<a href="#">development service and early years provision and youth justice</a>	
<b>Public Health, Protection Services, Adult Care and Housing (excluding strategic housing)</b>	<ul style="list-style-type: none"> <li>○ <a href="#">Performance of adult care services including services for people with learning disability, mental health problems or a physical impairment and for older people</a></li> <li>○ <a href="#">Relations with other organisations, especially the health service and voluntary organisations regarding social care services</a></li> <li>○ <a href="#">The Supporting People Programme</a></li> <li>○ <a href="#">Public health</a></li> <li>○ <a href="#">Community safety</a></li> <li>○ <a href="#">Environmental health</a></li> <li>○ <a href="#">Trading standards</a></li> <li>○ <a href="#">Licensing</a></li> <li>○ <a href="#">Emergency planning</a></li> <li>○ <a href="#">Housing</a></li> </ul>	<p><a href="#">Cllr Keith Humphries</a>  <a href="#">Warminster Broadway</a>  <a href="#">Correspondence address:</a>  <a href="#">Wiltshire Council</a>  <a href="#">Bythesea Road</a>  <a href="#">Trowbridge</a>  <a href="#">BA14 8JN</a></p>
<b>Economy Skills and Transport</b>	<ul style="list-style-type: none"> <li>○ <a href="#">Economic development</a></li> <li>○ <a href="#">Tourism</a></li> <li>○ <a href="#">Performance and strategy for transport including the Local Transport Plan and related strategies and policies</a></li> <li>○ <a href="#">Local Economic Partnership</a></li> </ul>	<p><a href="#">Cllr Fleur de Rhé-Philippe</a>  <a href="#">Warminster Without</a>  <a href="#">Correspondence address:</a>  <a href="#">Wiltshire Council</a>  <a href="#">Bythesea Road,</a>  <a href="#">Trowbridge</a>  <a href="#">BA11 8JN</a></p>
<b>Strategic Planning, Development Management, Strategic Housing, Property, Waste</b>	<ul style="list-style-type: none"> <li>○ <a href="#">Performance of waste management including collection, disposal and recycling and property management including county farms</a></li> <li>○ <a href="#">Performance of countryside</a></li> </ul>	<p><a href="#">Cllr Toby Sturgis</a>  <a href="#">Brinkworth</a>  <a href="#">Correspondence address:</a>  <a href="#">Wiltshire Council</a>  <a href="#">Bythesea Road</a>  <a href="#">Trowbridge</a></p>

	<p><a href="#">management and the provision of gypsy and traveller services</a></p> <ul style="list-style-type: none"> <li>○ <a href="#">Climate change and carbon trading</a></li> <li>○ <a href="#">Development management services including planning enforcement and conservation</a></li> <li>○ <a href="#">Strategic Housing</a></li> <li>○ <a href="#">Strategic planning including the Local Development Framework</a></li> <li>○ <a href="#">Wiltshire and Swindon minerals and waste local plans</a></li> </ul>	<p><a href="#">BA14 8JN</a></p>
<p><b>Hubs, Heritage &amp; Arts, Governance (including information management), Support Services (HR, legal, ICT, business services, democratic services)</b></p>	<ul style="list-style-type: none"> <li>○ <a href="#">Cultural development including heritage, museums and arts</a></li> <li>○ <a href="#">Governance including information management</a></li> <li>○ <a href="#">Registration service and coroners</a></li> <li>○ <a href="#">Human resources and organisational development</a></li> <li>○ <a href="#">Equalities and diversity</a></li> <li>○ <a href="#">Legal</a></li> <li>○ <a href="#">ICT</a></li> <li>○ <a href="#">Business Services</a></li> <li>○ <a href="#">Democratic Services</a></li> <li>○ <a href="#">Councillor development</a></li> </ul>	<p><a href="#">Cllr Stuart Wheeler</a>  <a href="#">Burbage and the Bedwyns</a>  Correspondence address:  <a href="#">Wiltshire Council</a>  <a href="#">Bythesea Road</a>  <a href="#">Trowbridge</a>  <a href="#">BA14 8JN</a></p>
<p><b>Communities, Campuses, Area Boards, Leisure, Libraries and Flooding</b></p>	<ul style="list-style-type: none"> <li>○ <a href="#">Community development in local areas including area boards</a></li> <li>○ <a href="#">Campus development</a></li> <li>○ <a href="#">Leisure and sports</a></li> <li>○ <a href="#">Libraries</a></li> <li><a href="#">Flooding</a></li> </ul>	<p><a href="#">Cllr Jonathon Seed</a>  <a href="#">Summerham and Seed Division</a>  Correspondence address:  <a href="#">Wiltshire Council</a>  <a href="#">Bythesea Road</a></p>

		<a href="#">Trowbridge</a> <a href="#">BA14 8JN</a>
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## **PART 3 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 STAFF**

# SECTION D1

## SCHEME OF DELEGATION

### 1. Scheme of Delegation to Directors

- 1.1 This Scheme of Delegation authorises the 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 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 Directors by this scheme, the Corporate Directors 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 Corporate Directors. This nomination should be formally recorded in writing.
- 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 Directors shall have the power:
  - a. 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)
    - 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)

**Comment [a13]:** Clarification that directors are empowered to take action to ensure compliance with statutory obligations within their area of responsibility.



- 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;
- b. To put in place management arrangements, which define the area of responsibility of all officers under their service area.
  - c. To determine staffing arrangements within approved budgets, subject to agreement on grading with the Head of Paid Service after consultation with the other Corporate Directors and conformance with Council policies and the Finance Regulations and Procedure Rules (Part 9).
  - d. 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 overview and scrutiny 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 Corporate Directors 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.

**Comment [M14]:** Members have wide discretion to request a decision of an officer to be scrutinised at overview and scrutiny committee. No time limits are set.

## 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:
  - a. 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;

**Comment [a15]:** Inserted to refer to new legislation and to allow cross referencing.

- b. The views of the relevant Cabinet Member(s), Committee Chairman, Area Board(s) following the application of the consultation criteria set out in paragraph (c) below;
- c. Consideration of the Area Boards and delegated decision checklist for officers on the issue in deciding when and how to involve local councillors and Area Boards in decisions about local services;
- d. 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;
- e. Consultation in accordance with the Council's consultation strategy and the views emanating from that process;
- f. The range of available options;
- g. The staffing, financial and legal implications;
- h. The assessment of any associated risks in accordance with the Council's risk management strategy;
- i. The involvement of appropriate statutory officers and/or other Directors;
- j. The relevance of any regional or national guidance from other bodies;
- k. 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:

- a. A record of the decision including the date it was made;
- b. A record of reasons for the decision;
- c. Details of any alternative options considered and rejected by the officer when making the decision;
- d. A record of any conflict of interest declared by any executive member who is consulted by the officer which relates to the decision;
- e. In respect of any declared conflict of interest, a note of dispensation

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.

**Comment [M16]:** Inserted in accordance with new regulations.

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 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 well being 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:
  - a. 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;
  - b. 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;
  - c. To instruct counsel, solicitors and other experts in relation to legal proceedings, public inquiries, and other matters involving the Council;
  - d. To enter objections to any proposal affecting the county, the Council or the inhabitants of the county.

## SECTION D2 SCHEME OF SUB DELEGATION

1. The Directors may authorise officers in their service areas 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 Director.
3. The Directors are responsible for recording all delegations under this part, in writing, in such form as the Monitoring Officer may prescribe.
4. The 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 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.

**Comment [a17]:** Inserted for clarity.

## **PART 3 SECTION D SCHEDULE 1 INDEMNITY TO STAFF**

Wiltshire Council will, subject to the exceptions set out below, indemnify its employees and former employees against claims made against them (including costs awarded and reasonable costs incurred) and will not itself make claims against them for any loss or damage (other than claims falling within the cover provided to its employees under any policy of insurance taken out by the Council or any motor vehicle insurance policy taken out by the employee) occasioned by any neglect, act, error or omission committed by them in pursuit of their duties as they may from time to time undertake in the course of their employment with 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.

### *Exceptions*

- 1) The indemnity will not extend to loss or damage directly or indirectly caused by or arising from:
  - a. Fraud, dishonesty or a criminal offence on the part of the employee;
  - b. Any neglect, error or omission by the employee otherwise than in the course of his duties;
  - c. Liability in respect of losses certified by the district auditor as caused by wilful misconduct.
- 2) The indemnity will not apply if an employee, 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 employee had acted with reckless disregard for the consequences.
- 3) The indemnity is without prejudice to the right of the Council to take or institute disciplinary action against an employee in respect of any neglect, act, error or omission.

## Part 3 Section D3

### Scheme of Delegation Specific to Planning

1. The Associate Director, Economic Development and Planning Services (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 Associate Director, 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 within their Division proceed to determination by way of an Area Planning Committee. (Any request must be received within 21 days of the circulation of the weekly list of 'applications received' in which it appears, and 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.

Where it has not been possible or appropriate to call an application in within this time, officers will accept call in requests in the following circumstances: -

1. An application has not been determined and it can still go to Committee and be determined within the target date.
2. 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 relevant Area Development Manager who will then make an informed decision whether or not to exercise delegated powers.

- a. 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.

- b. 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.
- c. If private applications are made by
  - a member or their close relations;
  - a Director of the Council or their close relations; or
  - a planning officerand objections are received raising material planning considerations the application will be determined by a committee.

There will be occasions where it would be possible to deal with certain applications under delegated powers but where the Associate Director, Economic Development and Planning Services 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.

1.3 The following applications 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 Associate Director, Economic Development and Planning Services deems raises issues that should be considered by the Strategic Planning Committee.

Definitions

Planning application means any application submitted to the Council for determination and included within the Governments' PS1 and PS2 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.)

'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 2 ha, as defined by the Government in the PS1/2 return.

Householder development and the other descriptions of development referred to above shall have the meaning ascribed to them in the Government's PS1/2 return.

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.

## PART 3 SECTION D4

### SCHEME OF DELEGATION SPECIFIC TO LICENSING

#### Licensing Act 2003: Table of Delegations of Licensing Functions

<u>Matter to be dealt with</u>	<u>Full Committee</u>	<u>Sub-Committee</u>	<u>Officers</u>
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		If a relevant	If no relevant representation

licence/club registration certificate		representation Made	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	

**Gambling Act 2005: Table of Delegations of Licensing Functions**

<b><u>Matter to be dealt with</u></b>	<b><u>FULL COUNCIL</u></b>	<b><u>Licensing Committee or Sub-Committee</u></b>	<b><u>Officers</u></b>
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 (approved 1 December 2009)**

<b><u>Matter to be dealt with</u></b>	<b><u>Licensing Committee</u></b>	<b><u>Sub-Committee</u></b>	<b><u>Officers</u></b>
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	
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
Powers to grant licences and permits under the following legislation:  <ul style="list-style-type: none"> <li>• Town Police Clauses Act 1847 as amended Sections 47, 57, 58, 60 and 79 of Local Government (Miscellaneous</li> </ul>	For all these functions there is no role for the committee as there is a statutory right of appeal to the Magistrates' Court (except the imposition of penalty points under the licensing of hackney carriages, taxis and private hire operators, drivers and vehicles which will be dealt with by the appeals panel when sufficient points have been	For all these functions there is no role for the sub - committee as there is a statutory right of appeal to the Magistrates' Court (except the imposition of penalty points under the licensing of hackney carriages,	In all other cases

<p>Provisions) Act 1976 (Hackney carriages)</p> <ul style="list-style-type: none"> <li>• Section 13 – 17 Local Government (Miscellaneous Provisions) Act 1982 (acupuncture, tattooing, ear piercing and electrolysis)</li> <li>• Performing Animals (regulation) Act 1925</li> <li>• Zoo Licensing Act 1981</li> <li>• House to house collections Act 1939</li> <li>• Pet Animals Act 1951</li> <li>• Animal Boarding Establishments Act 1963</li> <li>• Riding Establishments Act 1964 and 1970 Breeding of Dogs Act 1973</li> <li>• Breeding and Sale of Dogs (Welfare) Act 1999</li> <li>• Dangerous Wild Animals Act 1976</li> <li>• Lotteries and Amusements Act 1976</li> <li>• Hypnotism Act 1952 (as amended) and Schedule 3 Local Government (Miscellaneous</li> </ul>	<p>accrued to warrant suspension of the licence).</p> <p>The Licensing Committee will determine any application made by an officer or member of the Council.</p>	<p>taxis and private hire operators, drivers and vehicles which will be dealt with by the appeals panel when sufficient points have been accrued to warrant suspension of the licence).</p>	
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Provisions) Act 1982				
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**Criminal Justice and Police Act 2001 and Violent Crime Reduction Act 2006**

**Table of Delegations of Licensing Functions**

<b><u>Matter To Be Dealt With</u></b>	<b><u>FULL COUNCIL</u></b>	<b><u>Licensing Committee or Sub-Committee</u></b>	<b><u>Officers (Service Director Public Protection Services)</u></b>
Making Designated Public Places Orders (DPPOs)		X	

## Police and Crime Panel Procedure Rules and Panel Arrangements

### 1. Chairman Of The Police And Crime Panel:

- The chairman of the Police and Crime Panel will be appointed in June of each year or at the first meeting of the panel following the annual appointment of members to the panel by constituent councils. The chairman will be drawn from amongst the councillors sitting on the panel.
- The vice-chairman will be appointed in June of each year or at the first meeting of the panel following the annual appointment of members to the panel by constituent councils and will be drawn from amongst the councillors sitting on the panel.
- In the event of the resignation of the chairman or removal of the chairman, a new chairman will be appointed and will be drawn from amongst the councillors sitting on the panel.
- The chairman may be removed by the agreement of a majority of the whole membership of the panel and in that event the panel will appoint a replacement chairman from amongst the councillors sitting on the panel.
- The panel will elect a person to preside at a meeting if the chair and vice-chairman are not present.

### 2. Meetings Of The Police And Crime Panel:

- There shall be a minimum of four ordinary meetings of the Police and Crime Panel held in public in each municipal year to carry out the functions of the panel. In addition, extraordinary meetings may be called from time to time.
- An extraordinary meeting may be called by the chairman or by four members of the panel.
- An extraordinary meeting may also be called by the Monitoring Officer to the panel.
- Ordinary meetings will take place in accordance with a programme decided by the panel, and will start at the time decided by the panel.
- Ordinary meetings of the panel will:
  - receive any declarations of interest from members
  - approve the minutes of the last meeting
  - consider reports from officers and panel members
- Panel members will be notified of the time and place at least 5 clear working days before an ordinary meeting, and as soon as known in the event of an extraordinary meeting. Public notice of Panel meetings will be given in accordance with the normal arrangements for local authority meetings including the provisions of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

### **3. Quorum**

- A meeting of the Police and Crime Panel cannot take place unless one third of the whole number of its members is present.

### **4. Voting**

- Voting will normally be by a show of hands.
- All panel members may vote in the proceedings of the panel.
- All matters to be considered by the Police and Crime Panel shall be decided by a majority of the members of the Police and Crime Panel present and voting at the meeting. This will be done following the moving of a motion by any member of the Police and Crime Panel. A simple majority is required to confirm a decision, except in the specific circumstances of the PCP seeking to veto the Police and Crime Commissioner's proposed precept or the Police and Crime Commissioner's proposed appointment of a Chief Constable or as otherwise specified in these Procedure Rules.
- Any member may request a recorded vote and, if one quarter of the members present signifies its support, such a vote will be taken.
- In the event of a tie in voting, the Chairman of the meeting shall have a second or casting vote

### **5. Work Programme**

- The Police and Crime Panel will be responsible for setting its own work programme taking into account the priorities defined by the Police and Crime Commissioner. In setting the work programme the Police and Crime Panel will also take into account the wishes of its members.
- The work programme must include the functions described in the terms of reference for the panel.

### **6. Agenda Items**

- The Panel agenda will be issued to Panel members at least 5 clear working days before the meeting. It will also be published on the Panel's website and by sending copies to each of the authorities and by any other means the panel considers appropriate.
- Any member of the Panel shall be entitled to give notice to the Head of Democratic Services at Wiltshire Council that he or she wishes an item relevant to the functions of the panel to be included on the agenda for the next available meeting.
- Items will be rejected where they do not relate to a matter for which the panel has a responsibility for, require confidential information to be disclosed or are deemed improper or inappropriate for the meeting. The Chairman will take this decision, and their decision is final.

### **7. Reports from the Police and Crime Panel**

- Where the Police and Crime Panel makes a report to the Police and Crime Commissioner, it may publish the report or recommendations.
- The Police and Crime Panel must by notice in writing require the Police and Crime Commissioner, as appropriate, within one month of the date on which it receives the report or recommendations to:

- Consider the report or recommendations.
- Respond to the Police and Crime Panel indicating what (if any) action the Police and Crime Commissioner proposes to take.
- Where the Police and Crime Panel has published the report or recommendations, publish the response.
- Where the Police and Crime Panel has provided a copy of the report or recommendations to a member, provide a copy of the response to the member.
- The publication of reports or recommendations is subject to the exclusion of any exempt or confidential information as defined in the rules on access to information in the Local Government Act 1972 (as amended).
- If the Police and Crime Panel cannot unanimously agree on one single final report to the Police and Crime Commissioner then one separate report may be prepared and submitted for consideration along with the majority report.

## **8. Police and Crime Commissioner and Officers Giving Account**

- The Police and Crime Panel may scrutinise and review decisions made or actions taken in connection with the Police and Crime Commissioner's role. As well as reviewing documentation, in fulfilling its scrutiny role it may require the Police and Crime Commissioner, and members of that commissioner's staff, to attend before the panel (at reasonable notice) to answer any questions which appear to the panel to be necessary in order to carry out its functions.
- Where the Police and Crime Commissioner, or a member of that commissioner's staff, is required to attend the panel under this provision the chairman will inform them in writing giving, where practical, 15 days notice of the meeting. The notice will state the nature of the item on which he or she is required to attend to give account and whether any papers are required for production for the panel. Where it is necessary to produce a report, sufficient time will be given to allow preparation of that report.
- Where, in exceptional circumstances, the Police and Crime Commissioner is unable to attend on the required date, then an alternative date for attendance may be arranged following consultation with the chairman of the panel.
- If the Police and Crime Panel require the Police and Crime Commissioner to attend before the panel, the panel may (at reasonable notice) request the Chief Constable to attend before the panel on the same occasion to answer any questions which appears to the panel to be necessary in order for it to carry out its functions.

## **9. Attendance by others**

- The Police and Crime Panel may invite people other than those referred to above to address it, discuss issues of local concern and/or answer questions. It may, for example, wish to hear from residents, stakeholders, councillors who are not members of the panel and officers in other parts of the public sector and may invite such people to attend.

## **10. Sub-Committees and Task Groups**

- Sub Committees or time limited task groups may be established from time to time by the Police and Crime Panel to undertake specific task based work.
- The special functions of the Police and Crime Panel may not be discharged by a sub-committee of the panel or a task group.

- In this paragraph 'special functions' means the functions conferred on a Police and Crime Panel by:
  - Section 28(3) of Police Reform and Social Responsibility Act (scrutiny of Police and Crime Plan).
  - Section 28 (4) of Police Reform and Social Responsibility Act (scrutiny of annual report)
  - Paragraphs 10 and 11 of Schedule 1 of Police Reform and Social Responsibility Act (review of senior appointments).
  - Schedule 5 of Police Reform and Social Responsibility Act (issuing precepts)
  - Part 1 of Schedule 8 of Police Reform and Social Responsibility Act (scrutiny of appointment of the Chief Constable).
- The work undertaken by a sub-committee or task group will be scoped and defined beforehand, together with the timeframe within which the work is to be completed and the reporting time for the outcome of the work.

## 11. Carrying Out 'Special Functions'

Reports and recommendations made in relation to the special functions outlined in the terms of reference will be carried out in accordance with the procedure outlined at Section 5.18

- Police and crime plan
  - The panel is a statutory consultee on the development of the Police and Crime Commissioner's police and crime plan and will receive a copy of the draft police and crime plan, or a draft of any variation to it, from the Police and Crime Commissioner.
  - The panel must:
    - hold a public meeting to review the draft police and crime plan (or a variation to it), and
    - report or make recommendations on the draft plan which the PCC must take into account.
- Annual report
  - The Police and Crime Commissioner must produce an annual report about the exercise of his/her functions in the financial year and progress in meeting police and crime objectives in the year. The report must be sent to the panel for consideration.
  - The panel must comment upon the annual report of the Police and Crime Commissioner, and for that purpose must:
    - Arrange for a public meeting of the panel to be held as soon as practicable after the panel receives the annual report
    - require the Police and Crime Commissioner to attend the meeting to present the annual report and answer questions about the annual report as the members of the panel think appropriate
    - make a report or recommendations on the annual report to the PCC.
- Senior appointments
  - The panel has powers to review the Police and Crime Commissioner's proposed appointments of Chief Constable, Chief Executive, Chief

- Finance Officer and Deputy Police and Crime Commissioner. The panel is required to hold public confirmation hearings for these posts.
- The panel will be notified of the need for a confirmatory hearing in respect of proposed senior appointments made by the Police and Crime Commissioner. This will be held at the next available meeting of the panel unless the appointment timescale requires an earlier hearing, in which case an extraordinary meeting will be arranged.
  - With regards to the appointment of the Chief Constable, the panel is required to hold a hearing within the period of three weeks from the day on which the panel receives notification from the Police and Crime Commissioner.
  - Confirmatory hearings will be held in public, where the candidate is requested to appear for the purpose of answering questions relating to the appointment. Following this hearing, the panel is required to review the proposed appointment and make a report to the commissioner on the appointment.
  - For a confirmatory hearing for the proposed appointment of the Chief Constable, in addition to the requirement to review and report, the panel has the requirement to make a recommendation on the appointment and the power to veto the appointment.
  - Having considered the appointment, the panel will be asked to either:
    - support the appointment without qualification or comment;
    - support the appointment with associated recommendations, or
    - veto the appointment of the Chief Constable (by the required majority of at least two thirds of the persons who are members of the panel at the time when the decision is made).
  - If the panel vetoes the appointment of the candidate, the report to the commissioner must include a statement that the panel has vetoed the appointment with reasons.
- Appointment of an Acting Police and Crime Commissioner
    - The Police and Crime Panel must appoint a person to act as Police and Crime Commissioner if:
      - no person holds the office of Police and Crime Commissioner
      - the Police and Crime Commissioner is incapacitated, or
      - the Police and Crime Commissioner is suspended.
    - The Police and Crime Panel may appoint a person as acting commissioner only if the person is a member of the Police and Crime Commissioner's staff at the time of the appointment.
    - In appointing a person as acting commissioner in a case where the Police and Crime Commissioner is incapacitated, the Police and Crime Panel must have regard to any representations made by the commissioner in relation to the appointment.
    - The appointment of an acting commissioner ceases to have effect upon the occurrence of the earliest of these events:
      - the election of a person as Police and Crime Commissioner;
      - the termination by the Police and Crime Panel, or by the acting commissioner, of the appointment of the acting commissioner;

Note: this section may have to be varied in the light of Home Office Regulations expected in March on the exercise of the veto.

- in a case where the acting commissioner is appointed because the Police and Crime Commissioner is incapacitated, the commissioner ceasing to be incapacitated, or
  - in a case where the acting commissioner is appointed because the Police and Crime Commissioner is suspended, the commissioner ceasing to be suspended.
- Proposed precept
    - The Police and Crime Commissioner will notify the Police and Crime Panel of the precept which the commissioner is proposing to issue for the financial year. The panel must review the proposed precept and make a report including recommendations.
    - Having considered the precept, the Police and Crime Panel will either:
      - support the precept without qualification or comment;
      - support the precept and make recommendations, or
      - veto the proposed precept (by the required majority of at least two thirds of the persons who are members of the panel at the time when the decision is made).
    - If the panel vetoes the proposed precept, the report to the commissioner must include a statement that the panel has vetoed the proposed precept with reasons. The panel will require a response to the report and any such recommendations.
  - Complaints
    - Criminal and non-criminal complaints in relation to the Police and Crime Commissioner or other office holders should be dealt with and/or delegated in accordance with the Act and the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012
  - Suspension of the Police and Crime Commissioner
    - A Police and Crime Panel may suspend the Police and Crime Commissioner if it appears to the panel that:
      - the commissioner has been charged in the United Kingdom, the Channel Islands or the Isle of Man with an offence, and
      - the offence is one which carries a maximum term of imprisonment exceeding two years.
    - The suspension of the Police and Crime Commissioner ceases to have effect upon the occurrence of the earliest of these events:
      - the charge being dropped
      - the Police and Crime Commissioner being acquitted of the offence
      - the Police and Crime Commissioner being convicted of the offence but not being disqualified under Section 66 of the Police Reform and Social Responsibility Act by virtue of the conviction, or



- the termination of the suspension by the Police and Crime Panel.
  - In this section references to an offence which carries a maximum term of imprisonment exceeding two years are references to:
    - an offence which carries such a maximum term in the case of a person who has attained the age of 18 years, or
    - an offence for which, in the case of such a person, the sentence is fixed by law as life imprisonment.
- Suspension and removal of the Chief Constable
  - The panel will receive notification if the Police and Crime Commissioner suspends the Chief Constable.
  - The Police and Crime Commissioner must also notify the panel in writing of his/her proposal to call upon the Chief Constable to retire or resign together with a copy of the reasons given to the Chief Constable in relation to that proposal.
  - The Police and Crime Commissioner must provide the panel with a copy of any representations from the Chief Constable about the proposal to call for his/her resignation or retirement.
  - If the Police and Crime Commissioner is still proposing to call upon the Chief Constable to resign, she/he must notify the panel accordingly (the 'further notification').
  - Within six weeks from the date of receiving the further notification the panel must make a recommendation in writing to the Police and Crime Commissioner as to whether or not she/he should call for the retirement or resignation. Before making any recommendation the panel may consult the chief inspector of constabulary, and must hold a scrutiny meeting.
  - The scrutiny hearing which must be held by the panel is a panel meeting in private to which the Police and Crime Commissioner and Chief Constable are entitled to attend to make representations in relation to the proposal to call upon the Chief Constable to retire or resign. Appearance at the scrutiny hearing can be by attending in person, or participating by telephone or video link.
  - The panel must publish the recommendation it makes on its website and by sending copies to each of the authorities, and by any other means the panel considers appropriate.
  - The Police and Crime Commissioner may not call upon the Chief Constable to retire or resign until the end of the scrutiny process which will occur:
    - at the end of six weeks from the panel having received notification if the panel has not by then given the Police and Crime Commissioner a recommendation as to whether or not she/he should call for the retirement or resignation, or
    - the Police and Crime Commissioner notifies the panel of a decision about whether she/ he accepts the panel's recommendations in relation to resignation or retirement.
  - The Police and Crime Commissioner must consider the panel's recommendation and may accept or reject it, notifying the panel accordingly.
  - In calculating the six week period, the period between the day of the poll at an ordinary election of a Police and Crime Commissioner and the day on which the Police and Crime Commissioner delivers a declaration of acceptance of office shall be ignored.

## **12. Public Participation**

- Members of the public are able to ask questions or make a statement in relation to the responsibilities and functions of the Panel at each meeting. A maximum of 30 minutes will be allocated to this at the start of each meeting, and each question or statement should last no longer than 3 minutes.
- Questions must be put in writing to the Head of Democratic Services at Wiltshire Council no later than 5 clear working days before the meeting, to allow a response to be formulated, and are limited to a maximum of 2 per person / organisation. A response will be given as either a direct oral answer or a written reply.
- The questioner is able to ask one supplementary question after receiving a response. There is usually no debate on questions; however this is at the Chairman's discretion.
- Statements must be given in writing and can be received up to 10 minutes before the start of the meeting.

## **13. Decision Making and Rules of Debate**

- Principles of Decision Making

These principles will underpin the way the Police and Crime Panel makes its decisions:-

- Appropriate consultation will have been carried out and decisions will take account of its results and any professional advice given by officers
- The presumption that whenever possible, all decisions made by the Police and Crime Panel should be made in public and ensure open, fair and honest administration
- Decisions will be clear about what they aim to achieve and the results that can be expected
- Due respect for human rights will be shown and provision given to equality of opportunity
- Decisions will be efficient, effective and economic, and obtain best value
- Determination of decisions will be at the lowest level commensurate with their importance
- Decisions will produce action that is proportionate to the desired outcome, and state the reasons for the action
- All options considered and discarded when making a decision will be recorded

- Rules of Debate

The rules of debate of the Police and Crime Panel shall be governed by the rules relating to meetings of Council committees (section 102 to 106 of part 4 of the Council Constitution).

## **14. Minutes**

The Chairman will sign the minutes of the proceedings at the next meeting. The only part of the minutes that can be discussed is their accuracy and any question as to their accuracy must be raised by motion.

## **15. Members' Conduct**

- **Speaking**  
When a member speaks at PCP meetings, he/she must address the meeting through the Chairman.
- **Chairman Requiring Silence**  
When the Chairman so indicates during a debate, any member speaking at the time must stop and the meeting must be silent.
- **Member not to be heard further**
  - 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 be not heard further. If seconded, the motion will be voted on without discussion.
  - If the member continues to behave improperly after such a motion has been carried, the Chairman may adjourn the meeting for a specified period or move that the member leaves the meeting. If seconded, the motion will be voted on without discussion. If the member continues to behave improperly, the Chairman may give such direction as he/she considers appropriate for the removal of the member and the restoration of order.

## **16. Disturbance**

- If there is a disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he/she considers necessary, or if occurring in a part of the meeting room open to the public may call for that part to be cleared
- If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If he/she continues to interrupt, the Chairman will order his/her removal from the meeting room.

## **17. Suspension and Amendment of Procedure Rules**

- **Suspension**  
These rules may be suspended by motion on notice, or without notice if at least one half of the whole number of members of the PCP is present. Suspension can only be for the duration of the meeting. A motion to suspend any of these rules must specify the rule to be suspended and must be moved in terms limited to an explanation of the reasons for the suspension. It will be seconded in formal terms only and will be put to the Police and Crime Panel without debate. No suspension may be considered by the Police Crime Panel which does not comply with the Police Reform and Social Responsibility Act 2011, relevant Regulations, statutory guidance or the Panel Arrangements.
- **Amendment**  
The Rules of Procedure shall not be amended unless notification of a proposed amendment is received by the Head of Democratic Services a Wiltshire Council at least 10 working days prior to a PCP meeting. A report on the implications of the proposed amendment shall be considered by the PCP and the amendment shall require the agreement of at least two thirds of the persons who are members of the PCP at the time when the decision is made vote in favour of it. No amendment may be considered by the PCP which does not comply with the Police Reform and Social Responsibility Act 2012, relevant Regulations or statutory guidance or Panel Arrangements.

## **18. Adjournment of Panel Meetings**

When the PCP adjourns, whether by resolution or by decision of the Chairman, the adjournment will by decision taken at that time be to a date, time and place specified, provided that where this is not practicable and a meeting is adjourned for an unspecified period and/or to an unspecified place, all members of the Police and Crime Panel will be notified of the new date, time and place when these have been determined.

## **19. Interpretation**

- The ruling of the Chairman as to the construction or application of these rules or as to the proceedings of the Police and Crime Panel will be final for the purposes of the meeting at which it is given.
- If there is any conflict in interpretation between these Rules and the Act or Regulations made under the Act, the Act and Regulations will prevail.

General Note: Various functions of the PCP are subject to Regulations that are not yet available and the content of the Rules may therefore need to change before the final version is determined

## **Wiltshire Police and Crime Panel**

### **Panel Arrangements**

This Agreement is dated the            day            of 2012.

The Agreement is made between Wiltshire Council and Swindon Borough Council (“the Authorities”)

#### **1. 0 Background**

1. 1 The Police Reform and Social Responsibility Act 2011 (“the Act”) introduces new structural arrangements for national policing, strategic police decision making, neighbourhood policing and police accountability.

1. 2 The Act provides for the election of a Police and Crime Commissioner (‘the PCC’) for a police force area, responsible for securing an efficient and effective police force for their area, producing a police and crime plan, recruiting the Chief Constable for an area, and holding him/her to account, publishing certain information including an annual report, setting the force budget and police precept and requiring the Chief Constable to prepare reports on police matters. The PCC must co-operate with local community safety partners and criminal justice bodies.

1. 3 The Act requires the local authorities in each police force area to establish and maintain a Police and Crime Panel (‘the Panel’) for its police force area. It is the responsibility of the Authorities for the police force area to make arrangements for the Panel (‘Panel Arrangements’).

1. 4 The Authorities, as the relevant local authorities within the area must agree to the making and modification of the Panel Arrangements. Where an authority has refused to nominate a member to a panel, then the remaining councils in an area

can agree the panel arrangements without the need to get the agreement of the council that is refusing to participate.

1. 5 Each Authority and each Member of the Panel must comply with the Panel Arrangements.

1. 6 The functions of the Panel must be exercised with a view to supporting the effective exercise of the functions of the PCC for that police force area.

1. 7 The Panel must have regard to the Policing Protocol issued by the Home Secretary, which sets out the ways in which the Home Secretary, the PCC, the Chief Constable and the Panel should exercise, or refrain from exercising, functions so as to encourage, maintain or improve working relationships (including co-operative working); and limit or prevent the overlapping or conflicting exercise of functions.

1. 8 The Panel is a scrutiny body with responsibility for scrutinising the PCC and promoting openness in the transaction of police business in the police force area.

1. 9 The Panel is a joint committee of the Authorities.

## 2.0 Lead Authority

2. 1 Wiltshire Council shall be lead authority for the Panel and shall provide such administrative and other support as will be necessary to enable the Panel to undertake its functions.

## 3. 0 Membership

### 3. 1 General

3. 2 Appointments of elected members to the Panel shall be made by each of the Authorities in accordance with their own procedures and with a view to ensuring that the balanced appointment objective of the Act is met so far as is reasonably practicable. All members of the Authorities are eligible to be members of the Panel. The Lead Authority shall take steps to coordinate the Authorities with a view to ensuring that the balanced appointment objective is achieved. The balanced appointment objective requires that the local authority Members of the Panel (which includes Members appointed by the Authorities and co-opted Members who are elected Members of any of the Authorities) should:

- a) represent all parts of the police force area;
- b) represent the political make-up of the Authorities; and,
- c) taken together have the skills, knowledge and experience necessary for the Panel to discharge its functions effectively. Where an Authority fails to nominate, or having nominated then fails to appoint, a member to a panel the Lead authority shall notify the Home Office.

3. 3 In appointing co-opted Members who are not elected members of any of the Authorities, the Panel must secure, so far as is reasonably practicable that the appointed and co-opted Members of the Panel, together have the skills, knowledge and experience necessary for the Panel to discharge its functions effectively.

3. 4 The Panel shall consist of ten Members appointed by the Authorities in accordance with the requirements of the balanced appointment objective contained within the Act, as follows:

Wiltshire Council = 7 members

Swindon Borough Council = 3 members

3. 5 The Panel shall also include two independent Members co-opted by the Panel.

3. 6 The Panel may also resolve to co-opt further Members with the agreement of the Secretary of State provided that the number of co-opted Members included in the Membership of the Panel shall not exceed 10. A panel cannot co-opt a councillor unless all the panel members agree, and any councillor co- options have to be notified to the Home Office as do any resolutions to co-opt additional members.

3. 7 The current arrangements that exist within the Authorities for the appointment of substitute members/deputies will apply to the Panel.

3. 8 Appointed Members

3. 9 The Authorities shall each nominate elected members to be Members of the Panel. If a nominated Member agrees to the appointment the Authority may appoint the Member as a Member of the Panel.

3. 10 In the event that an Authority does not appoint a Member or Members in accordance with these requirements, the Secretary of State must appoint a Member to the panel from the defaulting authority in accordance with the provisions in the Act.

3. 11 With a view to ensuring continuity of membership as far as possible, an appointed Member shall be a Member of the Panel for four years unless s/he ceases to be an elected Member, or is removed by their Authority.

3. 12 An Authority may decide in accordance with their procedures to remove their appointed Member from the Panel at any point and on doing so shall give notice to the Head of Democratic Services at Wiltshire Council.

3.13 Where a Panel member fails to attend meetings of the Panel over a six month period then the Lead authority shall recommend to the relevant authority that due consideration is given to removing the member from the Panel and to the appointment of a replacement member.

3. 14 An appointed Member may resign from the Panel by giving written notice to the Head of Democratic Services at Wiltshire Council and to their Authority.

3. 15 In the event that any appointed Member resigns from the Panel, or is removed from the Panel by an Authority, the Authority shall immediately take steps to nominate and appoint an alternative Member to the Panel.

3. 16 Members appointed to the Panel may be re-appointed to the Panel for a further term of four years provided that the balanced appointment objective is met by that re-appointment.

3. 17 Co-opted Members

3. 18 The following may not be co-opted Members of the Panel:

- a) the PCC for the Police Area.
- b) a member of staff of the PCC for the area.
- c) a member of the civilian staff of the Police Force for the area.
- d) a Member of Parliament.
- e) a Member of the National Assembly for Wales
- f) a Member of the Scottish Parliament.
- g) a Member of the European Parliament
- h) a serving police officer

3. 19 An elected member of any of the Authorities may not be a co-opted Member of the Panel where the number of co-opted Members is two.

3. 20 If the Panel has three or more co-opted Members an elected member of any of the Authorities may be a co-opted Member of the Panel provided that at least two of the other co-opted Members are not elected members of any of the Authorities.

3. 21 A co-opted Member shall be a Member of the Panel for four years.

3. 22 The Panel shall put in place arrangements to ensure that appointments of co-opted Members are undertaken following public advertisement in accordance with the following principles:

- a) The appointment will be made on merit of candidates whose skills, experience and qualities are considered best to ensure the effective functioning of the Panel;
- b) The selection process must be fair, objective, impartial and consistently applied to all candidates who will be assessed against the same pre determined criteria; and,
- c) The selection process will be conducted transparently with information about the requirements for the appointment and the process being publicly advertised and made available with a view to attracting a strong and diverse field of suitable candidates.

3. 23 A co-opted Member of the Panel may resign from the Panel by giving written notice to the Head of Democratic Services at Wiltshire Council.

3. 24 The Panel must from time to time decide whether the Panel should exercise its power to change the number of co-opted Members of the Panel to enable the balanced appointment objective to be met, or be more effectively met, and if so, it must exercise that power accordingly.

3. 25 The Panel may decide to terminate the appointment of a co-opted Member of the Panel if at least two-thirds of the persons, present and voting, who are Members of the Panel at the time when the decision is made, vote in favour of making that decision at any time for the reasons set out below and on doing so shall give written notice to the co-opted Member:

- a) if the co-opted Member has been absent from the Panel for more than six months without the consent of the Panel;
- b) if the co-opted Member has been convicted of a criminal offence but not automatically disqualified;

- c) if the co-opted Member is deemed to be incapacitated by physical or mental illness or is otherwise unable or unfit to discharge his or her functions as a co-opted Member of the Panel; or,
- d) if the co-opted Member's membership of the Panel no longer achieves the meeting of the balanced appointment objective.

3.26 In the event that a co-opted Member resigns from the Panel or is removed from the Panel following a decision of the Panel, the Panel shall ensure that at least two independent co-opted Members remain appointed to the Panel, and in the absence of two such Members shall make arrangements to ensure that two co-opted Members are appointed.

3.27 Co-opted Members appointed to the Panel may be re-appointed for a further term of four years provided that the balanced appointment objective is met by that re-appointment.

#### 3.28 Behaviour

3.29 All Panel members, including co-opted members, shall observe the Code of Conduct in force for their respective authorities and for the co-opted members the Lead authority's code of conduct, and any related protocols agreed by the Panel.

### 4.0 Budget and Costs of the Panel

4.1 The annual costs of the Panel shall be contained within the Home Office grant.

### 5.0 Rules of Procedure

5.1 The Panel shall determine its Rules of Procedure which shall include arrangements in relation to the:

- a) the appointment and removal of the Chairman;
- b) the formation of sub-committees;
- c) the making of decisions;
- d) the arrangements for convening meetings; and,
- e) the circulation of information.

### 6.0 Allowances

6.1 The payment of a responsibility allowance to Panel Members shall be considered and a recommendation sought from the Independent Remuneration Panel of each council as to whether the payment of such an allowance is appropriate.

6.2 Reasonable expenses will be reimbursed by each authority with the lead authority reimbursing the expenses of the co-opted independent members.

### 7.0 Promotion of the Panel

7.1 The role and work of the Panel shall be promoted by:

- a) the establishment and maintenance of a dedicated open-access website including information about the role and work of the



Panel, Panel Membership, all non-confidential Panel and sub-committee meeting papers, press releases and other publications;

b) the issuing of regular press releases about the Panel and its work; and,

c) the Authorities will each include information about the Panel on their websites, and will also include a link to the Panel website.

7.2 Support and guidance shall be provided to executive and non-executive elected members and officers of the Authorities in relation to the functions of the Panel as follows:

a) by the provision of initial briefing sessions for elected members and relevant officers of the Authorities before the election of the PCC, and the provision of annual briefing sessions thereafter; and,

b) by the provision of written briefing notes for elected members and relevant officers of the Authorities at least three times per year.

## 8.0 Validity of Proceedings

8.1 The validity of the proceedings of the Panel shall not be affected by a vacancy in the Membership of the Panel or a defect in appointment.

8.2 The conduct of the Panel and the content of these arrangements shall be subject to the legislative provisions in the Police Reform and Social Responsibility Act 2011, and any Regulations made in accordance with that Act, and in the event of any conflict between the Act or Regulations, and these arrangements, the requirements of the legislation will prevail.

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## CONSTITUTION FOCUS GROUP

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### MINUTES OF THE CONSTITUTION FOCUS GROUP MEETING HELD ON 28 MAY 2014 AT KENNET ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN.

#### Present:

Cllr Ernie Clark, Cllr Julian Johnson, Cllr Helen Osborn, Cllr Jeff Osborn, Miss Pam Turner and Cllr Stuart Wheeler (Chairman)

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#### 28 Apologies

Apologies were received from Councillor Jon Hubbard and Mr Paul Neale.

#### 29 Minutes of the Previous Meeting

The minutes of the meeting held on 15 April were presented for consideration and it was,

#### Resolved:

**To approve as a true and correct record and sign the minutes.**

#### 30 Part 3: Responsibility for Functions and Schemes of Delegation

A report was presented detailing the additional changes made to the proposed revisions to Part 3 of the Constitution following the meeting of the Focus Group on 15 April, including further definitions and clarifying that the rules regarding the publication of executive decisions do not apply where a report contains confidential or exempt information, as specified in Part 5 of the Constitution - Access to Information Procedure Rules

The Focus Group then examined the revised Part 3, raising points including the following:

Clarity was requested over reference to membership of Area Boards, with a need to emphasise that only the Wiltshire Councillors on a Board could vote on decisions taken under the delegated executive authority devolved to the body, and that using the term 'participants' as opposed to membership could make the relationship clearer.

It was confirmed that the revised membership and voting privileges for the Health and Wellbeing Board would be updated in accordance with the decision of Council at its meeting on 13 May.

Members discussed the inclusion of named Councillors in the sections regarding Cabinet Committees and responsibilities. Following confirmation that should the Leader alter the membership of either Cabinet Committee or Cabinet Membership in general, the Constitution could be amended by the Monitoring Officer under Part 2 Article 15.3 of the Constitution to reflect the change, and that named councillors was necessary for listing the substitutes of the Cabinet Committees and for ease of reference for the public, it was determined it was appropriate to list the relevant councillors by name.

There was some concern raised that the Cabinet Transformation Committee terms of reference included no clear definition of the purpose of the Transformation Programme, and that further detail could be included.

It was confirmed that call-in of officer decisions which were not key decisions had no time limit for being called-in to a scrutiny committee. It was agreed that such decisions should be published on the council's intranet, and that the Standards Committee should confirm with the appropriate Cabinet Member how and when this would be implemented.

At the conclusion of discussion, it was,

**Resolved:**

**That subject to the additional revisions as detailed above, to recommend to the Standards Committee that Council adopt the proposed changes to Part 3 of the Constitution.**

31 **Part 11: Procurement and Contract Rules and Protocol 8: Partnership Protocol**

A report was presented on the proposed changes to Part 11 of the Constitution - Procurement and Contract Rules. This would primarily involve amendments to aid understanding, updating to reflect changes in legislation, clarification of the rules on Partnerships and to reflect current council practice.

It was also proposed that much of the procedural detail would be removed from the Constitution and placed into the Procurement Manual on the council's Intranet, as much of the information was technical or statutory, and if further changes were required by statute or regulation, it would be simpler to amend the Manual as well as making the Constitution easier to navigate and comprehend. It was also proposed that Protocol 8 of the Constitution - Partnership Protocol - be removed from the Constitution as its contents were subsumed within the Procurement Manual, apart from a section on collaborative working.

The Focus Group examined the proposed changes, noting the importance of clearly signposting people to additional documents that would be required such as the Procurement Manual. Detail was sought on the rules on the tendering process and technical definitions, and additional wording was suggested to emphasise the need for proper monitoring arrangements.

At the conclusion of discussion, it was,

**Resolved:**

**To request additional revisions be made as detailed above, for final approval at the next meeting of the Focus Group.**

32 **Forward Plan and Date of Next Meeting**

The Focus Group noted the date of the next meeting as 25 June, feeding into the next Standards Committee on 9 July, and a briefing for Councillors on any proposed changes on 24 July ahead of Council approval on 29 July.

The proposed Forward Plan was noted, and it was requested that if possible several Protocol items should be brought forward to the next meeting of the Focus Group.

33 **Urgent Items**

There were no urgent items.

(Duration of meeting: 12.00 - 1.45 pm)

The Officer who has produced these minutes is Kieran Elliott of Democratic Services, direct line 01225 718504, e-mail [kieran.elliott@wiltshire.gov.uk](mailto:kieran.elliott@wiltshire.gov.uk)

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Wiltshire Council

Standards Committee

9 July 2014

**Code of Conduct Complaints - Status Report**  
**Complaints received and progressed under new arrangements**

	Cases received	Cases open (cumulative)	Assessed investigation	Assessed no further action	Assessed alternative resolution/complaint withdrawn	Pending assessment	Cases closed
<b>2012</b>							
<b>May - December</b>	<b>25</b>	<b>11</b>	<b>1</b>	<b>24</b>	<b>0</b>	<b>0</b>	<b>14</b>
<b>2013</b>							
<b>January - December</b>	<b>24</b>	<b>11</b>	<b>0</b>	<b>16</b>	<b>7</b>	<b>1</b>	<b>24</b>
<b>2014</b>							
<b>January</b>	5	12	0	3	2 (1** & 1 referral to Police)	0	4
<b>February</b>	5	16	0	4	1****	0	1
<b>March</b>	10	19	0	8	2 (1* & 1*****)	0	7
<b>April</b>	5	19	0	2	3(1*** & 2**)	0	5
<b>May</b>	2	10	1	1	0	0	11
<b>June</b>	14	19	0	0	0	14	5
<b>Totals to date 2014</b>	<b>41</b>	<b>n/a</b>	<b>1</b>	<b>18</b>	<b>8</b>	<b>14</b>	<b>33</b>

Appeals received
<b>4 (not upheld)</b>
<b>5 (not upheld)</b>
1 (not upheld)
3 (not upheld)
3 (not upheld)
0
3 (2 upheld & 1 not upheld)
1 (not upheld)
<b>11</b>

- \*member resigned prior to assessment
- \*\* clarification not supplied within time limit
- \*\*\*withdrawn following informal resolution prior to assessment
- \*\*\*\* withdrawn by complainant
- \*\*\*\*\* pending re non adoption of new Code by parish council

### Complaints referred for investigation since 1 January 2014

Case reference	Date of Assessment	Progress	Estimated date of final report
WC 10/14	18/03/2014	Referred for investigation on review – investigating officer appointed	
WC 13/14	29/04/2014	Referred for investigation on review - investigating officer appointed	
WC 24/14	30/05/2014	Request for review received from subject member 19/06/2014 - sub-committee pending	N/A



Wiltshire Council

Standards Committee

9 July 2014

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## Standards Committee Forward Work Plan

<u>Meeting Date and Time</u>	<u>Name of Report</u>	<u>Scope of Report</u>
8 October 2014	Register of Interests	Review
8 October 2014	Update from the Code of Conduct Seminar (23 July)	Update
8 October 2014	Constitutional Changes	Review

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