

## Wiltshire Council Constitution

### Summary of Main Changes Proposed

#### Part 1 – Summary and Explanation

Paragraph 9 – How Decisions are made

Amendments to definition of the key decision criteria to ensure consistency with the Financial Regulations and improve clarity.

#### Part 2 – The Constitution

Article 3.1 – Rights of members of the public

To include reference to the Council's Petition Scheme

Article 4.4 – Responsibility for functions

To include reference to the addition of a committee structure chart added as Schedule 1 to Part 2.

Article 7 – Overview and Scrutiny

To incorporate changes agreed by the Overview and Scrutiny Liaison Board and the Focus Group

Article 10.2 ('composition' of Area Boards) - to include the Wiltshire Fire and Rescue Service as a standing member of Area Boards to ensure consistency with the membership listing under paragraph 4 of Part 3 of the constitution and distinguishing between standing member organisations and other groups. (The Focus Group suggested that the process for new organisations to apply to join an Area Board be included within the Area Board Handbook).

Article 11 – Area Committees – conflict of interests

To include at the request of the Focus Group reference to advice on dual hatted members on Area Boards and the Dispensation procedure.

Article 13 – Officers

Updating of corporate director titles following management restructuring.  
Inclusion of all statutory officers and their main functions, including the designated Scrutiny Officer which is the subject of a recommendation in the main report.

#### Part 3 – Responsibility for Functions

Sections 1 & 2 – The Council

Distinguishing between statutory and non-statutory plans which form part of the council's policy framework and including legislative references in respect of statutory plans.

To provide for local community governance reviews and electoral arrangements in accordance with relevant legislation.

### Section 2.3 – Licensing committee

To widen the scope of the licensing committee to ensure it has the authority for all matters pertaining to licensing and registration.

### Section 3 – Cabinet

To provide more information on the main functions of Cabinet and provide consistency with other sections of the constitution

### Section 4.8 – Area Boards – election of chairmen and vice-chairmen

Annual Council on 18 May 2010 agreed that chairmen and vice-chairmen of Area Boards be elected on the rising of the annual meeting of Council or during an adjournment of the annual meeting as appropriate. It was suggested that future consideration be given to these appointments being made at the first round of Area Board meetings.

The Focus Group agreed with the suggestion and has recommended a change to the effect that chairmen and vice-chairmen of Area Boards remain in post until their successors are appointed and that these appointments be made at the first round of meetings in the municipal year to enable the wider membership and the public to also be present. This approach was supported at a recent meeting of Area Board Chairmen.

### **Part 3A – Scheme of delegation – Executive Functions**

This previously only documented the delegation of executive functions by the Leader to cabinet members. This has been expanded to include delegation of executive functions by the Leader to Cabinet committees, Area Boards, officers, under joint arrangements or to another local authority as the law provides. This is the Leader's delegation and can be altered by the Leader at any time provided that details of the delegation are reported to Council in accordance with Part 7, Cabinet Procedure Rules.

### **Part 3B – Scheme of Delegation – Officers**

Including reference to the Area Boards and Delegated Decision checklist for officers on the issue of when and how to involve local councillors and Area Boards in decisions about local services. This stems from one of the outcomes of the Leader's review on Area Boards.

### Schedule 1 to the Scheme

Updating titles and main responsibilities of corporate directors following the management restructuring exercise.

### **Part 3C – Scheme of Delegation – Development Control**

Incorporating changes made following the review of the development control service which will be considered by Cabinet on 19 October 2010, details of which will be reported to the Standards Committee.

### **Part 3D – Scheme of Delegation – Licensing**

To include authority to make Designated Public Places Orders as previously approved by Council (13/07/10)

#### **Part 4 – Rules of Procedure - Council**

To include legislative references where appropriate.

To make provision for the cancellation of meetings in certain circumstances.

##### Public Participation at meetings

This has been changed to provide clarity over what is expected from members of the public wishing to participate at meetings by making statements, asking questions and presenting petitions and what they can expect from the Council. The deadline for submitting questions has been brought forward from two days to four clear days (for a meeting on a Tuesday, deadline would be 5pm Tuesday of the preceding week) in line with the deadlines being proposed in respect of Councillors' questions (see below).

To include reference to the Petition Scheme approved by Council (18/05/10) and attach the Scheme as a Schedule.

##### Councillors' questions

This has also been changed to provide clarity over what is expected from members of the council wishing to ask questions at meetings and what they can expect. The deadline for submitting questions has been brought forward from two days to four clear days on the understanding that written responses would be circulated to Councillors two days before the meeting unless this is not possible due to exceptional circumstances (eg volume of questions received).

##### Motions on Notice

This has been changed to provide more clarity over what is expected from Councillors wishing to submit such motions and how they are dealt with at the meeting. It also provides for motions relating to executive functions which cannot be determined by Council being referred to the Leader.

The deadline for submission of motions is 10 clear days instead of the previous 14 days.

##### Amendments to motions

A number of members have through their feedback via the questionnaire expressed concern over what has been deemed to constitute a valid amendment to a motion. The Focus Group considered this and although it has not recommended a change to the constitution, has requested that consideration be given to the drawing up of a Protocol to provide an acceptable convention.

#### **Part 5 – Access to Information Procedure Rules**

To include legislative references where appropriate

#### **Part 6 – Budget and Policy Framework**

This has been checked against relevant legal provisions and no changes are proposed.

## **Part 7 – Cabinet Procedure Rules**

No major changes.

## **Part 8 – Overview and Scrutiny Procedure Rules**

Changes recommended by the Overview and Scrutiny Management and Co-ordination Liaison Board and the Focus Group:

Paragraph 9 – Work Programme – reference to the council's priorities in the Corporate Plan and the relationship with the Audit Committee and referencing to the Protocol on the Governance Reporting Arrangements.

Including reference to the designated Scrutiny Officer (as recommended) as the officer lead on scrutiny.

Paragraph 30 – Attendance by others and evidence gathering  
Detailing the principles which would apply to how meetings are conducted when witnesses are called.

## **Part 9 – Financial Regulations**

### **Part 10 – Financial Procedure Rules**

These were previously revised and adopted by Council (18/05/10)

Minor change since adoption by Council at paragraph 105 of the Financial Regulations in respect of work for third parties to ensure consistency with the revised Contract Regulations (Part 11)

## **Part 11 – Contract Regulations**

The Regulations have been revised to take into account revisions in EU procurement thresholds and other directives and to provide greater clarity to the reader over their responsibilities to comply with them. The Regulations were considered in detail by the Focus Group on 20 September and 8 October 2010. Changes recommended by the Focus Group have been incorporated.

## **Part 12 – Members' Job Description**

Paragraph 3 – minor change to refer to the Members' Allowances Scheme rather than quoting the amount of basic allowance payable.

A question has been raised over whether this Part should be included in the constitution at all on the basis that it is more appropriate for prospective Councillors than serving Councillors.

## **Part 13 – Code of Conduct for Members**

Unchanged

## **Part 14 – Members' Allowances Scheme**

This reflects the Scheme previously approved by Council (10/11/09) following consideration of a report of the Independent Remuneration Panel.

## **Part 15 – Officer Employment Procedure Rules**

Unchanged

## **Part 16 – Human Resources Code of Conduct**

A revised Code was previously adopted by Council (13/07/10). Since Council adoption, a change has been made to make reference to the Council's policy on Politically Restricted Posts as recently approved by the Staffing Policy Committee.

## **Part 17 – Management Structure**

This has been updated following the senior management restructuring exercise.

## **Protocols**

### **Protocol 1 – Briefing and Information for Local Councillors**

This has been changed to provide more clarity but keeping within the spirit of the original document. Reference has been made to the Area Boards and Delegated Decision checklist as mentioned under Part 3B above

### **Protocol 2 – Councillor/Officer Relations**

This was completely revised as part of the last review of the constitution.

A recommendation from the Member Support in the Locality Task Group related to the need to include a protocol stipulating that Councillors can expect an initial response from Cabinet members and Portfolio Holders within two days and a substantive response within seven days.

The view of Cabinet members is that realistically, the suggested protocol could not be kept to all of the time. They have therefore recommended a broader protocol to the effect that in respect of member enquiries from other members, every effort should be made to provide a prompt response wherever possible with this being applied to all Councillors and not just Cabinet members.

The stance taken by the majority of members of the Focus Group is as follows:

*'Response from Cabinet members to other members of the Council*

*A response will, unless there are exceptional circumstances be acknowledged within two working days of receipt. A substantive response will be provided within ten working days of receipt. If that is not possible an explanation will be given as to the reason for the delay, what action is being taken, and when a response will be sent'.*

### **Protocol 3 – Guidance to Councillors Appointed to Outside Bodies (New)**

This is a new Protocol as referred to in the main report.

**Protocol 4 – Planning Code of Good Practice for Members of Wiltshire Council**

Incorporating changes made following the review of the development control service which is the subject of a report to Cabinet on 19 October 2010, the outcome of which will be reported to the Standards Committee.

**Protocol 5 – Leader’s Protocol for Individual Decision Making by Cabinet Members**

Unchanged

**Protocol 6 – Complaints Procedure**

This has been updated. The main change is the inclusion of the timescales involved.

**Protocol 7 – Media Relations**

Apart from a few very minor amendments, it had not been proposed to change this Protocol. However, the Focus Group was not happy with the Protocol as it stood and has asked for it to be redrafted taking on board specific comments it made. The Focus Group has asked for a revised version to be considered by a meeting of Group Leaders before being presented to Council as part of the revised constitution. For the reason, this Protocol is not available at this stage.

**Protocol 8 – Partnership (New)**

This is a new Protocol as referred to in the main report.

**Protocol 9 – Monitoring Officer**

Unchanged

**Protocol 10 – Code of Corporate Governance**

Unchanged

**Protocol 11 - Governance Reporting Arrangements (New)**

This is a new Protocol as referred to in the main report.

**Protocol 12 – Procedure for Determination of Referred Complaints by the Standards Committee**

Unchanged

Yamina Rhouati  
Democratic Governance Manager