

# Part 1

## Summary and Explanation

### The Council's constitution

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

### What's in the constitution?

4. Part two of the constitution contains the articles described below. These are:
  - Article 1 Main provisions of the constitution
  - Article 2 Members of the council
  - Article 3 Members of the public and the council
  - Article 4 The Full Council
  - Article 5 Chairing the council
  - Article 6 Overview and scrutiny committees
  - Article 7 The Cabinet
  - Article 8 Regulatory functions and other committees
  - Article 9 The Standards Committee
  - Article 10 Area Committees and Boards
  - Article 11 Joint arrangements
  - Article 12 Officers
  - Article 13 Decision making

- Article 14 Finance, contracts and legal matters
- Article 15 Review and revision of the constitution
- Article 16 Suspension, interpretation and publication of the constitution
- Article 17 Description of executive arrangements

### **How the council operates**

5. The council is composed of 98 councillors, elected every four years. Councillors are democratically accountable to residents of their electoral division and together represent the whole of Wiltshire. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them. The names and addresses of all councillors are published on Wiltshire Council's web-site ([www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)). Members of the public can also find out the names and addresses of councillors by contacting the democratic services team at County Hall.
6. Councillors have to follow a code of conduct to ensure high standards in the way they undertake their duties. The Standards Committee arranges training and advises them on the code of conduct.
7. All councillors meet together as the council. Meetings of the council are open to the public. At these meetings councillors decide the council's overall policies and set the annual budget. The council appoints the leader of the council for a period of four years. The leader appoints up to nine members to a cabinet and sets the terms of reference for each cabinet member. The council holds the leader and the cabinet to account by appointing overview and scrutiny committees to question decisions and propose policy changes.

### **How decisions are made**

8. The Cabinet is part of the council and is responsible for most day-to-day decisions. The cabinet is made up of the leader, who is chosen by the full council and up to nine councillors appointed by the leader.
9. When major decisions ("key decisions") are to be discussed or made, they are published in the cabinet's forward work plan, in so far as they can be anticipated. Wiltshire Council defines a key decision as:
  - any decision which would result in the closure of an amenity or total withdrawal of a service;
  - any restriction of service greater than 5 per cent measured by reference to current expenditure or hours of availability to the public;
  - any action incurring expenditure or producing savings greater than 20 per cent of budget service areas against which the budget is determined by Full Council;
  - any decision in accordance with the council's Financial Regulations (Part 9), involving financial expenditure of £500,000 or above, with the exception

of operational expenditure by Corporate Directors identified within the approved budget and policy framework.

- any proposal to change the policy framework.
  - any proposal which would have a significant effect on communities living or working in an area comprising two or more electoral divisions.
10. If key decisions are to be discussed with council officers at a meeting of the cabinet, the meeting will be open for the public to attend except where matters of a confidential or exempt nature are to be discussed.
  11. The cabinet has to make decisions which are in line with the council's overall policies and budget. If it considers that a decision is required which is outside the budget or policy framework, it must refer the matter to the whole council for a decision.
  12. There are overview and scrutiny committees which support the work of the cabinet and the council as a whole. They initiate public enquiries into matters of local concern. These lead to reports and recommendations which advise the cabinet and the council on policies, budget and service delivery. The overview and scrutiny committees also monitor the decisions of the cabinet. They can 'call-in' a decision which has been made by the cabinet but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the cabinet reconsider the decision. They may also be consulted by the cabinet or the council on forthcoming decisions and the development of policy.

### **The council's staff**

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

### **Rights and responsibilities of members of the public**

14. Members of the public have a number of rights in their dealings with the council. These are set out in more detail in Article 3. Some of these rights are conferred on the public by law, whilst others depend on the council's own processes.

Where members of the public use specific council services (for example, as users of social services or as a parent of a school pupil) they have additional rights. These are not covered in this constitution. The local citizens' advice bureau can advise on individuals' legal rights.