

Somerset County Council

Constitution and Standards Committee – 7<sup>th</sup> July 2017

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## **Annual Review of the Constitution**

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### **1. Summary**

- 1.1. The Council's Constitution requires the Council to review its Constitution on an annual basis. This would normally be done at the Council's AGM in May of each year although the last revision was agreed at the Council meeting in November 2016. In election year it is usual to defer the annual review to July to allow time to reflect any changes made to the Council's democratic arrangements at the May Annual General Meeting. Up until the May elections, Council had delegated authority to the Constitution Committee to recommend an updated Constitution each May encompassing the 'in-year' changes made by the Committee to the contents.
- 1.2. In May 2017, Council revised its committee arrangements by establishing the Constitution and Standards Committee and including within its responsibilities the requirement to recommend an amended Constitution to the Council for approval.
- 1.3. Accordingly, this report recommends a revised and updated Constitution to the Council for approval.

### **2. Recommendations**

- 2.1. **The Committee is asked to:**
  - (a) **Recommend the Council to approve the revised Constitution – Part 1 - attached as the Appendix A to this report**
  - (b) **Approve the amended procedure for dealing with complaints against members attached as Appendix B to this report.**

### **3. Background**

- 3.1 In advance of the elections the only changes made to the Constitution since the Council's approval of an updated version in November 2016 related to the amended Contract Standing Orders approved at the May 2017 Council meeting. The intention at the time of the last review was that a fundamental review of the Constitution would be undertaken in advance of and beyond the May elections. As it happens the changes to the democratic arrangements resulting from the elections were limited resulting in only a relatively small number of changes being required to the Constitution. Therefore the main changes proposed to the current Constitution in this report result from the amendments agreed in May 2017 to the Council's democratic arrangements by the Council and to the Council's executive arrangements by the Leader. Other aspects of the Constitution will be reviewed in the coming months and this will be reflected in the Committee's work programme. The changes proposed in this report only impact on Part 1 of the Constitution – Constitutional Arrangements. It is only Part 1 that is attached for consideration at Appendix A as no changes are proposed at this stage to Part 2 of the Constitution which

contains the supporting 'Rules, Codes and Protocols'.

### 3.2 New / revised content is highlighted in red in Appendix A.

In summary:

#### Section 4 – Full Council - Arrangements

- 4.2.1 - Full Council Responsibilities: Minor changes are proposed to the contents to reflect the establishment of the Constitution & Standards Committee, including the split of responsibilities between Full Council and the Committee – see pages 25 and 26.
- 4.2.1 - An amendment has been included on page 26 to make provision for the Council to receive annual reports from two of our key local partnerships – the Heart of the South West Local Enterprise Partnership and the Avon and Somerset Police and Crime Panel.

#### Section 5 – Leader and Cabinet Arrangements - in summary:

- 5.1.2 - minor changes to the text to reflect the reduction in the size of the Cabinet – see page 35
- new 5.1.3 – summarising the appointment of Junior Cabinet Members – see page 35 – (for details of the role see 5.6 – pages 40/41)
- para 5.5 – Cabinet Member titles updated - see page 40
- new 5.6 – sets out the detail of the Junior Cabinet Member roles – see page 40/41. This replaces out of date text relating to the defunct role of Cabinet Support Members.

#### Section 6A – Scrutiny Committees

- 6.2.1 – Functions – updated Cabinet Member title under the Children and Families heading – see page 46

#### Section 6B – Decision-making Committees

- New 6.8 - existing content in relation to the Standards Committee and Constitution Committee has been replaced in its entirety setting out the Constitution and Standards Committee arrangements as agreed by the Council – see pages 55 to 58.

#### New Section 6D – Code of Conduct Hearing Panel Arrangements

- New 6.11.1 to 6.11.12 - this new section – see pages 62 to 64 - reflects the decision by the Council in May to separate the Code of Conduct Hearing Panel arrangements (required to determine complaints against members) from the Constitution and Standards Committee which has been established to deal with policy and process matters. This also requires minor amendments to the procedure for dealing with complaints against members – see Appendix B attached. Amendments to the procedure in Appendix B are highlighted in red text. The blue text set out notes of explanation for the Committee's benefit. The Committee is able to amend this procedure without referral to Full Council for approval.

## Section 8 – Decision Making

- 8.5.9 - includes reference to the requirement to consult Junior Cabinet Members, where appropriate, when officers are using their delegated powers to make a decision – see page 89.
- 8.6.14 - includes reference to the requirement to consult Junior Cabinet Members as part of the key and non-key decision processes – see page 92.

## 4. Implications

### 4.1. Legal & Risk:

The Council's Constitution sets out the legal framework within which the Council takes decisions and fulfils its functions and responsibilities. It needs to be kept up to date and legally compliant. All of the proposed amendments to the Constitution are in accord with the legislative requirements which give considerable scope for the Council to agree its own constitutional arrangements.

### 4.2. Impact Assessment:

There are no direct equalities implications arising from any of the proposals in this report. There are also no sustainability or community safety implications.

### 4.3. Financial: Not applicable.

### 4.4. HR: Not applicable.

## 5. Background papers

### 5.1. None

**Note:** For sight of individual background papers please contact the report author.