

Constitution and Standards Committee

Friday 6 October 2017

10.00 am Luttrell Room - County Hall,
Taunton



To: The Members of the Constitution and Standards Committee

Cllr N Taylor (Chairman), Cllr S Coles, Cllr H Davies, Cllr M Dimery, Cllr D Loveridge
Mrs V Chapman, Mr R Horton, Mrs J Middleton, Dr T Ward and Mr W Wooding

Issued By Julian Gale, Strategic Manager - Governance and Risk - 28 September 2017

For further information about the meeting, please contact Neil Milne or Julian Gale or 01823
357628 or ndmilne@somerset.gov.uk

Guidance about procedures at the meeting follows the printed agenda.

This meeting will be open to the public and press, subject to the passing of any resolution
under Section 100A (4) of the Local Government Act 1972.

This agenda and the attached reports and background papers are available on request prior to
the meeting in large print, Braille, audio tape & disc and can be translated into different
languages. They can also be accessed via the council's website on
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AGENDA

Item Constitution and Standards Committee - 10.00 am Friday 6 October 2017

*** Public Guidance notes contained in agenda annexe ***

1 **Apologies for absence**

2 **Declarations of Interest**

Details of all Members' interests in District, Town and Parish Councils will be displayed in the meeting room. The Statutory Register of Member's Interests can be inspected via the Community Governance team.

3 **Minutes from the previous meeting** (Pages 5 - 8)

The Committee is asked to confirm the minutes are accurate.

4 **Public Question Time**

The Chairman will allow members of the public to present a petition on any matter within the Committee's remit. Questions or statements about any matter on the agenda for this meeting will be taken at the time when each matter is considered.

5 **Changes to the Contract Procedure Rules and Standing Orders** (Pages 9 - 12)

To consider this report.

6 **New rules to strengthen standards for Councillors** (Pages 13 - 16)

To consider this report.

7 **Access to Information and the Constitutional Provisions** (Pages 17 - 20)

To consider this report.

8 **Changing the names of Electoral Divisions** (Pages 21 - 24)

To consider this report.

9 **Any other urgent items of business**

The Chairman may raise any items of urgent business.

THE MEETING – GUIDANCE NOTES

IMPORTANT NOTE FOR MEMBERS OF THE PUBLIC

The Council in support of the principles of openness and transparency allows filming, recording and taking photographs at its meetings that are open to the public providing it is done in a non-disruptive manner. Members of the public may use Facebook and Twitter or other forms of social media to report on proceedings and a designated area will be provided for anyone who wishes to film part or all of the proceedings. No filming or recording will take place when the press and public are excluded for that part of the meeting. As a matter of courtesy to the public, anyone wishing to film or record proceedings is asked to provide reasonable notice to Neil Milne, Community Governance Officer, County Hall, Taunton, Somerset, TA1 4DY 01823 359045 or email ndmilne@somerset.gov.uk so that the Chairman of the meeting can inform those present.

We would ask that, as far as possible, members of the public aren't filmed unless they are playing an active role such as speaking within a meeting and there may be occasions when speaking members of the public request not to be filmed.

The Council will be undertaking audio recording of some of its meetings as part of its investigation into a business case for the recording and potential webcasting of meetings in the future.

A copy of the Council's Recording of Meetings Protocol should be on display at the meeting for inspection, alternatively contact the Committee Administrator for the meeting in advance

1. Inspection of Papers

Any person wishing to inspect Minutes, reports, or the background papers for any item on the agenda should contact Neil Milne (contact details above).

2. Notes of the Meeting

Details of the issues discussed and decisions taken at the meeting will be set out in the Minutes, which the Committee will be asked to approve as a correct record at its next meeting. In the meantime, details of the decisions taken can be obtained from Neil Milne (contact details as above)

3. **Public Question Time**

At the Chairman's invitation you may ask questions and/or make statements or comments, or send in a written question about **any matter on the Committee's agenda**. You may also present a petition on any matter within the Committee's remit. **The length of public question time will be no more than 30 minutes in total.**

A slot for Public Question Time is set aside near the beginning of the meeting, after the minutes of the previous meeting have been signed.

Any person wishing to raise a matter under public question time must inform the meeting administrator (Neil Milne – contact details as above) by 12 noon **the (working) day before** the meeting.

4. **Emergency Evacuation Procedure**

In the event of the fire alarm sounding, members of the public are requested to leave the building via the signposted emergency exit, and proceed to the collection area outside Shire Hall. Officers and Members will be on hand to assist.

5. **Members' Code of Conduct Requirements**

When considering the declaration of interests and their actions as a councillor, Members are reminded of the requirements of the Members' Code of Conduct and the underpinning Principles of Public Life: HONESTY; INTEGRITY; SELFLESSNESS; OBJECTIVITY; ACCOUNTABILITY; OPENNESS; LEADERSHIP. The Code of Conduct can be viewed at: <http://www.somerset.gov.uk/organisation/key-documents/the-councils-constitution/>

CONSTITUTION & STANDARDS COMMITTEE

Minutes of a meeting of the Constitution and Standards Committee held in the Luttrell Room, County Hall, Taunton on Friday 7 July 2017 at 11.00am.

Present: Cllr N Taylor (Chair), Cllr S Coles, Cllr H Davies and Cllr L Redman (Substitute).

Co-opted Members: Mrs V Chapman and Mr W Wooding.

1 APOLOGIES FOR ABSENCE - agenda item 1

Cllr M Dimery and Cllr D Loveridge.
Mrs J Middleton, Mr R Horton, and Dr T Ward.

2 DECLARATIONS OF INTEREST – agenda items 2

Cllr S Coles, Cllr H Davies, Cllr L Redman and Cllr N Taylor all declared a personal interest as a District and/or City/Town, Parish Councillor.

3 PUBLIC QUESTION TIME - agenda item 3

None.

4 CONSTITUTION AND STANDARDS COMMITTEE – TERMS OF REFERENCE – agenda item 4

4.0 The Committee considered a report by the Council's Monitoring Officer that set out the Committee's terms of reference and operating arrangements, as agreed by the Council on 24 May 2017 when it amalgamated the Constitution and Standards Committees to form a Constitution and Standards Committee.

4.1 It was reported that, in summary, the Committee's main responsibilities related to updating the Council's Constitution and the policies and procedures in relation to standards of conduct. It was noted that political proportionality had been waived in relation to the elected membership of the Committee with one member of each political group being appointed. Also the co-opted members of the former Standards Committee had been appointed to the Committee as non-voting members and with a renewed term of office.

4.2 Members also heard that the functions of the Constitution and Standards Committees had been brought together in the new Committee and included the functions of the Council in respect of Council elections and boundary reviews. There was a brief discussion around the determination of complaints against members as these were now subject to separate arrangements under the Constitution. It was suggested that the wording in the Constitution reflects this more clearly as the Committee had no involvement in the Hearing Panel process.

4.3 The report was discussed and there was a brief discussion on the subject of a Code of Conduct for Officers and the Monitoring Officer noted that he was working on such a code and the he would present it to a future meeting. It was envisaged that a Code of Conduct for Officers would be applicable to all staff irrespective of their grade or responsibility and would also apply to staff of varying contractual arrangements such as consultants.

4.4 The Committee agreed to accept the report including its terms of reference noting the suggested amendment to clarify the Committee would have no role in considering or determining member complaints.

5 APPOINTMENT OF HONORARY ALDERMEN/ALDERWOMEN – agenda item 5

5.0 The Committee considered this report from the Council's Monitoring that asked the Committee to recommend to Council the approval of arrangements for the appointment of Honorary Aldermen/Alderwomen. This would be a way of honouring former Councillors who had given long and/or distinguished service to Somerset and its residents.

5.1 It was explained that before the elections last May a proposal was made for a requisitioned item to be brought to the Council to propose the adoption of Honorary Aldermen/Alderwomen. Given the proximity of the elections and the retirement of a number of councillors it was decided to bring the proposal forward after the elections and to the relevant committee for consideration.

5.2 There was a discussion of the report and it was explained that the proposals could only be agreed at a specially convened meeting of the Council and any such appointments would be entirely honorary positions, bringing no special rights, but were intended to reflect the esteem of the wider community.

5.3 It was suggested that the wording of the report be clarified to explain that the position of Honorary Aldermen/Women would not just be open to former Councillors who had been Chairmen of the Council but to all former Councillors. It was noted that the report had suggested nominees had served a minimum period of 12 years past service as a Councillor of the Council.

5.4 The Committee **RESOLVED** to:

- a) **RECOMMEND** the Council to:
to approve the arrangements for the appointment of Honorary Aldermen/Alderwomen as set out in section 3.4 of the report and to include those arrangements as an appendix to the Constitution.

6 ANNUAL REVIEW OF THE CONSTITUTION – agenda item 6

- 6.1 The Committee considered this report that set out changes made to the Council's democratic structure at the 24 May 2017 Annual General meeting. In May the 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.
- 6.2 The Council's Monitoring Officer introduced the report and explained that the main changes proposed to the Constitution resulted from the amendments agreed at the Council meeting last May to the Council's democratic arrangements and the Council's executive arrangements by the Leader.

- 6.3 Attention turned to Part 1 of the Constitution, attached to the report as Appendix A, and the Chairman invited comments from Committee Members and in the ensuing discussion the following points were made, issues raised and/or questions asked/answered including:

Section 2.1 delete 2017 and replace with 2012;

Section 2.3, Appointments – replace references (throughout the Constitution) to Chairman/Chairmen with Chair;

Section 4.2.1 (u) to include the words 'or any other relevant partnership as requested by the Constitution and Standards Committee';

Section 5.6.1 Junior Cabinet Members (e) there was a discussion about the word deputise and adding some text about this explaining it did not mean taking decisions;

Section 6.8.1 Functions of Constitution and Standards Committee – to amend the single sentence after the lettered bullet points a-f, with words to the effect of, The Committee has no role in considering or determining member complaints. The Constitution includes separate arrangements for Code of Conduct Hearing Panels to deal with member complaints;

Section 6.11.3 Final bullet point – to read along the lines of – 1 other member from the opposition groups nominated by their group leader with the agreement of the other opposition group leaders;

Section 6.11.7 To read along the lines of – The Panel will be Chaired by the Administration's appointed representative from within the membership shown at 6.11.3.

- 6.4 The Committee agreed:
To recommend the Council to approve the revised Constitution – Part 1 - attached as the Appendix A to the report and:

To approve the amended procedure for dealing with complaints against members attached as Appendix B to the report.

- 6.5 It was noted that other aspects of the Constitution would be reviewed in the coming months and this will be reflected in the Committee's work programme for future meetings.

7 DATES OF FUTURE MEETINGS – agenda item 7

- 7.1 The Committee considered a tabled report that set out future meeting dates in 2017 and 2018.

- 7.2 It was agreed the Committee would meet on Fridays with meetings to start at 10am on the following dates:
6 October 2017, 9 February 2018, 27 April 2018 and 12 October 2018.

- 7.3 Elected members were reminded that they are able to nominate substitutes in the event that they are unable to attend a meeting.

The meeting ended at 13.00

**Cllr Nigel Taylor
Chair
Constitution and Standards Committee**

Changes to the Contract Procedure Rules and Standing Orders

Lead Officer: Richard Williams, Commercial and Business Services Director
Author: Carly Wedderburn, Strategic Manager (People and Place),
Commercial and Procurement
Contact Details: CWedderburn@somerset.gov.uk

1. Summary

- 1.1. The purpose of this report is to highlight a change to section 28 Most Economically Advantageous Tender of the Contract Procedure Rules and Standing Orders (the “Rules”) that in the interest of our obtaining better value for money Somerset County Council’s (SCC) Senior Leadership Team (SLT) has recently recommended.

2. Recommendations

- 2.1. **That the Constitution and Standards Committee endorse the proposed changes; the first of which has been set out with the purpose of ensuring better value for money through our commissioning and procurement activities and the second of which provides an additional exemption from the scope of the Rules.**
- 2.2. **That the amended Rules are formally adopted in to the Constitution.**

3. Background

- 3.1. SCC Officers remain diligently focused on achieving good value for money for its citizens and closing the budget gap through its various Medium Term Financial Plan (MTFP) initiatives and as part of that SLT’s attention has turned to the Rules and the commercial and quality considerations that can legitimately be made through SCC’s procurement activity. Within the version that was formally adopted in to the Constitution on 24 May 2017 it was laid out within section 24 Most Economically Advantageous Tender that,

“Award Criteria shall be comprised of both commercial and quality considerations, which shall be represented in the Procurement Documents as a ratio of 60:40 weighted in favour of price, although the Officer may vary the given ratio in favour of price. Where the Officer wishes to vary the given ratio in favour of quality, the Officer must gain the approval of the CPT to do so. Where the Officer and the CPT is unable to reach an agreement and therefore the Officer fails to gain the CPT’s approval, the Officer must develop a business case justifying the deviation and obtain the approval of the Director of Commercial and Business Services.”

It is in relation to this section that the first change is proposed to be made, as the original drafting was considered by SLT as not going far enough towards considering price as part of the overall procurement evaluation. It is worthy of note that this drafting and the proposed change is driven by SCC’s financial

position, as opposed to procurement best practice and as such there is no precedent of another County Council including such a statement within its Rules to draw comparison with for the purposes of understanding whether or not the proposed ratio is contemporary with others' thinking.

In relation to the second proposed change upon a review of the Rules by SCC's Finance and Performance directorate, more specifically its Funds and Investments Manager, it was noted that an exemption from the previous iteration of the Rules, dated January 2016, was omitted from the version agreed and adopted in to the Constitution on 24 May 2017. This omission reads as follows:

"Pension Fund administration and governance arrangements are separate from main Council affairs and consequently not all of the Contract Standing Order requirements to apply to the fund. Exclusions will in the main only apply to approvals and reporting whilst all other principals surrounding the Contract Standing Orders and statutory requirements will remain. Where exemptions apply, these will be stated in the Pension Fund Scheme of Delegation and updated and approved periodically, concurrent with these Contract Standing Orders."

This second proposal to the Committee seeks to redress this omission.

3.2. Fundamental change

The first change, if agreed, would see the tender evaluation criteria ratio change from 60:40 to 70:30 weighted in favour of price. As such the amended section 24 would read as follows:

"Award Criteria shall be comprised of both commercial and quality considerations, which shall be represented in the Procurement Documents as a ratio of 70:30 weighted in favour of price, although the Officer may vary the given ratio in favour of price. Where the Officer wishes to vary the given ratio in favour of quality, the Officer must gain the approval of the CPT to do so. Where the Officer and the CPT is unable to reach an agreement and therefore the Officer fails to gain the CPT's approval, the Officer must develop a business case justifying the deviation and obtain the approval of the Director of Commercial and Business Services."

The ratio has been proposed at 70:30 in favour of price so as to communicate clearly to Officers' the importance of best value within the current financial climate. It was also felt that giving a 30% weighting for quality also allowed scope to sufficiently consider all of the related quality factors such as good service delivery, and social value. Were the ratio to be weighted more heavily in favour of price, i.e. 80:20, it is felt that this would not provide sufficient focus on quality, which may be to the detriment of best value in any case should a poor quality service (or good and works) give rise to additional cost throughout the lifetime of the contract to provide for alternatives, replacements and/or supplementary services (or goods and works).

The second change has been proposed to respond to a previous provision that afforded the Pensions Committee (the "Committee") the opportunity of

exempting its activities to take account of the different constitutional set up and operating structure of the Pensions Fund (the “Fund”) where it is not possible to reconcile this with the full application of the Rules. An example of this is to say that Cabinet has no jurisdiction over the Fund so constitutionally it is not appropriate that over the stipulated thresholds it is required to seek a Cabinet Member’s approval. Rather, the Fund’s proposed approach is to place the responsibility for all approvals with the Section 151 Officer following a discussion with the Committee.

It is relevant to note that there is no desire to exempt the Pensions Fund from good practice or its legal obligations in respect of the Rules, rather that the approvals procedure should be allowed to take an alternative approvals route than that otherwise stated therein.

4. Consultations undertaken

- 4.1. SLT is comprised of Council Officers representing the entirety of SCC and all were in broad agreement with the proposal for the first of the two changes. With regard to the second of the proposed changes, consultations have taken place with SCC’s Strategic Manager for Community Governance and its Funds and Investments Manager.

5. Implications

- 5.1. Legal & Risk: the Contract Procedure Rules and Standing Orders set out the legal and procedural framework within which the Council manages its third party spend through the procurement of goods, services and works. It must be kept up to date and compliant with the relevant legislation and is an important part of the Council’s Constitution.
- 5.2. Impact Assessment: the Council’s duty under Section 149 of the Equality Act 2010 is to have “due regard” to the matters set out in relation to equalities when considering and making decisions on the provision of services. There are no direct impacts on equalities, sustainability, health and safety, or community safety as a result of this report.
- 5.3. Financial: SCC has a statutory duty to ensure that it operates under the principle of Best Value.
- 5.4. HR: none.

6. Background papers

- 6.1. None.

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New rules to strengthen standards for councillors

Lead Officer & Author: Julian Gale, Strategic Manager - Governance & Risk & Monitoring Officer

Contact Details: 01823 359047

1. Summary

- 1.1. This report sets out plans announced by the Government to plans to strengthen rules to prevent anyone found guilty of serious crimes from serving on local councils.
- 1.2. The Government has issued a consultation paper and is inviting comments by Friday 8th December 2017.

2. Recommendations

2.1. The Committee is asked to:

- (a) **Consider the consultation document and advise on any comments that can be submitted as the Council's response to the consultation.**
- (b) **Delegate authority to the Monitoring Officer and Deputy Monitoring Officer in consultation with the Chairman to finalise the Council's response in line with comments received from the Committee and submit the response to meet the deadline.**

3. Background

- 3.1 The planned changes to criteria, are intended to ensure those who represent their communities are held to the highest possible standards.

Current rules make clear that anyone convicted of an offence carrying a prison sentence of more than 3 months is banned from serving as a local councillor.

However, the Minister said that while this may have prevented criminals from becoming councillors, it does not reflect modern sentencing practices.

New rules could mean anyone given an Anti Social Behaviour Injunction, a Criminal Behaviour Order or added to the sex offenders' register, would no longer be able to hold elected office in their communities.

The Minister added:

“Councillors hold an important position of trust and authority in communities across England. We need to hold them to the highest possible standards.

The current rules are letting residents and councils down by not preventing people who should never be considered for such roles from standing for election.

The changes the government is proposing would help make sure anyone convicted of a serious crime, regardless of whether it comes with a custodial sentence, will not be able to serve as a councillor.”

3.2 Changes proposed to reflect modern day sentencing

Current barriers to becoming a councillor include being employed by the authority, being subject to a bankruptcy order or being convicted of an offence resulting in a prison sentence.

These restrictions were implemented in 1972, before the sex offenders register or other non-custodial orders existed. The new proposed measures would bring rules much more into the present day by including the alternatives to a prison sentence also becoming a barrier to being a councillor.

They would apply to councillors and mayors in parish, town, local, county and unitary councils, combined authorities and the Greater London Authority.

It would mean a ban on standing to be elected or if once elected a councillor was subsequently convicted of a serious offence, that resulted in an Anti Social Behaviour Injunction, a Criminal Behaviour Order or being on the sex offenders' register, being forced to step down.

The Government feels that the changes would better reflect rules governing standards of MPs, where members face suspension from the House for anything that contravenes the parliamentary code of conduct.

3.3 The full consultation document can be accessed at [consultation](#)

The key questions which the consultation asks are repeated below for ease of reference. Members are asked for their responses to the questions posed

Q1. Do you agree that an individual who is subject to the notification requirements set out in the Sexual Offences Act 2003 (i.e. is on the sex offenders register) should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?

Q2. Do you agree that an individual who is subject to a Sexual Risk Order should not be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or the London Mayor?

Q3. Do you agree that an individual who has been issued with a Civil Injunction (made under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014) or a Criminal Behaviour Order (made under section 22 of the Anti-social Behaviour, Crime and Policing Act 2014) should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?

Q4. Do you agree that being subject to a Civil Injunction or a Criminal Behaviour Order should be the only anti-social behaviour-related reasons why an individual should be prohibited from standing for election, or

holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?

Q5. Do you consider that the proposals set out in this consultation paper will have an effect on local authorities discharging their Public Sector Equality Duties under the Equality Act 2010?

Q6. Do you have any further views about the proposals set out in this consultation paper?

3.4 The Council's response:

It is proposed that the Council's response is based on comments made by members at the meeting. Comments will be taken and consolidated into a response and the process for final sign-off is set out in the recommendation.

4. Implications

- 4.1. Legal & Risk: No implications to the Council.
- 4.2. Impact Assessment: No implications to the Council.
- 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.

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Access to Information and the Constitutional Provisions

Lead Officer& Author: Julian Gale, Strategic Manager - Governance & Risk & Monitoring Officer

Contact Details: 01823 359047

1. Summary

- 1.1. This report summarises progress with the review of the contents of the Constitution in relation to members and the rules around ‘access to information’. In addition this preparatory work has revealed some issues where the views of the Committee would be appreciated at this stage as this will inform both the approach to be taken as well as the detailed content. The intention beyond this meeting would be to bring revised constitutional content to your next meeting for consideration.

2. Recommendations

- 2.1. **The Committee is invited to comment on the issues set out in paragraphs 3.6.1 to 3.6.5 below.**

3. Background

- 3.1 Rights of access for members to information held by the Council comprise a complex interaction of various pieces of legislation, regulations and the common law. All Members have rights of access to information held by the Council under the Freedom of Information Act, the Data Protection Act, the Environmental Information Regulations and the Local Government Act 1972. Latterly, the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 added to the requirements with rules in respect of ‘executive’ (Cabinet) business with the focus on the decision making arrangements.

- 3.2 It is important for transparency and understanding that the relevant provisions are set out in the Council’s Constitution and published. Currently the relevant content is in two places:

Part 1: Section 8 – Decision Making: This is summary content setting out the main requirements and processes behind the formal decision making process. This document can be accessed via the link below and the relevant pages are 74 to 82.

<http://www.somerset.gov.uk/organisation/key-documents/the-councils-constitution/>

Part 2: Appendix F – Protocol on Members’ Access to Information and other Confidential Issues. This includes more detail than Part 1 Section 8 in respect of member entitlements to information as part of the decision making process as well as more general provisions in relation to members and access to information. This document can also be accessed via the link set out above.

3.3 An assessment of the current contents of each has revealed:

- Some duplication of content between the two documents
- Some inconsistencies between the content.
- In some cases the content doesn't always necessarily reflect our current practice (eg access provided to members to confidential and exempt information).

These issues will be addressed in amendments to be presented to the Committee's next meeting but the main issues are set out below under paragraph 3.6.

3.4 The good news is that in all aspects we are meeting the requirements of the legislation and in some respects, in particular members access to confidential and exempt information, we go beyond the legal requirements with our current practice.

3.5 My conclusion following discussion with the County Solicitor is that the Council would benefit from having one set of rules within Part 1 of the Constitution giving greater clarity to members, officers and the public alike. I hope that the Committee would support this intention. As stated above the intention would be to bring the single set of provisions to your next meeting for consideration following the discussion today.

3.6 Developing the comments made in para 3.3 above, there are some specific issues that need inclusion and/or discussion and these are set out below in paragraphs 3.6.1 to 3.6.5. We are happy to expand on these points at the meeting.

3.6.1 The need to know principle. The content would benefit from a more detailed explanation of the 'need to know' principle which is the common law right of members to inspect council documents. This important principle gives any member a prima facie right to inspect Council documents to enable him/her to properly perform their Council duties. The member must demonstrate a 'need to know' and this does not give a member a "roving commission" to examine Council documents. In many circumstances the member's need to know will be presumed and access provided but in others (e.g. a member wishing to inspect documents which contain personal information about third parties) a member would be expected to justify the request in writing in specific terms. The Monitoring Officer will arbitrate if there is disagreement.

3.6.2 Use of Council information by members: The content needs to make explicit the fact that any County Council information provided to a member must only be used by the member for the purpose for which it was provided i.e. in connection with the proper performance of Council duties.

- 3.6.3** Requests for information: We consider that the content needs to make clear that members are entitled to request information and advice from any service area to enable them to discharge their role as a member. This can range from a request for general information about some aspect of a service's activities to a request for specific information on behalf of a constituent. Such approaches should however normally be directed to the Director for the service area. If a member is unsure who to approach then a Community Governance Officer will be able to advise. Members must not put undue pressure on officers (particularly junior officers) to release information and documents to which they are not entitled to have access.
- 3.6.4** Passing on confidential information: The content picks up the point that members must not pass on confidential information to anyone unless they have the authority to do so. The content would benefit from additional guidance where members are unsure as to information is confidential or not. If a member is unsure as to the status of information coming into their possession, they should always clarify its status with the source before passing it to anyone else. The content should also be strengthened to make it essential that a member consults the Monitoring Officer or the County Solicitor before releasing confidential information to another party.
- 3.6.5** Members access to confidential or exempt papers: The current content doesn't consistently detail the Council's current practice about making available cabinet or committee papers containing confidential or exempt information to non-members of the decision making body. **The Council currently goes beyond the legal requirements in giving access, particularly in relation to cabinet business.** Currently, confidential papers are generally made available to all members on request whether or not they are a member of the decision making body concerned. There will be occasions where access is restricted where personal information about a third party is the subject matter or if the matter is highly commercially sensitive. The restrictions are practical ones, eg, individually named copies handed out at the start of the meeting and collected in before members leave the room or in some cases members may be required to sign a non-disclosure agreement before being given access. On the assumption that members are content with these arrangements which support transparency then the relevant content will be brought into line with this approach.

4. Implications

- 4.1.** Legal & Risk: It is important that the Constitution is up to date, meets legal requirements and reflects the practice of the Council. This revision and updating process will assist in meeting these requirements.
- 4.2.** Impact Assessment: No implications.
- 4.3.** Financial: None
- 4.4.** HR: Not applicable.

5. Background papers

5.1. None

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

Changing the names of Electoral Divisions

Lead Officer & Author: Julian Gale, Strategic Manager - Governance & Risk & Monitoring Officer

Contact Details: 01823 359047

1. Summary

- 1.1. This report sets out a proposed process for the Council to consider changing the names of electoral divisions to better reflect their local geographies and communities. It comes on the back of a request from the Leader for details of the process and whether it is within the Council's gift to make such changes.
- 1.2. This is a rather unusual item of business but has been brought before the Committee as one of the Committee's functions relates to the consideration of electoral review matters.

2. Recommendations

- 2.1. **The Committee is asked to agree the proposed process leading to the Council's consideration of requests from members for changes to the names of electoral divisions.**

3. Background

- 3.1 The Council currently has 55 members representing 54 electoral divisions (Street and Glastonbury being a 2 member division. The current pattern of divisions dates from 2011 / 2012 and the most recent review of the Council's boundary arrangements carried out by the Local Government Boundary Commission. Such reviews tend to be carried out every 10 years or so or when the numbers of electors per division becomes unbalanced as a result of population changes. Although the County Council is a key consultee in the boundary review process the final decision in respect of the pattern of electoral divisions, their boundaries and names rests with the Government on the back of recommendations made by the Commission.
- 3.2 Following the request from the Leader as to the process to bring forward changes to the names of electoral divisions between boundary reviews, clarification was obtained from the Commission that changes can be made and the process that needs to be followed to bring about changes. The timing of our request for details of the process proved timely. The Commission referred us to the Local Government and Public Involvement in Health Act 2007 and specifically section 59. The provisions in the legislation mean that given where we are between boundary reviews, if we wanted to make changes in advance of December 2017 then we would need the Commission's approval and this would include taking the proposals through the parliamentary process. The Commission advised leaving any changes until after December 2017 when the decisions in relation to changes rest with the Council. It is worth pointing out at this stage that the ability of the Council to make changes is limited to the names of the electoral divisions. It doesn't extend to changing boundaries etc.

3.3 The 2007 Act requires:

- (a) That the local authority must not pass a resolution to change the name of an electoral division unless it has taken reasonable steps to consult such persons as it considers appropriate on the proposed name.
- (b) That any changes are the subject of a Full Council resolution at a special Council meeting which is specially convened for the purpose, and have to be supported by a majority of at least two thirds of the members voting.
- (c) As soon as practicable after a resolution is passed, the local authority must give notice of the change of name to all of the following—
 - the Electoral Commission;
 - the Boundary Commission for England;
 - the Office of National Statistics;
 - the Director General of the Ordnance Survey;
 - if the local authority is a county council, the district council (if any) within whose area the electoral area lies;
 - if the local authority is a district council, the county council (if any) within whose area the electoral area lies.
- (d) The change of name does not take effect until the Electoral Commission have been given notice of the change.

Having considered these requirements, the following paragraphs set out a proposed way forward to deal with requests for changes as proposed by the local member.

3.4 Following clarification of the process from the Local Government Boundary Commission, I wrote to all group leaders to inform of the possibility of revising electoral division names and to invite suggestions. I made the point that this should not be taken as a general opportunity to revise names but that if there were members who felt that the name of their electoral division was so out of kilter with the geography and the local community then this represented an opportunity to bring forward changes. I am currently waiting for final confirmation of any requested changes but it is likely to be restricted to a handful of requests. With this in mind it is necessary for the Council to have a process in place to take forward requests and ensure that the requirements of the legislation are met. This report proposes a process for consideration by the Committee.

3.5 Proposals:

This part of the process is all but complete. The onus has been put on the existing member to initiate a proposal and submit it to me via their group leader.

3.6 Consultation:

- (a) need to give at least a 10 week period for consultation to comply with best practice
- (b) key focus on consulting organisations in the locality rather than individuals – but to also give individuals the ability to comment should they wish to do so via the Council’s website
- (c) key audiences proposed: relevant local councils (parish and town) and district councils
- (d) the political groups with Somerset
- (e) other groups that the local member considers appropriate.

I am very happy to take on board any other methods of consultation that members consider appropriate.

My proposal for consideration is that the outcomes of the consultation processes are fed back into this Committee for consideration. The Committee would then make recommendations to Full Council at a special meeting for any amendments to the names of electoral divisions.

3.7 Decision making process:

My proposal is that the Committee having considered the outcomes of the consultation process would then make recommendations to a special meeting of the Council for any changes to electoral division names. My expectation is that the Committee would invite those members promoting changes to attend for the Committee’s debate.

The special meeting of the Council could be held immediately on the rise of either the February or May Council meeting to consider the recommendations of the Committee.

4. Implications

4.1. Legal & Risk: None.

4.2. Impact Assessment: No implications.

4.3. Financial: It is anticipated that any costs of consultation will be contained within the existing budget. It will involve electronic communication in the main as part of business as usual.

4.4. HR: Not applicable.

5. Background papers

5.1. None

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

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