

Minutes of a Meeting of the Constitution and Governance Committee held in the Council Chamber, Council Offices, Brympton Way, Yeovil BA20 2HT, on Wednesday, 18 October 2023 at 2.00 pm

Present:

Cllr Ross Henley (Chair)
Cllr Tim Kerley (Vice-Chair)

Cllr Simon Carswell
Cllr Barry Clarke
Cllr Helen Kay
Cllr Emily Pearlstone

Cllr Mandy Chilcott
Cllr Dawn Johnson
Cllr Martin Lovell
Cllr Richard Wilkins

In attendance:

Cllr John Bailey

Other Members present remotely:

Cllr Hugh Davies
Cllr Theo Butt Philip
Cllr Bob Filmer
Cllr Sue Osborne
Cllr Peter Seib
Cllr Martin Wale

Cllr Steven Pugsley
Cllr Simon Coles
Cllr Tessa Munt
Cllr Evie Potts-Jones
Cllr Sarah Wakefield

8 Apologies for Absence - Agenda Item 1

Apologies were received from Councillors Hugh Davies, who attended online, Christine Lawrence and Steven Pugsley, who attended online.

9 Minutes from the Previous Meeting - Agenda Item 2

Resolved that the minutes of the Constitution and Governance Committee held on 16 August 2023 be confirmed as a correct record.

10 **Declarations of Interest** - Agenda Item 3

Councillors present at the meeting declared the following personal interests in their capacity as a Councillor of a Town or Parish Council or any other Local Authority:-

UNITARY COUNCILLOR	TOWN AND/OR PARISH COUNCIL
Simon Carswell	Street Parish Council
Ross Henley	Wellington Town Council
Tim Kerley	Somerton Town Council
Martin Lovell	Shepton Mallet Town Council
Richard Wilkins	Curry Rivel Parish Council

11 **Public Question Time** - Agenda Item 4

There were no questions submitted.

12 **Constitution – Update on its review** - Agenda Item 5

The Head of Governance and Democratic Services, Scott Wooldridge, presented an update on the work being undertaken to review the new Constitution of Somerset Council.

During the discussion, the following points were raised:-

- Councillors highlighted that a request to update the report templates had been made at the previous meeting of the Audit Committee, which they believed would have been debated by the Constitution and Governance Committee.
The Head of Governance and Democratic Services advised that the request was being dealt with elsewhere as it did not fall within the remit of the work for the Committee.
- Councillors agreed that the Working Groups needed to be set up as soon as possible.
- Councillors queried how they could submit feedback for the Working Groups to consider within their work programme.
The Head of Governance and Democratic Services advised he was happy to work with councillors to ascertain their feedback.
- Clarification was sought on the composition of the Working Groups.
- Councillors highlighted that the members of the Constitution and Governance Committee should be involved in all the Working Groups, especially the one

for Planning Committee Terms of Reference.

The Head of Governance and Democratic Services advised that there would be a joint workshop held prior to the report coming back to Committee for debate, which would involve members of the Working Group plus the Constitution and Governance Committee members.

- Councillor Mandy Chilcott proposed the following amendment which Councillor Helen Kay duly seconded:-

In line with the Constitution and Governance Committee guidance, that the committee was to give a steer to officers before any proposals came forward, that two members of the Constitution and Governance Committee be added to the Constitution Review Working Group for the Planning Committee Terms of Reference, along with the Chairs and Vice Chairs of each Planning Committee and the Lead Member for Economic Development, Planning and Assets.

The vote was taken, with five votes for and five votes against, therefore the Chair used his casting vote against and the amendment was not carried.

- Councillors highlighted that there should be a lot of data already gathered because of the recent consultation plus the feedback forms submitted after each Planning Committee meeting.
- Concern was raised that only the Chairs and Vice Chairs were being used for the Planning Committee Working Group.
- Councillors suggested that an email could be issued out to request written feedback for the Working Groups to use as part of the review.
- Councillor Dawn Johnson proposed the following amendment, which Councillor Helen Kay duly seconded:-

That all councillors be surveyed to ask for feedback and comments on the Planning Committee Terms of Reference which would feed into work of the Constitution Review Working Group for the Planning Committee.

The vote was taken with nine votes for and one abstention, therefore the amendment was carried.

- Councillors were pleased to see that Working Groups were being set up to assist with the work on reviewing the Constitution.

Resolved that the Constitution and Governance Committee:-

- 1) provided feedback and views on the proposed approach to the review;
- 2) nominated five members of the Committee to the Constitution Working Group – Council Procedures and appointed a Chair of that Working Group;
- 3) supported the proposals for the Constitution Working Group – Planning Committees and its proposed membership as set out in the presentation, as amended; and
- 4) supported the proposals for the Constitution Working Group – Licensing and Regulatory Committees and its proposed membership as set out in the

presentation.

The Service Director for Governance, Democratic and Legal Services and Monitoring Officer, David Clark, presented an update on the work being undertaken to review the Scheme of Delegation and Decision Making.

During the discussion, the following points were raised:-

- Councillors requested a further breakdown of the number of officers surveyed.
- Councillors queried whether the key decision threshold of £500,000 was still appropriate with the current budgetary concerns.

The Monitoring Officer advised that the threshold was used to determine whether the decision being taken was key or non-key. The Head of Governance and Democratic Services advised that the figure had been used at Somerset County Council for approximately ten years and had been reviewed annually during that period.

- Councillors queried whether the threshold would be lowered if a Section 114 Notice was issued.

The Monitoring Officer advised that it would be altered dependant on what restrictions were placed on the Council's spending.

- Councillors were glad that training was being provided for officers and that guidance was included on the report templates.
- Concern was raised on the number of officers included in the sign-off process and that it could delay decisions being taken.
- Concern was raised on the use of confidential appendices on individual decisions and that information should be in the public domain.

The Monitoring Officer agreed and advised that all information was subject to a public interest test.

13 Somerset Council Electoral Review - arrangements, update and timeline - Agenda Item 6

The Service Director for Governance, Democratic and Legal Services and Monitoring Officer, David Clark, presented an update on the proposed Electoral Review to be carried out by the Local Government Boundary Commission for England (LGBCE).

During the discussion, the following points were raised:-

- Concern was raised on whether councillors would be given reasonable time off from employers to carry out their council business and travel time.
- Concern was raised on whether the boundary review would change any parish council boundaries.

The Monitoring Officer understood the concerns and advised that they could all be submitted as part of the review.

- Councillors queried how Somerset Council compared to the other larger unitary authorities.
The Elections Manager advised that based on population and area, Somerset Council was similar to Cornwall Council and after their review was carried out, they went from having 123 councillors down to 87 councillors.
- Concern was raised on the order of the work being carried out in the review.
The Monitoring Officer advised that the LGBCE were keen to base the number of councillors on workload and population and not on the area covered.
- Councillors queried whether the two largest unitary authorities were being reviewed.
The Lead Member for Transformation and Human Resources advised that Buckinghamshire Council were currently under review and the proposal was to reduce from 147 councillors to 97 councillors. County Durham Council were also currently under review and the proposal was to reduce from 126 councillors to 98 councillors.
- Councillors queried how it was justified to have such high numbers of councillors.
The Head of Governance and Democratic Services advised that Somerset Council were instructed on how many councillors to elect as part of the Structural Change Order 2022. It was calculated by using the number of divisions and multiplying by two. The Monitoring Officer reminded councillors that Somerset Council is a consultee and that it is the LGBCE that led the review.
- Councillors queried what evidence the LGBCE would require for the review.
The Monitoring Officer advised that it was for the officers and councillors of Somerset Council to feed into the review by advising how many councillors we felt were required to best serve the community.
- Councillors queried whether there was any right to appeal the proposed electoral arrangements once they were issued.
The Elections Manager advised that the only appeal route would be through a judicial review.
- Councillors queried what the average number of constituents were per councillor within other unitary authorities.
The Elections Manager advised that the approximate number was between 3400-5000 constituents per councillor.
- Concern was raised that once the review had been completed it would mean that the Constitution would be out of date.
The Head of Governance and Democratic Services reminded councillors that the Constitution was being reviewed and would continue to be reviewed on an annual basis.
- Councillors queried how much work would be involved in the review and

whether there was any funding available to help with the work.

The Elections Manager advised that the work would be carried out as part of the preparation works for the election due to take place in 2027 and that there was no additional government or external funding available to the Council. The Council therefore would have to fund itself any consultation response to the LGBCE or review analysis work that it wanted to do.

- Councillors highlighted previous outcomes from other reviews that they had taken part in and that the LGBCE often presented various options and did not always agree with councils on their preference for single or multi-councillor wards. This highlighted that the council is a consultee in the review as it is the LGBCE which will finalise the review and make its recommendations to Government.

Resolved that the Constitution and Governance Committee noted the update.

14 Work Programme - Agenda Item 7

During the discussion, the following points were raised:-

- Councillors requested that the member briefing being held on 7 November 2023 for the Electoral Review be recorded.
- Some members highlighted the low public attendance at the committee and therefore whether there was a need to hold future meetings around Somerset. It was suggested instead that the Committee hold its meetings in Taunton like the Audit Committee has agreed.

The Chair advised that he would discuss future meeting locations with members outside of the meeting.

- Councillors queried who would be leading on the review of the Local Community Network (LCN) Terms of Reference.

The Monitoring Officer advised that the LCN Team would be carrying out the review.

Resolved that the Constitution and Governance Committee noted the Work Programme.

(The meeting ended at 4.20 pm)

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CHAIR