

**Minutes of a Meeting of the Constitution and Governance Committee held in the John Meikle Room, The Deane House, Belvedere Road, Taunton TA1 1HE, on Monday, 9 September 2024 at 2.00 pm**

**Present:**

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

Cllr Theo Butt Philip  
Cllr Barry Clarke  
Cllr Dawn Johnson  
Cllr Sue Osborne  
Cllr Steven Pugsley

Cllr Simon Carswell  
Cllr Hugh Davies  
Cllr Martin Lovell  
Cllr Emily Pearlstone  
Cllr Martin Wale

**In attendance:**

Cllr Simon Coles  
Cllr Liz Leyson  
Cllr Bill Revans

Cllr Heather Shearer  
Cllr Sarah Wakefield  
Cllr Richard Wilkins

**Other Members present remotely:**

Cllr Helen Kay  
Cllr Andy Kendall  
Cllr Leigh Redman

Cllr Peter Seib  
Cllr Gill Slocombe

**35 Apologies for Absence - Agenda Item 1**

No apologies were received.

**36 Minutes from the Previous Meeting - Agenda Item 2**

**Resolved** that the minutes of the Constitution and Governance Committee held on 17<sup>th</sup> April 224 be confirmed as a correct record.

**37 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:-

<b>COUNCILLOR</b>	<b>TOWN AND/OR PARISH COUNCIL</b>
Theo Butt Philip	Wells City Council
Simon Carswell	Street Parish Council
Ross Henley	Wellington Town Council
Andy Kendell	Yeovil Town Council
Tim Kerley	Somerton Town Council
Martin Lovell	Shepton Mallet Town Council
Sue Osbourne	Ilminster Town Council
Leigh Redman	Bridgwater Town Council
Peter Seib	Brympton Parish Council & Chilthorne Domer Parish Council
Heather Shearer	Street Parish Council
Gill Slocombe	Bridgwater Town Council
Richard Wilkins	Curry Rivel Parish Council

### **38 Public Question Time - Agenda Item 4**

No public questions were submitted.

### **39 Contract Procedure Rules - Agenda Item 5**

The Strategic Manager for Commercial and Procurement, Paul Skuse, introduced the report which set out the proposed amendments to the Contract Procedure Rules and Standing Orders.

During the ensuing discussion, the following points were raised:

- Councillors asked whether the proposed amendments were a result of the recent changes in legislation, and whether the rules implemented due to the financial emergency had been incorporated.  
*The Strategic Manager confirmed that the amendments were necessary to ensure Somerset Council was compliant with the new legislation. The rules implemented due to the financial emergency were temporary measures, therefore they were not built into the Contract Procedure Rules. Any purchasing item was required to go through the Commercial and Procurement Board, and the transactional procurement team checked all purchase orders raised above £5000.*

- Councillors queried whether the revised Rules replaced the Public Contract Regulations 2015.  
*The Strategic Manager confirmed the Procurement Act 2023 replaced the Public Contract Regulations 2015. The current rules in Appendix A showed the ties to the former regulations, whereas these had been removed in the proposed rules in Appendix B.*
- Councillors queried how often three written quotes were sought if one was satisfactory if it proved to be the best value, and asked what process was in place to check that suppliers not previously used were being contacted.  
*The Strategic Manager informed the committee that three written quotes were obtained in most incidents as it was general practice to do so, and that the procurement team checked that three written quotes were obtained for any contract over £5,000. The committee were advised that the Strategic Manager intended to recommend that service areas should be required to obtain a fourth quote from a supplier not previously used.*
- Councillors inquired about the monitoring process of a successful contract delivery.  
*The Strategic Manager advised that the definition of procurement had been extended to supplier manager. This included clauses such as the requirement that any contract over £5 million must be accompanied by three key performance indicators; it was mandatory to report on these. Supplier managers must also undergo mandatory training on contract management. All contracts were tiered based on factors such as risk, value, and importance; the higher tiered contracts received a greater focus on contract management. Going forward, there would also be a more comprehensive handover of contracts between procurement and the contract manager.*
- Councillors questioned whether points 9.1 and 9.2 of the revised orders would impact future devolution deals.  
*The committee members were advised that this clause referred to the community right to acquire assets, which was a separate process to devolution. The Monitoring Officer added that it also covered services in addition to assets, but that these new rules would only be utilised if the community submitted a challenge and would not be triggered by Somerset Council voluntarily devolving services.*
- Councillors asked whether the procurement sourcing strategy had been in place throughout the years leading to the establishment of the Unitary Council, and questioned how the value of warehouse sites for purchase was determined.  
*The Strategic Manager confirmed that a procurement sourcing strategy had always been in place. However, the purchase of property and land was handled by Strategic Asset Management, rather than Procurement. It was also highlighted that as part of the budget setting process, Somerset Council had agreed not to purchase any further commercial investments for yield.*
- Councillors noted that the revised Rules emphasised increased transparency asked what this meant in practical terms.  
*The Strategic Manager advised the committee that the transparency rules*

*under the new Procurement Act 2023 meant it was mandatory for certain items to be published on central government suppositories. Examples of such items included: the list of all pipeline procurements over £2 million eighteen months in advance, every tender issued, every pre-market engagement, all award decisions, contract copies with a value over £5,000, any amendments to contracts, if a contract was terminated early, and performance information. Such rules assisted potential suppliers and would help to stimulate local growth.*

- The committee expressed its support for the Strategic Manager's recommendation to Full Council of an amendment to the effect that a fourth quote must be sought from a supplier not previously used for low value Goods, Services, and Works contracts.

**Resolved** that the Constitution and Governance committee considered the review of the Contract Procedure Rules and recommended the proposed revisions set out in Appendices B and C for approval by Full Council on 26th September 2024.

#### **40 LGBCE Electoral Review - Somerset Council's Submission - Agenda Item 6**

The Monitoring Officer, Dark Clark, introduced the report which set out Somerset Council's Council Size submission of 96 elected members to the LGBCE.

During the ensuing discussion, the following points were raised:

- Councillors requested an explanation of the process of a Local Government Boundary Review.  
*The Monitoring Office advised that this Council Size submission constituted the first stage of the review. The Electoral Commission would then conduct a 10-week public consultation on the names of the wards and their boundaries. A further 10-week public consultation would follow to consider final proposals. It would then be presented to Parliament.*
- Councillors queried whether the Electoral Commission had historically agreed with the submissions made by other councils undergoing a review.  
*The Monitoring Officer advised that recent examples such as Buckinghamshire demonstrated the Electoral Commission returning with the same or a similar figure. The Leader of the Council added that the Electoral Commission usually responded in agreement when councils approached them with a cross-party consensus supported by justification.*
- Councillors asked whether Somerset Council's submission was the only submission that the Electoral Commission would accept.  
*The Monitoring Officer advised that Somerset Council could submit multiple figures through different parties, but the Electoral Commission were only consulting with the Council. The Group Leaders were striving for a cross-party consensus. The Electoral Commission could change their proposal before it was presented to Parliament because of feedback from the public consultation, but the change would need to be sufficiently justified.*

- Councillors questioned whether the parish, town, and city boundaries would also be reviewed.  
*The Monitoring Officer advised that this was planned but it was preferable to complete the ward boundary review first. A review of the parish, town, and city boundaries would also be predominantly led by Somerset Council rather than the Electoral Commission. The Leader of the Council stated that a parallel process was possible, but it required a unanimous decision on the chosen boundaries.*
- Councillors asked whether there would be multi-member wards.  
*The Monitoring Officer advised that the report highlighted the Council's preference for predominantly single-member wards, but multi-member wards of two or three councillors were still an option.*
- Some concerns were raised that the Summary and Conclusion of the submission did not adequately reflect the democratic process that had taken place to reach the figure of 96.  
*The Monitoring Officer agreed to amend this accordingly.*
- The councillors praised the cross-party consensus approach and the consideration given to LCNs as community leaders. However, there were some concerns regarding the proposal to replace the term 'divisions' with 'wards' going forward, as the use of divisions represented a link with Somerset's history. Councillors emphasised the importance of having a sufficient number of elected members to carry out the work of the Unitary Authority's substantial committee structure. Similarly, the expected development and population increases in certain areas of the county could mean increased pressure on councillors if there were too few of them. It was therefore important to find a balanced outcome.
- With regards to point 3.11, it was suggested that the phrase 'younger people' should be replaced with 'working aged people' to encompass a broader range of individuals. On the other hand, it was suggested that this negated the emphasis of the message encouraging young people to stand for office.

Cllr Osbourne proposed an amendment to point 3.11 of the Report, which was seconded by Cllr Lovell, to replace the phrase 'younger people' with 'worked aged people'. On being put to a vote, the amendment was not carried.

**Resolved** that the Constitution and Governance Committee:

1. Reviewed and agreed the proposed Council Size submission to the LGBCE.
2. Agreed to recommend the Council Size submission to the Full Council meeting on 26th September 2024 for approval.

## **41 General Election 2024 Update - Agenda Item 7**

### **41a General Election 2024 Postal Vote Update**

Steven Lake, Elections Manager, and Peter Stanyon, Chief Executive of the Association of Electoral Administrators (AEA), presented an update on postal votes during the General Election in July.

During the ensuing discussion, the following points were raised:

- Councillors asked whether there was a comparison available between the data from this election and the last.  
*The Elections Manager advised that the constituency boundaries were different for the two elections, therefore it was difficult to draw comparisons between the two.*
- Councillors queried the reasons for postal vote rejections.  
*The Elections Manager advised that some electors claimed not to have a ballot pack when they did. Previous issues included members of the same household signing each other's statement, but the change in the format of the pack reduced the number of times this occurred in July. There were also fewer electors stating they did not have a postal voting statement. The short notice of the election call caused many problems for all election departments; this was supplemented by the high number of online applications for postal votes since these were introduced.*
- Councillors requested to know the proportion of Somerset electors using postal votes.  
*The Elections Manager advised that 20% of the electorate were registered for a postal vote, which was around 101,000 people. There was huge pressure on the electoral staff to process all the applications for postal votes, voter ID, and proxy votes.*
- Councillors queried why some data was missing from the table, and what was meant by the term 'mismatched'.  
*The Elections Manager advised that two additional staff members provided by the Association of Electoral Administrators were covering these areas but only stayed until the count was completed. The missing figures exist but are yet to be located. 'Mismatched' meant the signature on the statement did not match the name.*
- Councillors advised that some individuals did not receive their postal vote before they went on holiday.  
*The Elections Manager stated that the deadline for postal vote applications was eleven days before polling day, but the later the application, the later the postal vote was sent. Creating a unique pack for every elector was very time consuming, and the printers also needed to match up each item in each pack. He assured the committee that the postal vote packs were sent out as quickly as was possible. The Chief Executive of the AEA added that the speed of the delivery system was out of SC's control, and that lost or undelivered postal vote packs could not be replaced until four working days before polling day.*

Steven Lake, Elections Manager, and Peter Stanyon, Chief Executive of the Association of Electoral Administrators (AEA), presented an update on the voter ID requirement during the General Election in July.

During the ensuing discussion, the following points were raised:

- Councillors noted that the figures had substantially improved since the report on the Somerton & Frome by-election the previous year due to the increased publicity for voter ID in the lead up to the General Election.
- Some concerns were raised about the individuals who did not vote because they did not have suitable ID, or because of a reluctance to go through the process of applying for voter ID. It was understood that such data was difficult to collect, but it was important to understand whether this pertained to certain demographics.  
*The Elections Manager confirmed that they did not have data pertaining to those turned away from the polling station due to a lack of suitable ID. The Chief Executive of the AEA added that the Electoral Commission conducted research after the election, which showed that 4% of those who did not vote chose not to do so because they did not have suitable ID or did not agree with the necessity to have it. Young people and minority groups were less likely to have suitable ID and less likely to vote.*
- Councillors requested data relating to proxy votes and raised concerns about the application process for getting a proxy vote. The online form did not trigger a confirmation email with their reference number to say that the application had been received, and some proxy cards were not delivered.  
*The Elections Manager advised that the proxy vote reference number was provided only to the elector, and not to the Council's Elections department. He confirmed that proxy poll cards were sent to every proxy voter, and that the last batch was sent out after the application deadline, all with first class stamps. As far as can be ascertained, Royal Mail did not deliver this final batch. The cost of this has not been reimbursed. The number of proxy voters was relatively small compared to the number of postal votes, but the figures could be obtained. The Chief Executive of the AEA agreed to pass on the suggestion of sending a confirmation email to both the proxy voter and applicant.*
- Some concerns were raised that both the undelivered postal votes and proxy votes and the reluctance to vote due to the need for suitable ID meant the turnout was lower than it would otherwise have been. This could have made a significant difference to the outcome in some areas of the country.
- The committee expressed their gratitude to all the election staff that assisted with the General Election.

**Resolved** that the Constitution and Governance Committee considered the updates on the General Election in 2024.

**42 Review of Parliamentary Polling Districts and Polling Places - Agenda Item 8**  
Steven Lake, Elections Manager, introduced the report proposing a statutory review to the parliamentary polling districts and polling places.

During the ensuing discussion, the following points were raised:

- Councillors questioned the necessity of such a review at this time, considering the upcoming boundary review.  
*The Elections Manager advised that conducting this review was a statutory requirement. However, he suggested it was conducted with a light touch and that a more substantial review should take place once the boundaries have been changed.*
- Councillors emphasised the importance of ensuring that polling stations were within reasonable reach for all electors, particularly in the more sparsely populated rural areas.
- Councillors agreed with the idea of a light touch review at this stage, but suggested making accessibility a priority, as many polling stations were not easily accessible for electors with disabilities.  
*The Elections Manager agreed with the principle but advised that finding accessible buildings that were available on Thursdays was difficult, largely because school buildings could not be used on weekdays.*

**Resolved** that the Constitution and Governance Committee considered and approved the proposal to commence the review of the parliamentary polling districts and polling places.

**43 Senior Leadership Team Restructure - Consequential Review of Part I1, Part I2, and Part I3 of Somerset Council's Constitution - Agenda Item 9**

Scott Wooldridge, Interim Head of Governance and Democratic Services, introduced the report setting out the proposed revisions to Part I1, Part I2, and Part I3 of Somerset Council's Constitution.

**Resolved** that the Constitution and Governance Committee considered the proposed revisions to Part I1, Part I2, and Part I3 of Somerset Council's Constitution and recommended them for adoption by Full Council on 26th September 2024

**44 Constitution and Governance Committee Work Programme - Agenda Item 10**

During the discussion, the following items were requested to be added to the work programme:

- Rights of way



The Monitoring Officer confirmed that the results of the Council Size submission would be brought to the meeting in December as part of the LGBCE consultation update.

**Resolved** that the Constitution and Governance Committee noted the work programme.

**(The meeting ended at 4.19pm)**

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**CHAIR**