

Somerset Council
Constitution and Governance Committee
– 31 January 2024



Constitution – Update on its review

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Executive Lead Member: Councillor Bill Revans, Leader of the Council

Division / Local Member: All

1. Summary and background

- 1.1.** This report and its supporting presentation to the meeting provide an update on the work being undertaken to review the new Constitution of Somerset Council. This work is in line with the commitment given in February 2023 that a review would be completed and reported to Full Council by June 2024.
- 1.2.** The Constitution and Governance Committee maintains the oversight of the review and provides a steer to officers ahead of any proposals being brought forward for consideration and recommendation to Full Council.
- 1.3.** At the last Committee meeting on 18 October 2023, a full update was provided on the areas of the Constitution for specific focus by the review:
 - Full Council meeting procedure rules
 - Public Question Time procedures at committee meetings
 - Planning Committees' Terms of Reference
 - Licensing and Regulatory Committees' Terms of Reference
 - Scheme of Delegation and decision-making procedures
 - Contract Procedure Rules
 - Financial Regulations
- 1.4.** The Committee agreed to establish three Constitution Working Groups with support from Democratic Services, Legal Services, Licensing and Planning Services:
 - Group 1 – Council Procedures and public participation in committees
 - Group 2 – Planning Committees terms of reference
 - Group 3 – Licensing and Regulatory Committees terms of reference

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- 1.5.** Group 1 comprises members of the Committee. It has held a workshop in November where it initially focused on the Council's current public participation arrangements at committee meetings. The workshop identified that further clarification could be made within the Constitution to reflect the the Council's public speaking procedures and how the Council welcomes public involvement and speaking at its meetings. Further work will be undertaken to review Full Council meeting procedures and where improvements can be made reflecting on experience and feedback over the last nine months.

It is intended that Group 1's recommendations and proposals will be considered at the Constitution and Governance Committee meeting on 17 April.

- 1.6.** Group 2 has made significant progress in reviewing the Planning Committees terms of reference with the support of the Chairs and Vice Chairs of the five Planning Committees, the Executive Lead Member for Economic Development, Planning and Assets, Planning and Rights of Way officers, Democratic Services and Legal Services.

The group has used the experience and feedback regarding Planning Committees held over the last nine months to inform the review. A number of recommendations and improvements have been identified in relation to:

- Increasing the Strategic Planning Committee functions
- Improving the references to rights of way and village green matters
- How representations can be made to the Committees
- The referral process by Divisional Members and / or Parish Councils

The Group will be presenting their recommendations and proposed amendments to the current Terms of Reference to a Joint Workshop with the Constitution and Governance committee members in early March. This will then inform the final recommendations and proposed changes being considered at the Constitution and Governance Committee meeting on 17 April.

- 1.7.** Group 3 has reviewed the Licensing and Regulatory Committees terms of reference with the support of members of the committee, Licensing officers, Democratic Services and Legal Services. The group has used the experience and feedback regarding Licensing and Regulatory Committee, Licensing Sub Committee and Regulatory Sub Committee meetings to inform its review. Several proposed changes have been identified to improve the operation of these meetings.

The Group would welcome clarification from the Committee as to whether (option i) a Joint Workshop is necessary in March or whether (option ii) the

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Committee would instead welcome the Group circulating the draft recommendations and proposed changes ahead of the Constitution and Governance Committee meeting then considering them at its meeting on 17 April.

- 1.8.** In parallel with the review work being undertaken by Groups 1, 2 and 3, the Monitoring Officers is working with other officers on the review of the Contract Procedure Rules, Financial Regulations and the Officer Scheme of Delegation. It is intended that the recommendations from this review will be presented to the Constitution and Governance Committee meeting on 17 April.
- 1.9.** The review and any recommendations for changes to the Constitution will be consolidated and reported to the Constitution and Governance Committee by its meeting on 17 April, so that the Committee can consider these and make its recommendations to the Council's Annual General Meeting on 22 May 2024.

2. Issues for consideration / Recommendations

- 2.1.** The Committee is asked to:
 - 1) Note the progress being made with the review of the Constitution by the working groups and the specific areas identified in October 2023; and
 - 2) Confirm which of the two options it would like to progress in relation to consideration of the recommendations from Group 3 – Licensing and Regulatory Committees.

3. Consultations undertaken

- 3.1.** The review is being led by the Monitoring Officer with the support of officers from Democratic Services, Legal Services, Licensing and Planning Services, Corporate and Resources and other relevant services supporting specific committee.

4. Implications

- 4.1.** Legal - under Section 9P of the Local Government Act 2000, the Council is required to prepare and keep up to date a Constitution containing the standing orders of the Council and such other information as is required or desirable.
- 4.2.** No specific negative equalities implications have been identified with the proposals set out in the new Constitution. Decisions taken by the Council, in accordance with its Constitution, will consider equalities implications and have due regards to its legal duties under the Equality Act 2010. The arrangements for committee meetings will take full consideration of equalities and public

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accessibility requirements. An Equalities Impact Assessment is not considered necessary for this decision as there are no direct impacts.

5. Background papers

- 5.1.** Somerset Council Constitution – February 2023 and May 2023
Approach to Constitution Review - Report to Constitution and Governance Committee on 18 October 2023

Note: For sight of individual background papers please contact the report author or the Council's website