

Review of Part B of the Council's Constitution – Public Participation

Lead Member: Councillor Ross Henley, Chair of the Constitution and Governance Committee

Local Member(s) and Division: All Members

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1. Summary

- 1.1 The Constitution and Governance Committee has been completing a phased review of key elements of the new Constitution over a series of working group meetings. The areas included are:-
- Planning Committee Terms of Reference
 - Licensing and Regulatory Committee Terms of Reference
 - Public Participation
 - Contract Procedure Rules
 - Financial Regulations
- 1.2 This report focuses on the review of Part B of the Constitution, which sets out the procedures for Public Participation.
- 1.3 Through the work of the review, the working group made it clear that the Council welcomes public participation at all of its committee meetings and has proposed some amendments which will hopefully reflect this.

2. Recommendations

- 2.1 That the Constitution and Governance Committee consider the review of Part B and the proposed amendments set out in Appendices 2 and 3 for recommendation to the Council's Annual General Meeting on 22 May 2024.

3. Background

- 3.1 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.
- 3.2 At its meeting on 22 February 2023, the Council agreed its Constitution to be implemented from vesting day on 1 April 2023. The Council also recognised that a review would be carried out through the Constitution and Governance Committee on areas that they deemed necessary through experience of using the document.
- 3.3 At its meeting on 18 October 2023, the Constitution and Governance Committee agreed to set up 3 working groups to review different areas of the Constitution. These working groups would cover the following:-
- 1) Planning Committee Terms of Reference
 - 2) Licensing and Regulatory Committee Terms of Reference
 - 3) Council Procedure Rules
- 3.4 As part of the review carried out by the working group who focused on Council Procedure Rules, a review of Public Participation was included. This would include Public Participation for all of the Council's committee meetings except for the five Planning Committees, which would be reviewed as part of the Planning Committee Terms of Reference.
- 3.5 A comparison of other unitary councils formed part of the review and included Cornwall Council, Dorset Council, Durham Council and Wiltshire Council. As a result of the comparison work, it was found that all councils had a 3-minute time limit for each speaker but there were several variations of rules adopted for other aspects of Public Participation. These included:-

Section	Cornwall	Dorset	Durham	Wiltshire
Number of speakers	N/a	16 speakers	N/a	3 speakers
Questions	1 question (with a supplementary)	1 question	1 question	2 questions (with a supplementary)
Time Limit for Public Participation	30minutes	30minutes	10minutes	15minutes
Deadline prior to the meeting	2 clear working days	3 clear working days	3 clear working days	4 clear working days for questions and 10minutes for statements

- 3.6 The comparison work was used to compile some proposed amendments to Part B of the Somerset Council Constitution, specifically the section on Public Participation. Currently most of the procedures were not detailed in Part B but were held within an internal procedure process. These amendments should make

the process more transparent for the public viewing the Constitution. The table below highlights the proposed amendments:-

Sections	Current internal procedure	Proposed amendments for Part B
Deadline for questions and statements	3 clear working days prior to the meeting	3 clear working days prior to the meeting
Questions	Maximum of 3 questions per speaker	Maximum of 2 questions per speaker
Time Limit for questions and statements	Maximum of 3 minutes per speaker	Maximum of 3 minutes per speaker
Number of speakers	Not stated	Maximum of 8 speakers
Time Allocated	Maximum of 20 minutes	Maximum of 30 minutes
Reasons for Rejection	Not stated (only in Part D8, Planning Committee)	Listed in section 1.13 of appendix 3

- 3.7 The main proposed amendment was to move from a maximum of three questions per speaker to a maximum of two questions. It was felt that with the increase in time allocation and a slight decrease in number of questions, would facilitate a higher number of speakers the opportunity to address each meeting. The working group also agreed that questions, statement and petitions should be handled in the same way and have the same deadlines and time limits applied.
- 3.8 Review and feedback from the Committee and wider membership of the working groups (which has included the Lead Members for each area covered) has been critical in informing and influencing the review of the Constitution. This has included evaluating a number of options and proposals regarding the areas covered by the working groups.
- 3.9 The Constitution of Somerset Council is not intended to be set in stone or be inflexible. Therefore, the Constitution and Governance Committee will continue to work with the Monitoring Officer to review the document as part of its workload each year, to ensure that it remains fit for purpose and meets the Council's requirements.

4. Implications

- 4.1 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 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. Members must consider the effect that implementing a particular policy will have in relation to equality before making a decision.

- 4.3 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 accessibility requirements. An Equalities Impact Assessment is not considered necessary for this decision as there are no direct impacts.
- 4.4 The financial implications arising from the proposals in this report can be accommodated within the proposed budget for 2023/24.

5. Background Papers

- 5.1 The background papers to this report are:-
[Monitoring Officer Report to Full Council on 22 February 2023](#)
[Report to the Constitution and Governance Committee on 18 October 2023](#)
[Somerset Council Constitution](#)

Appendices:

- Appendix 1 – Part B Current Version
Appendix 2 – Part B Tracked Changes
Appendix 3 – Part B Proposed Version

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