

Review of Part C of the Council's Constitution – Council Procedures

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 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.
- 1.2 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

2. Recommendations

- 2.1 That the Council approves the changes to the Somerset Council Constitution Part C Council Procedural Rules as set out in Appendix 2.

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 It is proposed that the Council Procedure Rules fundamentally remain as agreed in April 2023, with only minor changes proposed including:
- Clarification that Full Council meetings will typically be held 5 times per year, with an additional meeting in an election year.
 - The addition of a new section 3.10 clarifying meeting duration and arrangements for meeting duration extensions.
 - The addition of a new section 3.14 clarifying that Public Speaking is as per Part B of the Council's Constitution.
 - An amendment to show that any out-going Chair of Council remains in office until such a time as a successor is appointed, alongside clarification that if a vacancy occurs in the role of Chair or Vice Chair, this will be filled at the Council's next meeting.

Additionally some minor presentational improvements and the correction of minor typographical errors are proposed.

- 3.8 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 C Current Version

Appendix 2 – Part C Tracked Changes

Appendix 3 – Part C Proposed Version

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