

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 Wednesday, 17 April 2024 at 2.00 pm

Present:

Cllr Ross Henley (Chair)

Cllr Mandy Chilcott

Cllr Hugh Davies

Cllr Martin Lovell

Cllr Steven Pugsley

Cllr Dave Mansell

Cllr Barry Clarke

Cllr Dawn Johnson

Cllr Emily Pearlstone

Cllr Richard Wilkins

Cllr Sue Osborne

In attendance:

Cllr Simon Coles

Cllr Henry Hobhouse

Other Members present remotely:

Cllr Tim Kerley

Cllr Peter Clayton

Cllr Martin Dimery

Cllr Tony Lock

Cllr Andy Soughton

Cllr Christine Lawrence

Cllr Shane Collins

Cllr Michael Dunk

Cllr Leigh Redman

Cllr Ros Wyke

22 Apologies for Absence - Agenda Item 1

Apologies were received from Councillors Helen Kay, who was substituted by Dave Mansell and Christine Lawrence, who was substituted by Sue Osborne.

23 Minutes from the Previous Meeting - Agenda Item 2

Resolved that the minutes of the Constitution and Governance Committee held on 31 January 2024 be confirmed as a correct record.

24 **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:-

SOMERSET COUNCILLOR	CITY, 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
Sue Osborne	Ilminster Town Council
Richard Wilkins	Curry Rivel Parish Council

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

Public questions were received from:-

- Nigel Behan
- Cllr Michael Gay
- Richard Mawer

The questions and responses provided are attached to the minutes in Annex A.

26 **Review of Council Constitution Part B – Public Participation** - Agenda Item 5

The Governance Specialist, Clare Rendell, introduced the report which set out the proposed amendments to Part B of the Constitution that were discussed as part of the review.

During the discussion, the following points were raised:-

- Councillors queried whether the limit of 8 speakers would be enough for some of the larger meetings, such as the Annual General Meeting of Council and the budget setting cycle of meetings.
The Governance Specialist advised that the Chair would still have the discretion to allow for more speakers if they felt it would benefit the meeting debate.
- Councillors requested clarification on the reasons why a document might be classified as confidential and whether those clauses could be added to this section of the Constitution.
- Councillors further requested whether the procedure for excluding the press

and public could be included in this section.

The Governance Specialist advised that both the guidance on confidential information and the procedures for the exclusion of the press and public were guided by legislation, so were not required to be listed in the Constitution.

- Some concern was raised on the suggestion of taking petitions to the Local Community Network (LCN) meetings and that the delay between each meeting could mean that the petition organiser would not see any results. *The Governance Specialist advised that the petition scheme had not been amended as part of the review, so currently petitions could be taken to the LCN meetings, however, most were taken to Full Council for submission.*
- Councillors suggested that the responses to public questions given at meetings should be quick. They further suggested that lead members should only get 3 minutes to reply, which was the same time limit for the public to read out their submissions.

The Governance Specialist advised that they were working on implementing shorter responses for public submissions at meetings.

- Some concern was raised on the deadline date for public submissions and that it did not allow for much time for public to submit their questions. *The Governance Specialist advised that the Chair would still have the discretion to allow for late submissions.*
- Some concern was raised about restricting the numbers of questions to 2 questions.

The Governance Specialist advised that the Chair would still have the discretion to allow for more questions to be raised. They also clarified that members of the public could submit more than 2 questions, however, they might only receive a verbal response to the first 2 questions during the meeting and then receive a full written answer to all questions after the meeting.

- Councillors highlighted that some questions raised during Public Question Time were not always related to items on the agenda and queried whether stakeholder forums could be used for such queries.
- Councillors hoped that the LCNs would meet more frequently going forward to allow for better public engagement and be able to process petitions in a timely manner.

The Governance Specialist agreed with the points raised and that Full Council was often seen as the only venue for members of the public to raise their questions, when they could use many of the other committee meetings along with the LCNs, to engage with and raise any issues.

- Councillors requested that a review of the Petition Scheme be added to the work programme for the Committee.

Resolved that the Constitution and Governance Committee considered 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.

27 Review of the Council Constitution Part C – Council Procedures - Agenda Item 6

The Governance Service Manager, Mike Bryant, introduced the report which set out the proposed changes to Part C of the Constitution that were discussed as part of the review.

During the discussion, the following point was raised:-

- Councillors highlighted the 'right to reply' section and their concerns on motions raised at the meetings.

The Governance Service Manager gave clarification on the rights of reply and motions and offered some training on the subject.

Resolved that the Constitution and Governance Committee recommended to the Annual Council Meeting that the Council approves the changes to the Somerset Council Constitution Part C Council Procedural Rules as set out in Appendix 2.

28 Review of the Council Constitution Parts D4 and D5 - Licensing and Regulatory Committee Terms of Reference - Agenda Item 7

The Senior Licensing and Business Support Officer, Jack Godley, introduced the report which set out the proposed changes to Parts D4 and D5 of the Constitution that were discussed as part of the review.

During the discussion, the following point was raised:-

- Councillors queried whether the licensing policies of the 4 former district councils had been combined together.

The Senior Licensing and Business Support Officer advised that the Licensing and Gambling Policies had been adopted by Full Council and that the department were currently working on the taxi policies and street trading consent.

Resolved that the Constitution and Governance Committee was asked to:

- 1) Review and comment on the proposed changes to the following parts of the Council's Constitution:
 - i. Part D4 – Licensing and Regulatory Committee Terms of Reference
 - ii. Part D5 - Licensing and Sub-Committee Hearing Procedure

- 2) Support the proposed changes from the Constitution Working Group – Licensing Committees and recommended them for approval by Full Council on 22 May 2024.

29 Review of the Council Constitution Part I2 – Officer Scheme of Delegation - Agenda Item 8

The Interim Head of Governance and Democratic Services, Scott Wooldridge, introduced the report which set out the proposed amendments to Part I2 of the Constitution which were discussed as part of the review.

During the discussion, the following points were raised:-

- Councillors requested to see further detail on the officer/member survey that was mentioned within the report.
- Councillors highlighted the requirement for mandatory training on decision making.
- Councillors highlighted the substantial change from £5m to £1m for officer delegations.

The Interim Head of Governance and Democratic Services advised that anything above £1m would be delegated to lead members and that the proposed change was linked to the Financial Regulations and the financial emergency.

- Some concern was raised on the figure stated within section 2.20 of the Scheme of Delegation and that it felt like a huge amount for a 10-year licence.

The Interim Head of Governance and Democratic Services advised that it was to help facilitate the disposal of assets and was linked to the financial emergency.

- Councillors queried whether the words ‘in agreement’ could be added to the document wherever ‘in consultation with the relevant lead member’ was mentioned.

The Interim Head of Governance and Democratic Services advised that the delegation was there to empower the officers to make the decision so therefore the wording was implied.

- Councillors requested that a further review of the Scheme of Delegation, due to the financial emergency and transformation, was added to the work programme.

Resolved that the Constitution and Governance Committee was asked to:

- 1) Review the proposed changes to Part I2 – Officer Scheme of Delegation set out in Appendix 1 and provide any comments or suggested amendments for

the Monitoring Officer to make following the meeting in consultation with the Chair of the Committee; and

- 2) Recommend the revised Part I2 – Officer Scheme of Delegation to the Council’s Annual General Meeting in May.

30 Review of the Council Constitution Part I7 - Financial Regulations - Agenda Item 9

The Interim Financial Governance and Policy Lead, Sian Kenny, introduced the report which set out the proposed changes to Part I7 of the Constitution which had been discussed as part of the review.

During the discussion, the following points were raised:-

- Councillors queried whether the Waivers Register was audited or reported to any committee.
- Councillors requested whether the financial controls could be reported to Audit Committee as it was not currently listed in the responsibilities of the Committee.
- Some concern was raised that risk management had not been included and that the mitigations were not efficient.
- Councillors queried whether the training on fraud would be mandatory for councillors.
- Councillors requested clarification throughout the document on the use of the word ‘Executive’, as it had been used to refer to both the Executive Lead Members and also the Executive Leadership Team.
- Some concern was raised that Section 7 had only mentioned savings and not included details on income.
- Some concern was raised on Section 8 on the Capital Programme and that there was no mention of a review within the section.
- Councillors highlighted that there had been no mention of any Boards or Executive Sub-Committees within the regulations.
The Interim Financial Governance and Policy Lead advised they would provide written answers to all of the questions raised.
- Councillors queried how they could vote on the recommendations when the answers to their questions were being provided after the meeting.
The Monitoring Officer advised that they could add a further recommendation that: “provided a delegation to the Monitoring Officer in consultation with the Chair of the Constitution and Governance Committee to make any further suggested changes to the Financial Regulations arising as a result of the debate to form part of their recommendation to Full Council”.
- Councillors queried that if a financial emergency was declared, whether it

would be a Full Council decision.

The Interim Financial Governance and Policy Lead advised that yes it would be a Full Council decision and that the Financial Regulations now included overriding powers for if a financial emergency was declared and the measures that would be put in place were detailed within other documents linked to the Financial Regulations.

Councillor Richard Wilkins proposed the additional recommendation, which was seconded by Councillor Dawn Johnson, that:-

- provided a delegation to the Monitoring Officer in consultation with the Chair of the Constitution and Governance Committee to make any further suggested changes to the Financial Regulations arising as a result of the debate to form part of their recommendation to Full Council.

Resolved that the Constitution and Governance Committee:-

- 1) provided a delegation to the Monitoring Officer in consultation with the Chair of the Constitution and Governance Committee to make any further suggested changes to the Financial Regulations arising as a result of the debate to form part of their recommendation to Full Council; and
- 2) noted the report and agreed to recommend that Annual Council adopt the Financial Regulations set out in Appendix 1 with immediate effect.

31 Review of the Council Constitution Part D8 - Planning Committees Terms of Reference - Agenda Item 10

The Head of Planning, Alison Blom-Cooper, introduced the report which set out the proposed amendments to Part D8 of the Constitution which was discussed as part of the review.

During the discussion, the following points were raised:-

- Councillors were disappointed that the survey responses were not attached to the report, as it would have been good to see the results detailed in an appendix to the report.

The Head of Democratic Services and Governance apologised and advised that the survey results had been shared with the workshop and could add them to the final report for Full Council.

- Councillors raised concern on Rights of Way applications being taken to Strategic Planning Committee for decision.

The Head of Democratic Services and Governance advised that Rights of Way and Village Green applications were placed under the Strategic Planning Committee when the Constitution was originally set. The review had not picked up this change. The Lead Member for Economic Development,

Planning and Assets further advised it had not been raised as part of the review, but she was happy to take this point away and look for a more appropriate committee for those applications to be determined.

- Concern was raised on how the review had been carried out and councillors queried who had been involved in the process.

The Head of Democratic Services and Governance advised which councillors had been involved in the review and that the process and membership had been approved by the Constitution and Governance Committee. The Lead Member for Economic Development, Planning and Assets further advised the councillor involvement in the working group and workshop and that it had been well attended.

- Councillors queried the Applications in Principal section and did this include lawful development and prior approval certificates and whether they would be sent out to division councillors.

The Legal Advisor advised that this was a new process, it did not include the other certificates and was an alternative consent route for retaining planning permission for housing led development.

- Councillors queried the change to the local councillor referral process and whether this happened at the first stage or at the 14 days' notice stage.
- Concern was raised on Waste and Mineral Applications being changed to go to the Strategic Planning Committee.

The Legal Advisor advised that the applications were not limited to any one area of the county, which was why they were being added to the Strategic Planning Committee.

- Councillors raised concern on the proposed reduction in committee members for the Planning Committees and that the quorum should be 5 members.
- Councillors requested that when referring to local councillors in the document, it was made clear that it was local unitary councillors.
- Councillors requested clarification on major applications going to committee.
The Head of Planning advised that all major applications would automatically go to committee.

- Concern was raised on removing the wording under 8.8f on Town and Parish Councils requests for extensions to the referral process.

The Head of Planning advised that there had been a lot of debate on this point. The reason it had been removed was due to the Planning Guarantee process and the pressure of the government timescales and that extensions could be applied for on an ad hoc basis.

- Councillors queried why Town and Parish Councils were only given 21 days to respond instead of 28 days.

The Planning Manager advised that the legislation required that consultations were run for 21 days, and that the unitary councillors were keen to see the responses from the Town and Parish Councils prior to submitting their own

responses.

- Councillors queried why the Local Plan had not been discussed at the Strategic Planning Committee.

The Head of Planning advised that they had split the policy work away from the regulatory work carried out by the Planning Committees, so all policy work was debated by the Planning and Transport Policy Sub-Committee.

- Councillors queried the division councillor referral process and that the proposal within the report was to drop the referral but councillors queried why this had been proposed and that this should be the same as for the Town and Parish Council referral process.
- Councillors raised concern that local division councillors only had 2 days to go back to the Chairs of Planning with any requests for referrals. Councillors expressed major concern that this was too short a period of time for councillors to respond. Councillors suggested that they should be given 4 days to go back with a referral request.

The Head of Planning advised that the work carried out by the working group proposed a more simplified process, as currently there was not a timescale stated. She advised that they were unable to extend the timeframe due to the tight time restraints within government legislation and the Planning Guarantee scheme. She further advised that all local councillors had the 28 days prior to this stage to refer to committee, they did not have to wait until the 2-day stage of the process.

- Councillors thanked the officers for the hard work carried out on the review and highlighted that a review could be added to the work programme for next year.

Councillor Mandy Chilcott proposed an additional recommendation, which was seconded by Councillor Sue Osborne, to include the following wording to 8.8f: to accommodate deferrals from Parish and Town Councils where possible.

Resolved that the Constitution and Governance Committee was asked to:

- 1) Review and comment on the proposed changes to the following parts of the Council's Constitution:
 - i. Part D8 – Planning Committee Terms of Reference with an addition to 8.8f to accommodate deferrals from Parish and Town Councils where possible.
 - ii. Appendix 1 – Code of Good Practice for Planning
- 2) Support the proposed changes from the Constitution Working Group – Planning Committees and recommended them for approval by Full Council on 22 May 2024.

Resolved that the Constitution and Governance Committee were asked to note the report and recommend it to Full Council in May.

33 Somerset Council's initial response to the Local Government Boundary Commission for England on the proposed Boundary Review - Agenda Item 12

The Head of Electoral Services, Steven Lake, presented an update on the progress of the Local Government Boundary Commission for England Review.

During the discussion, the following points were raised:-

- Councillors queried when they would be involved in the work on the review.
The Head of Electoral Services advised that councillor involvement would be through work carried out by the Constitution and Governance Committee and also through Member Briefings.
- Some concern was raised on the suggested option of single member wards, especially for sparsely populated areas.
- Councillors queried details on the proposed number of councillors.
The Monitoring Officer advised that those details were not yet available and that a further update would be reported back to Committee in July 2024.

Resolved that the Constitution and Governance Committee noted the update.

34 Constitution and Governance Committee Work Programme - Agenda Item 13

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

- Review of the Petition Scheme
- Further Review of the Scheme of Delegation
- Local Government Boundary Commission for England Review Update
- Further Review of the Planning Committee Terms of Reference
- Further Review of the Financial Regulations

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

(The meeting ended at 5.25 pm)

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CHAIR