

Constitution and Governance Committee

Monday 12 September 2022

**2.00 pm Luttrell Room - County Hall,
Taunton**



To: The Members of the Constitution and Governance Committee

Cllr T Butt Philip (Chair), Cllr S Carswell (Vice-Chair), Cllr B Clarke, Cllr H Davies, Cllr D Johnson, Cllr H Kay, Cllr C Lawrence, Cllr M Lovell, Cllr M Murphy, Cllr S Osborne, Cllr S Pugsley, Cllr R Wilkins and Cllr A Wiltshire

All Somerset County Council Members are invited to attend meetings of the Cabinet and Scrutiny Committees.

Issued By Scott Wooldridge, Monitoring Officer and Strategic Manager - Governance and Democratic Services – 1 September 2022

For further information about the meeting, please contact Clare Rendell - Governance Specialist on 01823 357628 or email - democraticservicesteam@somerset.gov.uk

Guidance about procedures at the meeting follows the printed agenda.

This meeting will be open to the public and press, subject to the passing of any resolution under Regulation 4 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

This agenda and the attached reports and background papers are available on request prior to the meeting in large print, Braille, audio tape & disc and can be translated into different languages. They can also be accessed via the council's website on

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AGENDA

Item Constitution and Governance Committee - 2.00 pm Monday 12 September 2022

****Public guidance notes contained in agenda annexe****

1 **Apologies for Absence**

To receive members' apologies.

2 **Declarations of Interest**

Details of all Members' interests in District, Town and Parish Councils can be viewed on the [Council Website](#)

The Statutory Register of Member's Interests can be inspected via request to the Democratic Service Team. Any new or updated declarations of interest will be received.

3 **Minutes from the previous meeting held on 18 July 2022** (Pages 9 - 14)

The Committee is asked to confirm the minutes are accurate.

4 **Public Question Time**

The Chair will allow members of the public to ask a question or make a statement about any matter on the agenda for this meeting. **These questions may be taken during the meeting, when the relevant agenda item is considered, at the Chair's discretion.**

5 **Constitution Review**

To consider report

6 **DBS Check Policy**

To consider report (to follow)

7 **LGR Implementation Update**

Verbal update to be given on the Project

8 **Work Programme** (Pages 15 - 16)

To consider work programme of the Committee.

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9 **Any other urgent items of business**

The Chair may raise any items of urgent business.

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Guidance notes for the meeting

1. **Council Public Meetings**

The former regulations that enabled virtual committee meetings ended on 7 May 2021. Since then, all committee meetings need to return to face-to-face meetings. The requirement is for members of the committee and key supporting officers to attend in person, along with some provision for any public speakers. Provision will be made wherever possible for those who do not need to attend in person including the public and press who wish to view the meeting to be able to do so virtually.

2. **Inspection of Papers**

Any person wishing to inspect minutes, reports, or the background papers for any item on the agenda should contact Democratic Services at democraticserviceteam@somerset.gov.uk or telephone 01823 357628.

They can also be accessed via the council's website on www.somerset.gov.uk/agendasandpapers.

Printed agendas can also be viewed in reception at the Council offices at County Hall, Taunton TA1 4DY.

3. **Members' Code of Conduct requirements**

When considering the declaration of interests and their actions as a councillor, Members are reminded of the requirements of the Members' Code of Conduct and the underpinning Principles of Public Life: Honesty; Integrity; Selflessness; Objectivity; Accountability; Openness; Leadership. The Code of Conduct can be viewed at: [Code of Conduct](#)

4. **Minutes of the Meeting**

Details of the issues discussed, and recommendations made at the meeting will be set out in the minutes, which the Committee will be asked to approve as a correct record at its next meeting.

5. **Public Question Time**

If you wish to speak, please contact Democratic Services by 5pm 3 clear working days before the meeting. Email democraticserviceteam@somerset.gov.uk or telephone 01823 357628.

Members of public wishing to speak or ask a question will need to attend in person or if unable can submit their question or statement in writing for an officer to read out.

After entering the Council building you may be taken to a waiting room before being taken to the meeting for the relevant agenda item to ask your question. After the agenda item has finished you will be asked to leave the meeting for other members of the public to attend to speak on other items.

A slot for Public Question Time is set aside near the beginning of the meeting, after the minutes of the previous meeting have been agreed. However, questions or statements about any matter on the agenda for this meeting may be taken at the time when each matter is considered.

At the Chair's invitation you may ask questions and/or make statements or comments about any matter on the Committee's agenda – providing you have given the required notice. You may also present a petition on any matter within the Committee's remit. The length of public question time will be no more than 30 minutes in total (20 minutes for meetings other than County Council meetings).

You must direct your questions and comments through the Chair. You may not take a direct part in the debate. The Chair will decide when public participation is to finish.

If an item on the agenda is contentious, with many people wishing to attend the meeting, a representative should be nominated to present the views of a group.

An issue will not be deferred just because you cannot be present for the meeting. Remember that the amount of time you speak will be restricted, to three minutes only.

In line with the council's procedural rules, if any member of the public interrupts a meeting the Chair will warn them accordingly.

If that person continues to interrupt or disrupt proceedings the Chair can ask the Democratic Services Officer to remove them as a participant from the meeting.

Provision will be made for anybody who wishes to listen in on the meeting only to follow the meeting online.

6. **Meeting Etiquette for participants**

- Only speak when invited to do so by the Chair.
- Mute your microphone when you are not talking.
- Switch off video if you are not speaking.
- Speak clearly (if you are not using video then please state your name)

- If you're referring to a specific page, mention the page number.
- Switch off your video and microphone after you have spoken.
- There is a facility in Microsoft Teams under the ellipsis button called turn on live captions which provides subtitles on the screen.

7. **Exclusion of Press & Public**

If when considering an item on the agenda, the Committee may consider it appropriate to pass a resolution under Section 100A (4) Schedule 12A of the Local Government Act 1972 that the press and public be excluded from the meeting on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, as defined under the terms of the Act.

If there are members of the public and press listening to the open part of the meeting, then the Democratic Services Officer will, at the appropriate time, ask Participants to leave the meeting when any exempt or confidential information is about to be discussed.

8. **Recording of meetings**

The Council supports the principles of openness and transparency. It allows filming, recording, and taking photographs at its meetings that are open to the public - providing this is done in a non-disruptive manner. Members of the public may use Facebook and Twitter or other forms of social media to report on proceedings. No filming or recording may take place when the press and public are excluded for that part of the meeting.

Please contact the Committee Administrator or Democratic Services on 01823 357628 or email democraticservicesteam@somerset.gov.uk if you have any questions or concerns.

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CONSTITUTION AND GOVERNANCE COMMITTEE

Minutes of a Meeting of the Constitution and Governance Committee held in the Luttrell Room - County Hall, Taunton, on Monday 18 July 2022 at 2.00 pm

Present: Cllr T Butt Philip (Chair), Cllr S Carswell (Vice-Chair), Cllr B Clarke (attended virtually), Cllr H Davies (attended virtually), Cllr D Johnson (attended virtually), Cllr H Kay (attended virtually), Cllr C Lawrence (attended virtually), Cllr M Lovell, Cllr M Murphy, Cllr S Osborne, Cllr S Pugsley, Cllr R Wilkins and Cllr A Wiltshire

Other Members present: Cllr D Perry and Cllr B Revans

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

None.

2 **Declarations of Interest** - Agenda Item 2

There were no new declarations of interest made at the meeting.

3 **Public Question Time** - Agenda Item 3

There were no questions asked, statements made or petitions presented.

4 **Constitution and Governance Terms of Reference** - Agenda Item 4

The Committee considered a report from the Council's Monitoring Officer and Strategic Manager – Governance and Democratic Services, Scott Wooldridge which detailed the membership and terms of reference of the new Committee, agreed at the Council AGM on 25 May 2022.

The Monitoring Officer explained that the main function and responsibilities of the Committee related to reviewing and updating the Council's Constitution and governance framework and that it had a fundamental role in overseeing development of the new Constitution for the new Somerset Council, prior to that being recommended to the Somerset County Council (SCC) meeting in February 2023.

The Monitoring Officer explained how constitution and governance fitted in with the other bodies of the Council. The Executive of the Council was legally responsible for the implementation of the Structural Changes Order and played a key role in terms of the Implementation Plan and also to agreeing some of the key policies, strategies and some of the key arrangements and making those recommendations onward to SCC.

As an example, the development of the 'Local Community Networks' had strong oversight by the Executive alongside the Implementation Board and the joint scrutiny arrangements, which meant that there may be matters which this Committee were very interested in, which could be subject to prior consideration by the Executive or by the Joint Scrutiny Committee. The Committee provided the oversight and would help inform what would go into the Constitution for the new Somerset Council.

The Committee NOTED the Terms of Reference, as set out in Appendix 1 to the submitted report.

5 **Stage 2 Consultation regarding Community Governance Review on the Unparished Area of Taunton** - Agenda Item 5

The Committee received a PowerPoint presentation concerning the consultation regarding the Community Governance Review on the Unparished Area of Taunton.

The Council's Monitoring Officer, Scott Wooldridge introduced the item and invited Cllr Derek Perry, Deputy Leader Somerset West and Taunton Council (SWT) and Chair of the working group to address the Committee. Marcus Prouse, Specialist Governance and Project Lead and Amy Tregellas, Governance Manager and Monitoring Officer from SWT, provided further context and information on the SWT community governance review with the creation of a Town Council for Taunton from 1 April 2023 and in particular the Stage 2 consultation proposals (the consultation period was from 14 June to 26 July 2022).

The following points were highlighted in the presentation: -

- The community governance review was the mechanism to create a new Council.
- The Stage 2 Consultation document had been sent to 44,000 residents and businesses encouraging people to give views on the boundary proposal, what services the town / parish council could provide and the average costs (precept).
- The proposal for the electoral arrangements was for the new Taunton Council to be a Council of 20 councillors on 11 wards with the first elections being held on 4 May 2023, if created.
- The number of matters which needed to be established by vesting day e.g. premises, allotments for example.
- the community infrastructure levy (CIL) and the transfer of property, rights and liabilities and also the neighbourhood plan.
- The timeline in the lead up to the Council meeting at SWT on 6 September 2022 and the special SCC meeting of Full Council in early October 2022 and key dates beyond this.

Members of the Committee asked a number of detailed questions and made a number of comments which were responded to at the meeting: -

- It would be helpful to have a key for the map of the area, especially for those who live outside the area.
- The review was a detailed piece of work and would like to commend those involved in the consultation.
- Neighbourhood plans and impact of the consultation – clarified that the CIL and neighbourhood planning followed two separate processes. Where a council was abolished or subject to an alteration in its area consisting of the loss of a transferred area, then all property rights and liabilities which related to the transferred area would be given to the transferee authority to which the transferred area transfers. i.e. any unspent CIL receipts relating to development located in that part of a Parish Council's area that was being transferred to a Taunton Town Council (TTC) should be paid over to TTC on the date of transfer 1 April 2023. Neighbourhood Plan policies would remain in place and be enforced for the area of land that they covered even if that land became part of a different Parish.
- Question on precept comparative data and implications as some families would pay more Council Tax as they were currently in an unparished area. For example, if the parish area they were currently in changed – they outlined that the level of services provided varied significantly between town or parish councils, so did the level of the precept. They would look at transitional relief question; the precept figure was still to be determined and depended on the range of services to be delivered by the new organisation. Likely the new Council would have a 2 stage implementation with a smaller organisation at the start covering the 'basics' (model standing orders); the annual meeting in May 2023 would develop the Corporate Strategy to help shape the new councils future plans.
- Question as to whether the Parish precept could be capped – no indication this would happen at the moment.
- Query as to whether the Order could or would be modified - clarified that modifications were made following the Stage 1 consultation and there remained scope for modifications to be made at the end of Stage 2 consultation as well.
- Questions on the number of people attending the consultation events and also awareness about the consultation – explained that there had been variations in attendance, for example the event at Trull had 20 + attending.

The Committee NOTED the update and the opportunities to contribute and participate in the consultation.

6 **Local Government Reorganisation Implementation Plan** - Agenda Item 6

The Committee considered a report from the Council's Programme Manager for Local Government Reorganisation (LGR), Alastair Higton, which outlined proposals for developing the proposed LGR work plan for the Committee. The core / key piece of work for the Committee was the new Constitution which must be agreed at the February 2023 meeting of SCC Full Council.

The Committee said that Local Community Networks (LCNs) needed to be included in the work plan and Planning and Licensing functions needed to be a key focus. The Committee:

- (a) Noted the LGR Implementation Plan.
- (b) Approved the following items, listed in section 1.3 of the report to the Committee's forward plan and with the addition of LCN's: -
 - Civic arrangements
 - Governance framework
 - Democratic arrangements – including how planning and licensing functions will be delivered
 - Constitution
 - Scheme of delegation
 - Contract Standing Orders
 - Financial Regulations
 - Taunton Town Council Community Governance Order
- (c) That an informal workshop for the Committee be arranged at the earliest opportunity (date to be agreed) to look at the Constitution and other matters and the forward work plan.
- (d) That in preparation for the workshop, the Monitoring Officer shared the link to the current SCC Constitution and other Councils which have been through LGR process (Dorset, Wiltshire, Buckinghamshire and Cornwall).

7 **Work Programme** - Agenda Item 7

The Committee considered a report from the Council's Monitoring Officer and Strategic Manager – Governance and Democratic Services, Scott Wooldridge. This invited the Committee to review the LGR Implementation Programme and in particular the Governance workstream, to set its forward plan of work for 2022 and early 2023.

This was a standing item for the Committee so that it could review and set its forward plan of work to support the delivery of the Council's priorities e.g., the development of the new Somerset Council Constitution and its governance arrangements by February 2023 ahead of vesting day on 1 April 2023. The Monitoring Officer reminded the Committee of the work of the other bodies /

the Executive / Committees and that this Committee's main responsibilities related to reviewing and updating the Council's Constitution and its governance framework.

The Committee discussed the items to be considered at the September 2022 meeting and referred to the discussions on the previous agenda item regarding the items on the forward work plan for the Committee.

8 Constitution and Governance Committee meeting dates - Agenda Item 8

The Committee considered a report from the Council's Monitoring Officer and Strategic Manager – Governance and Democratic Services, Scott Wooldridge, concerning the proposed meeting dates for the Committee.

The Committee noted the dates were flexible and that additional meetings and workshops may be scheduled as required and AGREED the proposed meeting dates, as set out in the report as follows:

Monday 12 September 2022

Monday 17 October 2022

Monday 5 December 2022

Monday 30 January 2023

The meetings would commence at 2pm and would be held in the Luttrell Room at County Hall, Taunton.

9 Any other urgent items of business - Agenda Item 9

There were no other items of business.

(The meeting ended at 3.52 pm)

CHAIR

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Meeting Date	Proposed Agenda Items	Officer
12 September @ 10.30 am	Informal meeting to discuss work to be carried out on the New Council Constitution and Work Programme for the Committee.	Scott Wooldridge
12 September 2022 @ 2pm	Proposed Agenda Items	
<i>Report Deadline = 12 noon 1 September 2022</i>	Constitution Review - Standing Item	Scott Wooldridge
	DBS Check Policy	Jamie Jackson
	LGR Implementation Update - Standing Item	Alyn Jones/Alastair Higton
17 October 2022	Proposed Agenda Items	
<i>Report Deadline = 12 noon 6 October 2022</i>	Constitution Review - Standing Item	Scott Wooldridge
	LCN's Update	
	Community Governance Review Update	Marcus Prouse
	LGR Implementation Update - Standing Item	Alyn Jones/Alastair Higton
	Governance Framework	Scott Wooldridge
5 December 2022	Proposed Agenda Items	
<i>Report Deadline = 12 noon 24 November 2022</i>	Constitution Review - Standing Item	Scott Wooldridge
	Scheme of Delegations	Scott Wooldridge
	Community Governance Review Update	Marcus Prouse
	LGR Implementation Update - Standing Item	Alyn Jones/Alastair Higton
	Democratic Arrangements	Scott Wooldridge
30 January 2023	Proposed Agenda Items	
<i>Report Deadline = 12 noon 19 January 2023</i>	Constitution Review - Standing Item	Scott Wooldridge
	Financial Regulations	
	Contract Standing Orders	
	Community Governance Review Update	Marcus Prouse
	LGR Implementation Update - Standing Item	Alyn Jones/Alastair Higton

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