

## **CONSTITUTION AND GOVERNANCE COMMITTEE**

Minutes of a Meeting of the Constitution and Governance Committee held in the Luttrell Room - County Hall, Taunton, on Monday 12 September 2022 at 2.00 pm

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

**Other Members present virtually:** Cllr A Dingwall, Cllr A Kendall, Cllr L Redman, Cllr L Trimnell and Cllr S Wakefield

**Apologies for absence:** Cllr S Osborne

### **CHAIR'S ANNOUNCEMENT**

The Chair advised the Committee that agenda item 7 is withdrawn from the agenda as it is a legacy item from a previous agenda.

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

Apologies were received from Cllr S Osborne.

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

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

3 **Minutes from the previous meeting held on 18 July 2022** - Agenda Item 3

The minutes of the meeting held on Monday 18 July 2022 were approved and signed as a correct record.

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

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

5 **Constitution Review** - Agenda Item 5

The Committee considered a report from the Council's Monitoring Officer and Strategic Manager – Governance and Democratic Services, Scott Wooldridge, which outlined the approach and options to developing the proposed new Constitution for the new Somerset Council.

The following points were highlighted:

- The Council's AGM in May 2022 agreed an interim Constitution for 2022/23, recognising there needed to be a comprehensive review of the Constitution during 2022/23, resulting in the proposed Constitution for the new Somerset Council being recommended to the County Council meeting in February 2023 ahead of vesting day (on 1 April 2023)
- The work of this Committee to develop the Constitution for the new Somerset Council
- Would look at best practice from other Councils and review the Constitutions of recent LGRs
- The principles, approach and options to developing the proposed new Constitution as set out in paragraph 3.5 of the Report: -
  - 'Option 1' - expand / build upon the existing SCC Constitution; '
  - 'Option 2' - develop a completely new Constitution with reference to best practice / relevant peer councils and this was the preferred option
- Structure of a new Constitution, as set out in paragraph 3.6 of the Report
- Highlighted the resources needed for both options, in particular Option 2.

Members of the Committee discussed the report and points raised included – where the proposed LCN's would fit in the new Constitution; what 'proportionate' meant; the 'added value' of Option 2; the significant amount of work in developing new Constitution; whether Option 1 would be *pragmatically* the best solution due to scale of work involved and new Chief Executive starting in post soon; comment made that the Constitution was a 'living' document and should be under constant review and amendment.

In response to the points raised, Mr Wooldridge said: -

- 'proportionate' and the advantages of Option 2 (the 'added value' of this option) and referred to paragraph 3.4 of the report which meant 'proportionate' in its design, and an example of this was to have more in it describing Full Council than some other Committees
- referred to the timeline of work set out in paragraph 3.7 and the meeting in January would be making its overall recommendations to the Full Council meeting in February 2023, to include proposals relating to the democratic arrangements to operate from 1 April 2023;
- there would also be a committee such as this one, which would review and keep the Constitution up to date and a standing provision within the Constitution for an annual review to take place at the Full Council AGM each year;
- explained that essentially option 1 would be focussing on the 'bolt-ons' (the District Council functions such as licensing and so on) whilst option 2 would be looking at best practice / learn from other areas and work in

a more structured basis in terms of looking at the functions of a unitary Council and then building the Constitution accordingly;

- highlighted the additional benefits from option 2, in terms of the committee informing what it saw as those key organisational messages to go forward as part of the Constitution;
- both options would take time and required dedicated level of resource and flagged that Option 2 would require the council to draw upon potentially its external legal advisers to assist as well;
- stressed that option 2 would require the leadership and sole focus of the Monitoring Officer for its delivery and other resources to deliver (around reprioritisation of legal and democratic work);
- LCN's, Licensing / Planning functions would be in Part D (Committee arrangements) in the new Constitution;
- referred the Scheme of Delegation to officers and mentioned that work with District colleagues was ongoing to inform what was defined in the draft Constitution;
- referenced the role of other bodies / the Executive in working up the draft Constitution;
- referred to aspects of the current Constitution which would not want to lose going forward.

The Committee AGREED: -

1. To endorse the proposed phased approach to developing the Constitution for the new Somerset Council set out in the Report; and
2. That the approach to developing the Constitution for the new Somerset Council, is to develop a completely new Constitution for the new Somerset Council, with reference to best practice from Councils who have recently undertaken Local Government Reorganisation and other relevant peer Councils, (referred to as Option 2), as set out in paragraphs 3.5 and 3.6 of the Report.

## 6 **DBS Check Policy** - Agenda Item 6

The Committee considered a report from the Council's Monitoring Officer and Strategic Manager – Governance and Democratic Services, Scott Wooldridge, which revisited the Council's Disclosures and Barring Service (DBS) check policy, with a view to requiring all members to be enhanced DBS checked, regardless of their role. Mr Wooldridge also referred to the financial implications in making the change, as detailed at paragraph 3.3.4 of the Report.

Members of the Committee discussed the report, and the following points were raised and responded to at the meeting: -

- the implications if a member 'fails' and their position – clarified that this will reveal whether a member has any convictions or not and there are

other mechanisms if any election offences had been highlighted, for example;

- Query why proposing enhanced DBS check without barred list check – clarified that the proposal is around extending the existing arrangements to all Councillors
- The Chair asked for a briefing at some stage on the different level of 'check's'

The Committee AGREED: -

1. To recommend to Full Council that the existing DBS policy for Councillors be extended to provide:
  - (a) An extension of the current mandatory requirement to have Enhanced DBS checks without barred list checks to: all Executive Lead Members; Associate Lead Members; members of the Adults & Health and Children & Families Scrutiny Committees; members of the Adoption and Foster Panels; members of the Corporate Parents Board; and Members appointed to Panels or working groups relating to education or adult social care services, to ensure that all Members of the Council and co-opted members are required to undergo an Enhanced DBS check without barred list checks. (Option 3 in paragraph 3.1 of the Report)
  - (b) That all DBS checks required above will be carried out by the Council immediately following each Council election to ensure that such checks are renewed halfway through this election period, approximately May 2025. This is relevant as DBS checks are effectively only valid on the day they are issued and this current election period is unusually long.
  - (c) That the Monitoring Officer maintains a register of approved applications.
2. The Committee noted paragraph 2.2 of the submitted Report, which set out the implications if the amended policy set out above is agreed by the Council.

## 7 **Work Programme** - Agenda Item 8

The Committee considered the work programme of future work.

The Committee AGREED that: -

1. The work programme be updated as discussed.
2. The October Committee meeting be rescheduled and a further meeting will take place in November 2022
3. The planned informal workshop will now be held on 26 September 2022.

8 **Any other urgent items of business** - Agenda Item 9

There were no other items of business.

**(The meeting ended at 3.51 pm)**

**CHAIR**